

# PRISON SERVICE JOURNAL

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# Editorial Comment

Prisons can often feel like insular worlds with their own culture and dynamics. Terms such as 'total institution', proposed by Erving Goffman, suggest that some institutions, such as prisons are almost hermetically sealed and exercise a powerful, dominating influence over those inside. However, such a polar view could never be entirely sustained. There is always space, even if constrained and circumscribed, for the outside to seep in and for people to express and enact their own individual and collective will. In other words there is a dialectical relationship where there is to some degree a process of negotiation between different individuals or wider forces. Broadly speaking, this is the loose theme that runs through this edition of *Prison Service Journal*. The articles explore how the inside and outside coincide across the range of prison life. They raise a range of questions that are both instrumental, about how things might be made more effective, and normative, about the moral nature of these spaces. They ask how and in what ways the internal and external worlds are entangled? What are the effects of this upon prisoners, staff and the public? What are the values that are reflected in these exchanges and interfaces? How might these spaces be developed so as to ameliorate the pains of imprisonment?

The first two articles are drawn from a conference held at HMP Grendon in November 2013, on the issue of 'Faith in confinement'. Dr. Ruth Armstrong of the University of Cambridge discusses her research on post-release support offered to ex-prisoners by faith community volunteers in America. Armstrong is candid about the weakness and potential benefits of this kind of support. Interestingly she also considers how the values of faith communities and the neo-liberal state conflict and how this may constrain the role of faith communities in rehabilitative work, but may also offer them an alternative role in being advocates for wider social reform. The second paper from the conference is by Michael Kavanagh, the Chaplain General in the National Offender Management Service. He offers an internal perspective upon the role of Chaplaincy in enabling prisoners to desist from crime. In particular, he argues that faith can offer people a means through which they can change their own sense of identity, but also that they can find social support and help.

In her contribution, Dr. Victoria Knight of De Montfort University, Leicester, considers the ways in which in-cell TV has altered the social life of the prison. This is a subtle, fascinating piece, which shows that as well as 'normalising' prisons, it has had an impact upon how prisoners relate to one another. Knight deploys case studies in order to illustrate the processes of negotiation that take place and the ways in which television has become an integral aspect of the social world of prisons.

Three articles focus on the experience of prisoners families. Kathryn Sharratt of the University of Huddersfield and Rebecca Cheung of Partners of Prisoners, consider the benefits of extended, supportive family days. They suggest that these have significant benefits for children and parents. They go on to argue that such visits should not be part of the Incentives and Earned Privileges Scheme but instead should be open to all parents in prison. A further article by Kathryn Sharratt, this time with Jack Porter and Carole Truman, looks at the impact of the Families helpline funded by NOMS. This evaluation suggests that the service is well used and is an important and highly valued support for those who access it. For a group of people who are sometimes excluded and vulnerable, this can help them to cope with and survive the experience of a partner being imprisoned. The third article takes a legal perspective and examines how courts consider the needs of dependent children in making sentencing decisions on mothers. The article suggests that practice is inconsistent, under-developed and would benefit from more structured guidance.

The final two articles provide examples of the public coming into prisons. Allan Brodie of English Heritage offers an antidote to historical views of prison visits as prurient entertainment, instead providing examples of how during the Georgian period, it was visits to prisons which inspired prison reformers such as John Howard and gave their critical accounts an authenticity and credibility which helped them to influence changes in policy and practice. From a contemporary perspective, prison visits have been characterised as a form of 'dark tourism' which revel in pain, suffering and construct a perverse enjoyment from discomfort with modern life. Professor Michael Brookes, formerly Director of Therapeutic Communities at HMP Grendon, discusses the annual debate between students from Birmingham City University and residents at HMP Grendon. Rather than being a form of 'dark tourism', Brookes suggests, using recent research, that this has a beneficial impact upon participants. Brookes goes on to suggest that this is an activity which other prisons may usefully develop.

As always, *Prison Service Journal* attempts to offer diverse, engaging and thought provoking articles. This particular edition offers opportunities for those who live, work and are connected with prisons to consider how the relationships between the inside and outside worlds are constituted and how the interaction between them can influence and shape one another. This has implications for both academic theory but also prison policy and everyday practice.

# Transforming Rehabilitation:

## Can faith-communities help to reduce reoffending?

*Dr Ruth Armstrong is a Research Associate at the Institute of Criminology, University of Cambridge.*

**In 2001 George Bush Jr. was elected president of the United States. With him came the domestic policy of 'compassionate conservatism'. Key to this policy was the creation of new federal funding structures that allowed competition for government contracts to run social services. The idea was to strengthen the capacities of local faith-based and community organisations considered well placed to meet the needs of local people. In England and Wales we are currently undergoing the coalition government's criminal justice reforms that are hoping to 'transform rehabilitation'. These reforms have instigated the breakup of the National Probation Service and the creation of 'Community Rehabilitation Companies' (CRC's or 'tier 1 providers'). These companies will aim to reduce reoffending and be paid on results. They will work through a supply chain of smaller charities and enterprises (tier 2 providers), who in turn will rely on local faith-based and community organisations (tier 3 providers). Thus we are heading into a new era for England and Wales in which the funding structures for criminal justice will depend upon the capacities of local faith-based and community organisations to meet the needs of local people. Sound familiar?**

This article returns to the USA under George Bush's presidency. First, it outlines the special appeal of faith-based interventions in a market economy model of criminal justice provision and relates this to existing research on why and how faith-communities could play an important role in ex-prisoner reentry and desistance. It then describes the role that faith-communities played in life post-release for 48 ex-prisoners who participated in a faith-based programme pre-release. It presents their experiences of joining, participating in and

sometimes leaving faith-communities. It describes how faith-communities had opportunities to engage with ex-prisoners and draws on sociological literature to consider the nature of community on offer. It looks at the barriers to ex-prisoners' involvement in faith communities and the steps some faith-communities took to overcome these barriers. Finally it outlines how the faith-communities that were most successful in coming alongside ex-prisoners were not those that prioritised individual transformation through communal engagement, but those that embraced communal transformation through engaging with individuals.

### The appeal of faith-community support in reentry

America has more prisoners, and more people leaving prison each year, than any other nation. Accompanying their unusual enthusiasm for incarceration, Americans also lead other advanced industrial societies in the extent to which they profess attachment to religion.<sup>1</sup> Research examining life after prison in the USA has suggested that the 'faith factor'<sup>2</sup> could have an important role to play in ex-prisoner reentry.<sup>3</sup> Reentry scholars have argued that 'the services provided via the church are vital to increasing public safety'<sup>4</sup> and have called for partnerships between state agencies and churches to 'systematically reduce the risk of failure around the time of reentry'<sup>5</sup> and 'share the responsibility for transitioning offenders to the community with the community.'<sup>6</sup> Church communities are said to have resources of human capital (volunteers), social capital (pro-social interactions) and spiritual capital (the development of personal faith) all of which could be of assistance to ex-prisoners if made available, capacitated and nurtured.<sup>7</sup>

1. Sullivan, W. F., 2009, *Prison Religion: Faith Based Reform and the Constitution*, Princeton and Oxford, Princeton University Press, at p. 2.
2. Johnson, B. and Larson, D.B., 1998, The Faith Factor, *Corrections Today*, 60.
3. La Vigne et al., 2009, One Year Out: Tracking the Experiences of Male Prisoners Returning to Houston, Texas. *Returning Home Study*. Urban Institute, Justice Policy Centre; Johnson, B., 2008, The Faith Factor and Prisoner Reentry. *Interdisciplinary Journal of Research on Religion*, 4.; Mears et al., 2006, Faith-based efforts to improve prisoner reentry: Assessing the logic and evidence. *Journal of Criminal Justice*, 34, 351-367; Petersilia, J., 2003, *When Prisoners Come Home: Parole and Prisoner Reentry*, Oxford, New York, Oxford University Press; McRoberts, O., 2002, Religion, Reform, community: Examining the Idea of Church-based Prisoner Reentry. *Reentry Roundtable*. The Urban Institute.
4. Hercik, J. 2003, Prisoner Reentry, Religion and Research. Department of Health and Human Services USA, at p. 3.
5. Travis, J. and Visher, C. (eds.) 2005. *Prisoner Reentry and Crime in America*, Cambridge, New York: Cambridge University Press at p. 255-256.
6. Petersilia, J., 2003, *When Prisoners Come Home: Parole and Prisoner Reentry*, Oxford, New York, Oxford University Press, at p. 246.
7. Watson et al., 2008. The Role of Faith-Based Organizations in Ex-Offender Reentry. *Journal of Health Promotion*, 6, 25-35, but see also McRoberts, O., 2002, Religion, Reform, community: Examining the Idea of Church-based Prisoner Reentry. *Reentry Roundtable*. The Urban Institute, on whether the churches really want this role.

Several studies have suggested that religious involvement in faith-communities post-release is linked to reduced delinquency, deviance and recidivism.<sup>8</sup> Sumter addressed whether a prisoner's religiosity influenced post-release community adjustment. The study found that both belief in the supernatural and higher levels of religious participation were associated with fewer post-release arrests, but that the latter was the most significant determinant.<sup>9</sup> Tracking the experiences of male prisoners returning to Houston, Texas, La Vigne and colleagues also found that belonging to a religious organisation was associated with both lower recidivism and reduced substance abuse rates, but that 'those who left their religious organization at a later point ... not only lost these positive effects but also had a higher likelihood of substance use and recidivism.'<sup>10</sup> However, neither of these studies explained these findings through investigating the nature of religious participation, how it worked, or when and why it broke down.

Existing research could lead one to assume that there are faith-communities in every neighbourhood ready and equipped to welcome ex-prisoners and help them in their transition, and this appears to be one of the hopes behind the 'transforming rehabilitation' agenda and design. However, citing a study of Philadelphia congregations<sup>11</sup> one report on the role of faith-based reentry programmes in the USA notes the disparity between 'the thousands of groups who visit or contact prisoners while they are incarcerated' and the 'few programs geared toward helping ex-prisoners in the difficult transition of re-entry'.<sup>12</sup> McRobert's findings echo this dearth of transitional assistance. He warns that it is erroneous to assume that churches are 'community institutions ... somehow embedded in the

social life of the neighborhoods where they happen to congregate'. Rather, he found churches are 'member serving institutions' who may not be 'eager to widen the circle to include ex-offenders' but commonly place a priority on 'the immediate concerns of congregation members or on communities of interest that transcend particular neighborhoods'.<sup>13</sup>

McRoberts recognised that one of the reasons why faith-based reentry is so popular in the current socio-political climate is because 'people reflexively view the matter of crime and punishment, perhaps more than any other topic of civic discourse, as a matter of individual moral reform, and organized religion is still perceived as the master alchemist of the individual moral heart'.<sup>14</sup> Sumter reflected this rationale in her assertion that the positive association she found between religious participation and reduced recidivism may be because religious teaching delineates moral prescriptions to live by that can provide a sense of purpose and individual fulfilment. She linked this to religious inmates' acceptance of individual responsibility for past misbehaviour.<sup>15</sup> The renewed emphasis on the role of faith-communities in reentry could then, at least in part, be due to the perception that they can partner with the state to reduce social insecurity and increase safety through individual responsabilisation.<sup>16</sup> This reflects elements of Rose's (1995) description of the advanced liberal democracy:

*[It] seeks to de-governmentalize the State and to de-statize practices of government ... It does not seek to govern through 'society', but through the regulated choices of individual citizens, now construed as subjects of choices and aspirations to self-actualization and self-fulfilment.*<sup>17</sup>

8. La Vigne et al., 2009, One Year Out: Tracking the Experiences of Male Prisoners Returning to Houston, Texas. *Returning Home Study*. Urban Institute, Justice Policy Centre; Johnson, B., 2008, The Faith Factor and Prisoner Reentry. *Interdisciplinary Journal of Research on Religion*, 4; Johnson et al., 2006. Objective Hope. Assessing the Effectiveness of Faith-Based Organizations: A Review of the Literature. Waco, Tx: Baylor University, Institute for Studies of Religion; Johnson, B. and Larson, D.B., 2003. The InnerChange Freedom Initiative. A Preliminary Evaluation of a Faith-Based Prison Program. Centre for Research on Religion and Urban Civil Society; Baier, C. and Wright, B., 2001. If you love me keep my Commandments: A Meta-Analysis of the Effect of Religion on Crime. *Journal of Research in Crime and Delinquency*, 38, 3-21. Sumter, M.T., 2000. Religiousness and Post-Release Community Adjustment, Graduate Research Fellowship – Executive Summary. U.S. Department of Justice.
9. Sumter, M.T., 2000. Religiousness and Post-Release Community Adjustment, Graduate Research Fellowship – Executive Summary. U.S. Department of Justice p.10-11.
10. La Vigne et al., 2009, One Year Out: Tracking the Experiences of Male Prisoners Returning to Houston, Texas. *Returning Home Study*. Urban Institute, Justice Policy Centre at p. 13.
11. Cnaan, R., 2000. Keeping Faith in the City II: How 887 Philadelphia Congregations Help Their Needy Neighbors Including Children and the Families of Prisoners. Philadelphia: University of Pennsylvania, Center for Research on Religion and Urban Civil Society.
12. Cnaan, R. and Sinha, J., 2004. Back into the Fold; Helping Ex-Prisoners Reconnect through Faith. Baltimore, Maryland: University of Pennsylvania, School of Social Work, at p. 7.
13. McRoberts, O., 2002, Religion, Reform, community: Examining the Idea of Church-based Prisoner Reentry. *Reentry Roundtable*. The Urban Institute, at p. 8.
14. Ibid. at p. 10.
15. Sumter, M.T., 2000. Religiousness and Post-Release Community Adjustment, Graduate Research Fellowship – Executive Summary. U.S. Department of Justice at p. 8.
16. For more on this argument see Hackworth, J., 2010. Faith, Welfare and the City: The Mobilization of Religious Organizations for Neoliberal Ends. *Urban Geography*, 31, 750-773.
17. Rose, N., 1995. Governing "advanced" liberal democracies. In: Barry, A., Osborne, T. & Rose, N. (eds.), *Foucault and Political Reason*. London: UCL Press at p. 41.

However, research on the positive association between religiosity and life satisfaction suggests that its power lies not in providing individual religious meaning but in the opportunity it proffers for participating in community. Lim and Putnam found that collective experiences of religion in a congregation, including making friends (religious belonging), are more closely linked to life satisfaction than private practices and individual experiences of religion (religious meaning). Thus they concluded that for life satisfaction 'praying together seems to be better than either bowling together or praying alone'.<sup>18</sup> They suggest this is for two reasons: because support offered through religious communities is based on a shared belief system about both the practice and meaning of helping behaviour,<sup>19</sup> and because a shared sense of social identity makes it more likely that individuals will receive and interpret social support 'in the spirit in which it is intended'.<sup>20</sup> Thus, a shared faith could provide a basis for the formation and maintenance of pro-social relationships, an important element of rehabilitation and reentry.<sup>21</sup> This resonates with Wolff and Draine's research.<sup>22</sup> They found that in order to form and mobilise social capital, ex-prisoners needed social relations willing and able to provide assistance, and prisoners needed to have the capacity to motivate these social relations to help, but integral to this was the social context of these relationships. Contrary to Sumter's assumptions of the links between reduced recidivism and individual responsibility, purpose and fulfilment through religion, Lim and Putnam's research supports a Durkheimian understanding of communality as the essence and substance of religion<sup>23</sup> — an essence reflected in Polanyi's argument that 'our believing is conditioned at its source by our belonging'.<sup>24</sup>

If this is the case, the nature of 'community' offered in faith-communities could be important to the reentry process. One of the problems in reentry according to Bazemore and Erbe is that the role of 'community' has been largely neglected.<sup>25</sup> They describe disconnects between empirical findings on desistance emphasising the role of the community in offender reform<sup>26</sup> and ex-prisoner supervision policy and practice characterised by a 'highly individualized focus on the needs and risks of offenders'.<sup>27</sup> Greater involvement of community groups in reentry, they argue, will not only provide forums of informal social control whereby community groups act on offenders, but offenders will also act on community groups in the reentry process because community engagement is reciprocal.<sup>28</sup> O'Connor and colleagues<sup>29</sup> also identify the need for faith and state reentry partnerships to move away from an individual needs-based approach and take a 'community justice' approach to address issues of justice and safety within their neighbourhoods. McRoberts echoed this when he argued that the role of the church should not be merely one of individual moral reform, but also one of social reform strategies.<sup>30</sup>

One problem with these suggestions is that they use the term 'community' but do not define what it means, or to whom. In his book 'Community', Bauman argues this 'feel good term' is often used as a generic description for everything we would like to experience, but in this insecure world of 'liquid modernity', we often feel that we miss.<sup>31</sup> Bauman argues that the desired 'community' means something quite distinct for those who comprise the 'global elite' and those who are 'left-behind'.<sup>32</sup> For Bauman, 'global elites' are those

18. Lim, C. and Putnam, R.D., 2010. Religion, Social Networks and Life Satisfaction. *American Sociological Review*, 75, 914-933, at p. 927.
19. Ellison, C.G. and George, L.K., 1994. Religious Involvement, Social Ties and Social Support in a Southeastern Community. *Journal for the Scientific Study of Religion*, 33, 46-61.
20. Haslam, et al., 2009. Social Identity, Health and Wellbeing: An Emerging Agenda for Applied Psychology. *Applied Psychology: An International Review*, 58, 1-23, at p. 11.
21. Ward, T. and Maruna, S., 2007. *Rehabilitation: Beyond the Risk Paradigm*, London, Routledge; Sampson, R. and Laub, J., 1993. *Crime in the Making*, Cambridge, MA, Harvard University Press; Braithwaite, J., 1989. *Crime, Shame and Reintegration*, Cambridge: Cambridge University Press.
22. Wolff, N. and Draine, J., 2004. Dynamics of Social Capital of Prisoners and Community Reentry: Ties that Bind? *Journal of Correctional Health Care*, 10, 457-490.
23. Durkheim, E., 1912. *The Elementary Forms of Religious Life*, Oxford, Oxford University Press.
24. Polanyi, M., 1958. *Personal Knowledge: Towards a post-critical philosophy*, Chicago, University of Chicago Press, at p. 322.
25. Bazemore, G. and Erbe, C., 2003. Operationalizing the Community Variable in Offender Reintegration. *Youth Violence in Offender Reintegration*, 1, 246-275.
26. For more recent research on this see Farrall, S., Bottoms, A. & Shapland, J. (2010). Social structures and desistance from crime. *European Journal of Criminology*, 39, 253 – 268.
27. Bazemore, G. and Erbe, C., 2003. Operationalizing the Community Variable in Offender Reintegration. *Youth Violence in Offender Reintegration*, 1, 246-275, at p. 248.
28. Ibid at p. 265.
29. O'Connor, T.P., Duncan, J. and Quillard, F., 2006. Criminology and Religion: The Shape of an Authentic Dialogue. *Criminology and Public Policy*, 5, 559-570.
30. McRoberts, O., 2002, Religion, Reform, community: Examining the Idea of Church-based Prisoner Reentry. *Reentry Roundtable*. The Urban Institute.
31. Bauman, Z., 2001. *Community: Seeking Safety in an Insecure World*, Cambridge, Polity Press.
32. Ibid. at p. 63.

people who have the social power to consider themselves *'individuals de facto'* — 'masters of their fate in deed, not merely by public proclamation or self-delusion'.<sup>33</sup> *'Individuals de facto'* seek what he called an 'aesthetic community'; a 'community of dreams', of the 'like-minded' and 'like behaving', a 'community of sameness' which services the construction and dismantling of identity.<sup>34</sup> Such communities provide a desired sense of belonging, but perform a trick of 'transform[ing] 'community' from a feared adversary of individual freedom of choice into a manifestation and (genuine or illusory) reconfirmation of individual autonomy'.<sup>35</sup> He argues that 'aesthetic communities' aim to form 'bonds without consequences', to avoid ethical responsibilities and long-term commitments and 'tend to evaporate at the moment when human bonds truly matter — that is, at a time when they are needed to compensate for the individual's lack of resourcefulness or impotence'.<sup>36</sup>

In contrast, he argues that *'individuals de jure'*, those 'who are not able to practice individuality *de facto'* have a different vision of community.<sup>37</sup> He calls this an 'ethical community' that involves 'fraternal sharing'. It is 'the kind of community which could, collectively, make good what they, individually, lack and miss'.<sup>38</sup>

This kind of community is, he argued, 'woven from long-term commitments, from inalienable rights and unshakeable obligations' and warrants 'certainty, security and safety — the three qualities they [individuals de jure] miss most sorely in their life pursuits and which they cannot provide while they are going it alone and relying only on the scarce resources at their private disposal'.<sup>39</sup> Bauman believes that these two

different versions of community, aesthetic and ethical, are often collapsed in fashionable 'communitarian discourse' and thereby depicted as philosophical problems rather than 'as the products of genuine social conflicts that they really are'.<sup>40</sup>

Bazemore and Erbe's arguments can be analysed in light of Bauman's observations. They argue that the increased involvement of 'community' in ex-offender reintegration will increase the likelihood of desistance and reintegration through three main pathways: facilitating fora in which offenders can make visible reparations that will 'garner community support'; providing a focus to strengthen relationships between offenders and community members playing the role of 'natural helpers'; and contributing to offender identity transformation that can 'enable offenders to view themselves as persons who contribute to the well-being of others and the community'.<sup>41</sup> The type of 'community' they envision is therefore one that Bauman would class as ethical — it goes beyond a forum that offers belonging through a sense of shared identity, and includes reciprocal exchange: community members involving in 'fraternal sharing' through playing the role of 'natural helpers' and offenders 'making visible reparations' through their contributions to the community. One result they

forecast as a result of this reciprocal exchange in communities is an increase in 'collective efficacy'<sup>42</sup> through engagement with larger issues of social justice.

It therefore appears from the research that the capacity of faith-communities to assist desistance and ex-prisoner reintegration may depend on the kind of 'community' they have to offer and its capacity to nurture and support individuals in their paths towards

It therefore appears from the research that the capacity of faith-communities to assist desistance and ex-prisoner reintegration may depend on the kind of 'community' they have to offer and its capacity to nurture and support individuals in their paths towards desistance post-release.

33. Ibid. at p. 72, emphasis in original.

34. Ibid at pp. 63-66, emphasis in original.

35. Ibid. at p. 70.

36. Ibid. at p. 71, emphasis in original.

37. Ibid. at p. 58.

38. Ibid. at p. 72.

39. Ibid.

40. Ibid. at p. 73.

41. Bazemore, G. and Erbe, C., 2003. Operationalizing the Community Variable in Offender Reintegration. *Youth Violence in Offender Reintegration*, 1, 246-275 at pp. 254- 256.

42. For an explanation of this term see Sampson et al., 1997. Neighborhoods and Violent Crime: A multi-level study of collective Efficacy. *Science Magazine*, 227, 918-927.

desistance post-release. Research on the desistance process would seem to support this. Over time most people involved in crime desist. Research on the early stages of desistance shows that the majority of people convicted of a criminal offence desire to leave a life of crime behind, but despite their conformist views, many people commit offences along the way.<sup>43</sup> Desistance is difficult. A desire to change is a common first step, but is not, in itself, sufficient.<sup>44</sup> An optimistic outlook and self-belief are important,<sup>45</sup> but require sustenance through positive associations and structural support.<sup>46</sup> Desistance involves an interrelational dynamic. Religion and spirituality can benefit desistance through bolstering self-belief, providing meaning and models of pro-social identities, as well as through providing forums and practices that help to change routine activities and restructure social networks.<sup>47</sup> But how does this happen in practice? The findings below describe both how and whom faith-communities supported post-release, and when and why this support was either unavailable or inaccessible. They shed light on the potential of faith-communities to support desistance, the limitations they face, and how the involvement of ex-prisoners in faith-communities can also shape the nature and theology of these social institutions.

## Methods

This ethnography of life post-release for 48 formerly incarcerated men involved one Muslim, and 47 Christians. The average age of participants was 40. Most (28) participants were black, 16 were white and 4 were Hispanic. The majority had served their most recent sentence for a serious violent offence (26) or a drug offence (14), with only 3 property offenders and 5 others for firearms or drink driving offences. Most of them had previous convictions (43) and had previously served time (38). The participants were released from

prison over a six month period, and only three of the prisoners released in this time frame opted not to take part in the study. Observations and interactions began in prison three months prior to the first release and continued throughout their first year post-release. This included leaving prison with participants, attending parole meetings, AA meetings, faith-community gatherings, family gatherings, shopping for new clothes, visiting work places, new business ventures, rehab centres and transitional houses. Participants were interviewed on three occasions; immediately pre-release, within two weeks post-release and an average of 7.5 months post-release.<sup>48</sup> For the purposes of data analysis of field notes and interview transcripts, participants were divided into three outcome groups: those who did not reoffend (20), those who did re-offend but were not detected (13) and those who were re-imprisoned (15).<sup>49</sup> This was done on the basis of both self-report offending during the study, and a two year official reconviction study.

## Findings<sup>50</sup>

### *Joining a faith-community*

Pre-release all but one participant said they intended to join a faith-community when they got out. Most participants attended faith-communities and this was true across all outcomes (attended=42, unknown=6). The majority of participants (28) attended the same faith-community regularly, 23 participants said they attended once a week or more and 26 said they had made friends within faith-community. What this shows is that faith-communities do have the chance to engage with ex-prisoners. However, by the time of the third interview, a third of those questioned (12) were no longer attending religious services.

Participants said it was easier to join a faith-community where they were welcomed and accepted. They appreciated being able to be honest

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43. Shapland, J. and Bottoms, A., 2011. Reflections on social values, offending and desistance among young adult recidivists. *Punishment and Society*, 13, 256-282.
44. Farrall, S., Bottoms, A. & Shapland, J. (2010). Social structures and desistance from crime. *European Journal of Criminology*, 39, 253 – 268.
45. Maruna, S., 2001. *Making Good: How Ex-Convicts Reform and Rebuild their Lives*, Washington DC, American Psychological Association.
46. Shapland, J. and Bottoms, A., 2011. Reflections on social values, offending and desistance among young adult recidivists. *Punishment and Society*, 13, 256-282.
47. Warr, M., 1993. Age, peers and delinquency. *Criminology*, 31, 17-40; Warr, M., 1998. Life Course Transitions and Desistance from Crime. *Criminology*, 36, 183-216; Wright, J.P. and Cullen, F.T., 2004. Employment, peers, and life-course transitions. *Justice Quarterly*, 21, 183-205; Shapland, J. and Bottoms, A., 2011. Reflections on social values, offending and desistance among young adult recidivists. *Punishment and Society*, 13, 256-282; Sharp et al., 2006. Everyone's Business: Investigating the Resettlement Needs of Black and Minority Ethnic Ex-offenders in the West Midlands. *A report commissioned by the Prisoner Resettlement Strategy Group*. West Midlands: Centre for Criminal Justice and Policy Research, University of Central England; Maruna et al., 2006., *Why God is Often Found Behind Bars: Prison Conversions and the Crisis of Self-Narrative*, *Research in Human Development*, 3, 161-184; Giordano et al., 2007. *A Life Course Perspective on Spirituality and Desistance from Crime*. Centre for Family and Demographic Research; and Marranci, G., 2009. *Faith, Ideology and Fear: Muslim Identities Within and Beyond Prisons*, London, Continuum.
48. I lost touch with 6 participants during the course of the study. Interview numbers were 48 at time one, 45 at time two and 36 at time three.
49. All detected reoffending resulted in reincarceration.
50. All names used in the findings are pseudonyms.

about their ex-prisoner status, but did not want this to become too prominent a feature of their persona. They found it helpful to have a small number of people who could come alongside them and offer them 'accountability' in the form of support within a forum of honesty, acceptability and common struggles. These elements were more prevalent in faith-communities that established contact with ex-prisoners pre-release, that already had a number of ex-prisoners or similarly situated socially excluded congregants, and where friends or family members of ex-prisoners were part of the faith-community. So, for example, Mark said:

*I've been to four different churches since I've been out. I like [the one I'm at now]. Going there, you're accepted for who you are, what you are, how you are, whatever ... you get to see people from all walks of life there.*

A socially mixed community rather than a homogenous one was important to Mark feeling accepted. These elements were emphasised more by participants that were not re-incarcerated. What this indicates is that the most needy ex-prisoners either were not finding these elements in the faith-communities they attended, or for some reason they were not able to connect with them.

#### *Benefits of involvement in a faith-community*

Faith-communities provided a conducive environment for ex-prisoners to demonstrate a new character both to themselves and others. Involvement yielded an escape from the degraded social status of 'offender', imparted useful wisdom on life instruction and sometimes rendered encouragement to ex-prisoners dealing with the difficulties of reentry. Religious services provided a routine activity that was relatively incompatible with the many lifestyles participants felt had led them down the wrong paths. Rock said that he stopped going out drinking with his friends on a Saturday night when he started teaching Sunday school to kids at church because he wanted to be fresh for his lessons. Jerry went to church meetings three times a week. He said he did not open up to people easily and had few friends and no family nearby. Church meetings provided a structure to his week outside work and were a positive social activity he looked forward to.

Communal gatherings for acts of worship and study offered an escape from the realities of reentry, a counter-cultural re-messaging and a sense of inclusion. The social capital of faith-communities from which participants benefitted were the sense of belonging offered through communing with 'like-minded' individuals who shared their beliefs and accepted them despite their pasts. Although this belonging was occasionally demonstrated through tangible assistance such as providing employment, financial help or accommodation, it was not the tangible help in itself that was important to the participants, but the message of worth that such actions communicated. For example, Norman, who was homeless, said the best thing about church was simply that it provided a forum where people spoke to him. While his needs for food, clothing, housing, reading glasses and assistance in navigating social services were not met by his church community, he did not mention these things when I asked him about his experiences in church. Rather, he pointed out the value of a conversation to his sense of self. This illustrates two things: First, that Norman's expectations of his church were very low, and second, that his sense of humanity was bolstered within community and diminished in isolation. He went to church looking for connection, not provision.

Faith-communities provided a conducive environment for ex-prisoners to demonstrate a new character both to themselves and others.

Participants mentioned the benefits of faith-communities in helping them deal with difficulties they faced in life after prison. Notably, none of these comments were made by participants who were re-imprisoned and arguably faced some of the more challenging difficulties in reentry. Rather than practical help to overcome difficulties, help came in the form of encouragement delivered through inspirational sermons, confiding in a leader, or through sharing difficulties in small group settings. Faith-communities offered a place and a ritual through which participants could re-ground a sense of self that struggled to survive in the realities of their lives outside of prison. In his second interview, just after release, Garrett expressed his dismay at returning home after over 10 years in prison to find he was 'right back into that dead same environment' where his friends were 'still poor' or 'churned out on drugs' or 'got AIDS and HIV'. He was sure now that 'my thinking is different' but was scared, because he said 'when you are in the midst of people, either you're gonna be engulfed by their ways or you're gonna be the influential factor for them. There ain't no other way to take.' Garrett used the physical entity of a

church community to re-affirm the validity of his non-criminal self-identity that struggled to feel relevant in his every day life. In his third interview he explained how he had continued to use this strategy to counteract the frustrations he felt at his lack of material worth and the temptations of dealing drugs:

*I've been frustrated and I'm kind of looking at material things ... I'm like man, I'm [in my 30's] and I ain't got no pot to piss in or a window to throw it out of. Man, because I know before when I used to sell drugs I used to have a lot of money ... you know, so I'm struggling with that — one foot in, one foot out, shall I do it, shall I not? I'm going to church every Sunday, I'm going to church praying and praying and you know, just continue to pray and have faith.*

For Garrett, going to church offered an escape to a vantage point from which the temptations of the criminal lifestyle could be reassessed. Faith-communities offered ex-prisoners the potential to keep 'one foot out', when the difficulties of life sometimes made it seem inevitable that sooner or later they'd be head and shoulders under. These benefits of belonging are arguably most important for the most needy, the individuals who were the most economically and socially isolated, but they are also the participants who struggled the most to connect with faith-communities.

#### *Barriers to joining faith-communities*

Overall, 32 participants spoke of barriers they experienced to involvement in faith-communities. These participants were more equally split over re-offending outcomes.<sup>51</sup> The barriers included practical matters such as a lack of transport, suitable clothing, parole restrictions and conflicts with employment schedules. After employment, the second most prevalent barrier to continued involvement was the perception of implicit exclusion due to the shame of continued illicit activities. It seemed that at the most vulnerable moments of transition, in the oscillations between criminality and conformity, it was especially difficult for participants to continue to attend faith-communities.

In his examination of faith in community, Dietrich Bonhoeffer wrote that it is only in church that one can dare to be a sinner.<sup>52</sup> But for many participants in this study, involvement in activities they perceived as illicit, from cohabiting to smoking crack cocaine, stymied their engagement with faith-communities. Participants spoke of how they struggled with life outside, did not live in

ways they felt were compatible with continued involvement, and did not want to divulge these difficulties to the people they knew in the faith-community because they felt embarrassed and feared rejection.

This pattern of shame and stigma inhibiting potentially helpful links when ex-prisoners faced difficulties or dabbled in illicit activities was replicated in many re-offenders. James linked his inability to bring his struggles to the his faith-community specifically to having previously felt that people in church looked at him differently because of his criminal past, evidenced by his monitor:

*Q: So tell me about your experiences of church*

*A: Well I was doing real, real well in the church when I first got out and then, when I started having problems, I just stopped going.*

*Q: Why do you think that was?*

*A: ... I'd sit in that church house some days and be looking at some of the people like I know they'd be looking at the monitor and everything; I just didn't feel comfortable with it.*

Social stigma compounded the shame and disappointment participants felt when their grand plans of success in a non-deviant life-style unravelled and some found themselves back in behaviours they had hoped to avoid. James felt the stigma of his ex-prisoner status when he was first released and was wearing an ankle bracelet, an outward sign of his convicted status. However, it was the point at which James needed some help because he was struggling in life that this perceived stigma became an operational barrier to involvement. James explained his withdrawal from church when he started having problems in the following terms:

*I could tell you the truth if I'm comfortable with you, but if I'm not comfortable with you I'm not going to tell you nothing, I don't care how cool we are — you just never know.*

Participants said they did not seek help because 'it's nobody else's problem but my own' and 'everybody's got enough mess of their own' (Rock). When I asked Garrett if he would ever have asked his faith-community for their help, he acknowledged:

*I could have got the help, I was just really pretty much trying to do it on my own, you know.*

51. Mentioned by 55 per cent of participants in outcome one — non-reoffenders (n=11), 77 per cent of those in outcome two — 'pro-social' reoffenders (n=10), and 73 per cent of those in outcome three — who were re-imprisoned (n=11).

52. Bonhoeffer, D., 1939. *Life Together: The Classic Exploration of Faith in Community*. London: SCM Press.

Big G similarly blamed his 'embarrassment' and his 'pride' for his failure to seek assistance that he knew was available to him.

Participants struggled with involvement in faith-communities because in prison they had learned not to draw undue attention to themselves either positively or negatively, what Haney calls 'prisonization': 'safety in social invisibility by becoming as inconspicuous and unobtrusively disconnected from others as possible'.<sup>53</sup> Even participants with good standing and relationships within faith-communities failed to use these potential avenues of support and help when they needed it because of chronically low expectations and an inability to use their initiative to request the help they needed. These 'prisonization' attitudes were most prevalent among those who reoffended. They exacerbated the extent of the barriers to involvement in faith-communities through acclimatisation to coping alone.

#### *Overcoming the barriers*

Between the difficulties of helplessness and hypermasculinity, ex-prisoners can be a difficult group to befriend. However, the ready and proven availability of help and support, should it be needed, appeared to go some way towards encouraging ex-prisoners to overcome a preference for self-reliance and the suppression of problems. Octavio said he had never asked his faith-community for help and would rather not — but despite his reluctance he said he would if he really needed to, because he was confident that help would be there:

Q: *Would you ask them?*

A: *No*

Q: *Why not?*

A: *I've got to do it myself. If I couldn't do it myself then I would ask.*

Q: *Do you think they'd help?*

A: *Yeah they would. They got this lady an apartment for six months. They helped this travelling minister get a bus. They will break their back to help people.*

Octavio's faith-community had shown itself to be what Bauman calls an 'ethical community', one that could be trusted because it had demonstrated how it

would 'break [its] back to help people' (Octavio). For participants, asking for help meant trusting their faith-communities; it involved a declaration of vulnerability and the need for assistance, and ex-prisoners, the categorically untrusted, find it difficult to trust.

However, participants in this study often faced mistrust from faith-communities. Chris explained the lack of help for ex-prisoners in his wife's church on the basis that 'they helped someone once, but he messed it up'. Chris went to a different church. One minister told me that his church no longer helped ex-prisoners because they had once bought some clothes for someone coming out of prison but they 'got burned' — the prisoner had taken the clothes but not attended church. When I asked Joel what faith-communities could do better to help ex-prisoners, he explained why he thought such mistrust was misguided. He said they should:

*Just accept you as the person you are. ... You've got to trust God to change my heart or do whatever. People don't understand that and they want to protect what they've got instead of saying 'this is what God blessed you with, help somebody else.'*

For Joel, a faith-community being generous with material things was one way of demonstrating 'acceptance' and providing evidence of shared beliefs in a God who could 'change my heart or do whatever'. The availability of tangible help was therefore not only about meeting immediate needs, but about acknowledging worth through recognising personhood, belief in redemption, and demonstrating acceptance and belonging. The converse of this was the perception that faith-communities that were unwilling to risk helping ex-prisoners did not believe in their essential humanity (do not 'accept you as the person you are'), and mistrusted the identity transformation purported by the ex-prisoner. To put it in Bauman's terms, they offered 'the joy of belonging without the discomfort of being bound'.<sup>54</sup>

#### *Transforming Rehabilitation — Transforming Communities*

Most participants in this study did not go to faith-communities seeking help. They were looking for a place where others shared their beliefs and in which

53. Haney, C. 2002. The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment. *From Prison to Home*. University of California-Santa Cruz, at p. 82.

54. Bauman, Z., 2001. *Community: Seeking Safety in an Insecure World*, Cambridge, Polity Press, at p. 69.

they hoped they could belong. They wanted somewhere to practice their faith, and in that process to nurture their new-found or resurrected identity. But the communities that facilitated this belonging and bolstered their burgeoning hopes for transformation were those that understood how to draw them into community through compensating for their individual deficits. Faith-communities that were more involved with socially excluded groups appeared to have a deeper understanding of the vital role of social action as evidence of shared belief in the potential for individual transformation. In his study on desistance Maruna found that a 'significant other' believing in the offender's identity transformation was part of the desistance process. He also argued, '[i]f one knows what personal myths seem most appealing to desisting persons, one can better direct the narrative reconstruction implicit in the rehabilitative efforts'.<sup>55</sup> Where these 'personal myths' include belief in the transformational power of a God, but the very institutions dedicated to this common belief demonstrate doubt in this transformational power through not acting accordingly, they may struggle to be the 'significant other' that can buttress narrative reconstruction during the initial precarious transition from incarceration. Ex-prisoners were more likely to remain in faith-communities that could engage with the practical aspects of their debilitated individual autonomy because a lack of such help indicated a lack of shared belief, and, as outlined at the start of this article, it is the shared belief system that provides the basis for belonging.<sup>56</sup> If faith-communities are merely forums for pro-social identity manifestation they will struggle to overcome the barriers that inhibit ex-prisoner involvement. Communities that overcame these difficulties responded to ex-prisoners who sought a forum in which to manifest the strength of their faith, through providing a community that showed solidarity in their weakness.

One church that stood out as a faith-community that was very successful in reaching out to ex-prisoners was situated in the wealthiest neighbourhood in the city, but had a specific mission 'to create a safe-harbour for the hurt, the lost and the seeking'. Its congregation was unusual in that it was mixed both in terms of race and socio-economic status. It had a distinct 'recovery' format to the service, which involved a time where congregants contributed by voluntarily sharing things they were celebrating. The first time that I attended, one member of the congregation stood up and

celebrated the fact that even though this week he had relapsed and used drugs again, he had called his friends within the community, got help, and wanted to celebrate the fact he was still in church and had now been clean again for five days. The congregation clapped and cheered his 'success'. This was a church where people could fail and still belong. Six of the participants attended this church.

The type of community available to ex-prisoners in churches depended to a large extent on the social make-up of the churches. One common denominator among faith-communities that were more successful in engaging ex-prisoners was a stronger presence of individuals lower down the social scale, less self-reliant, less privileged and less powerful, more individuals 'de jure' than 'de facto'. Because these communities were constituted of the socially weak, (not created for the socially weak), they gravitated towards a sense of communalism that embraced 'fraternal obligations' and could provide some kind of 'communal insurance against the errors and misadventures which are the risks inseparable from individual life'.<sup>57</sup> Engagement with the needy bred responsiveness to need, hence the historic and recognised depth of social involvement of black churches. Faith-communities that included more members of the lower social strata were more likely to offer the kind of fraternal bonds associated with continued involvement, those of non-judgmental acceptance, of small groups facilitating support, intimacy, accountability and an opportunity to meet others with similar difficulties. They were also better at overcoming the barriers I have outlined, such as hosting multiple communal services to facilitate attendance for people with difficult work schedules, providing transport, having more relaxed dress codes and crucially for supporting desistance, they could conceive how failure can be part of success. These communities stood out in taking a distinctly less judgmental, individualistic and authoritarian approach to spirituality.

## Conclusions

The co-option of faith-based organisations (FBOs) by policymakers in the move away from more traditional Keynesian forms of social service delivery and welfare cutbacks assumes that 'FBOs provide a wellspring of compassion and social capital that is unattainable in government-run organizations'.<sup>58</sup> However, as McRoberts suspected, most faith-communities I visited in this study were neither

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55. Maruna, S., 2001. *Making Good: How Ex-Convicts Reform and Rebuild their Lives*, Washington DC, American Psychological Association, at p. 114.

56. Lim, C. and Putnam, R.D., 2010. Religion, Social Networks and Life Satisfaction. *American Sociological Review*, 75, 914-933.

57. Bauman, Z., 2001. *Community: Seeking Safety in an Insecure World*, Cambridge, Polity Press, at p. 72.

58. Hackworth, J., 2010. Faith, Welfare and the City: The Mobilization of Religious Organizations for Neoliberal Ends. *Urban Geography*, 31, 750-773, at p. 753.

especially motivated nor equipped to work effectively with ex-prisoners post-release.<sup>59</sup> In many congregations there was no apparent readily accessible current of compassion and pool of social capital. Where faith-communities do embrace ex-prisoners and the multiple difficulties that accompany them, the resulting theology of these institutions is less likely to reflect a neoliberal individual approach to personal responsibility which will sit comfortably with partnering state sponsored entities to reduce recidivism, and is arguably more likely to produce socially active congregations compiled of individuals who are motivated by matters of social responsibility. McRoberts acknowledges that where crime is concerned 'we might expect churches to take a hard moral reform stance: speaking out against criminal acts, crusading to transform individual criminal lives and so on', but goes on to admonish 'we should not forget the historical role of churches as moral agitators, who have targeted activism not so much at personal moral failures, but at society-wide ones.'<sup>60</sup>

In their normative theory of community intervention Bazemore and Erbe suggest that community engagement with ex-prisoners is reciprocal and could increase collective efficacy through encouraging community engagement with issues of social justice.<sup>61</sup> My findings support this theory. Faith-communities where participants found it easier to get involved, to benefit from involvement and to stay

involved were those communities whose congregants were either mainly from lower social strata or were socially mixed and manifested a commitment to each other through engaging theologically and practically with the broader realities of their lives. Grand claims have been made about the potential for faith-community involvement with ex-prisoners to increase public safety<sup>62</sup> and reduce the risk of failure in reentry<sup>63</sup> but a note of caution is appropriate. It has been shown that joining a faith-community and later leaving is worse for re-entry outcomes and recidivism than never going at all.<sup>64</sup> Where ex-prisoners pin their hopes on belonging among a group of like-minded individuals whom they believe share their faith, a pervading sense of isolation and dislocation even in their midst is a bitter disappointment. If faith-communities are to provide a 'sacred safety net' for ex-prisoners<sup>65</sup> they will need to be adequately equipped for the task because if they are not, they could become part of the problem rather than the solution. However, I am not without hope. If the 'Transforming Rehabilitation' agenda means faith-communities become *better equipped* to support ex-prisoners then in the future they could play an important role in reducing reoffending, because with more ex-prisoners in their midst faith-communities may begin to agitate for the kind of societal transformations that could actually potentiate a rehabilitation revolution.

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59. McRoberts, O., 2002, Religion, Reform, community: Examining the Idea of Church-based Prisoner Reentry. *Reentry Roundtable*. The Urban Institute.

60. Ibid. at p. 5.

61. Bazemore, G. and Erbe, C., 2003. Operationalizing the Community Variable in Offender Reintegration. *Youth Violence in Offender Reintegration*, 1, 246-275.

62. Hercik, J. 2003, Prisoner Reentry, Religion and Research. Department of Health and Human Services USA.

63. Travis, J. and Visher, C. (eds.) 2005. *Prisoner Reentry and Crime in America*, Cambridge, New York: Cambridge University Press at p. 255-256.

64. La Vigne et al., 2009, One Year Out: Tracking the Experiences of Male Prisoners Returning to Houston, Texas. *Returning Home Study*. Urban Institute, Justice Policy Centre.

65. McRoberts, O., 2002, Religion, Reform, community: Examining the Idea of Church-based Prisoner Reentry. *Reentry Roundtable*. The Urban Institute, at p. 7.

# Faith in Confinement:

## Believing in Change — the Contribution of Prison Chaplaincy

*Michael Kavanagh is Head of Faith Services and Chaplain General for the National Offender Management Service. This article acknowledges the work of Chaplains in all prisons, the support of the Chaplaincy team in HQ and inspiration for this article which the prisoners who have shared their stories have provided.<sup>1</sup>*

**St Irenaeus, the second century Bishop of Lyons, wrote, 'The Glory of God is a human being fully alive'. That belief is at the heart of my ministry as a prison Chaplain. St Irenaeus' words echo those of my mother who, when she was dying of cancer, would say 'Live life'. In her final days she discovered the freedom to live without fear and to cherish every moment. She wanted that epiphany to be born in all her visitors without the need for a terminal illness. To live life cherishing each moment and being fully alive can give a very different sort of 'buzz'; it can release prisoners from a life of crime. Prison chaplaincy contributes to that release by enabling prisoners to see themselves differently, to truly value their own lives so that they can come to value the lives of others: to live full lives themselves and not to mar the life living of others.**

### **New Identities: from Offender to being a person 'Made Good'**

The seven pathways from offending have been key in developing an approach to reducing reoffending that takes seriously offender needs. By identifying an offender's needs explicitly and objectively, interventions and support can be put in place to meet those needs and thereby reduce risk. But a moment's reflection on our own lives, if looked at in terms of the risk/need principle, reminds us that we are more than the sum of our deficiencies. People are not criminals all the time (to paraphrase, Archbishop William Temple, 'No one is a criminal and nothing else.'). They are capable of other and better ways of acting. But many prisoners get trapped in a criminal identity that supports offending through a variety of cognitive and social props. Although addressing risk and need can be part of building a new identity, key to sustaining this is a new narrative that brings it all together; and a supportive social group to sustain this new identity. This is why

some prisons have opted for an informal 'Eighth Pathway' called spirituality or faith but which could be renamed 'Bringing it all Together'. This connects with 'Belief in Change' and accredited programme which is being piloted in Channings Wood and Risley prisons, a case study of which is described below.

This process of developing a new identity, of bringing together the often fractured parts of person's inner world that means that they have not been fully alive, is at the heart of what Grendon does as a therapeutic community. In all prisons, the Chaplaincy can be key in helping people develop and support a new identity, a new narrative thus contributing to the goal of reducing reoffending and supporting the journey of desistance, a journey away from crime.

Shadd Maruna, one of the pioneers of the idea of desistance, has explored in detail the factors that support people living positive, crime free lives. Among these he has looked at the role of faith. He coined the phrase 'knifing off'<sup>2</sup> to describe the way in which some offenders were able to establish a new identity through faith by talking in terms of being given a fresh start, a new beginning, a fresh identity that meant they were no longer defined by the person that they were — their criminal identity had been knifed off. This process needs to be handled with care as people do need to learn from their mistakes and not use 'knifing off' as a cover for not addressing some of the issues that led them into offending. There is still a need to learn skills that support new decision making that led them to prison in the first place. But the key idea in Maruna's study is that faith gave people a chance at a new start, freed them to see themselves differently and not be chained to a past identity.

The other crucial finding in Maruna's work is the importance of resettlement into a supportive faith community for those who have come to faith or rekindled their faith whilst 'inside'. Coming to faith or the renewal of an existing faith practice whilst 'inside' can be key to good prison adjustment<sup>3</sup> but on its own

1. I also wish to thank Liz Bird, Lynette Emmanuel and the 'Belief in Change' Communities at Channings Wood and Risley prisons for helping me to Believe in Change.
2. Maruna, S and Roy, K (2007) 'Amputation or Reconstruction' *Journal of Contemporary Criminal Justice Volume 23* 104-124; Maruna, S, Wilson L and Curran K (2006) 'Why God is Often Found Behind Bars: Prison Conversions and the Crisis of Self-Narrative' *Research in Human Development* 3 161-184.
3. A comprehensive review is found in Burnside, J, Loucks, N, Adler J.R and Rose, G (2005) *My Brother's Keeper: Faith-based units in prisons* Willan Publishing Devon.

does not have a huge impact of reoffending rates. But if 'faith inside' is combined with a supportive faith community on the outside, which in reality means a group of people who will support the person's new identity, then a significant impact on reoffending may be seen. Before reflecting further on resettlement, it is important to consider religious conversion in prison.

Every so often the press runs a story about forced conversions, especially to Islam. But when religious conversion is looked at carefully and appreciatively as in the work of Alison Liebling,<sup>4</sup> a richer understanding of conversion emerges. Especially for prisoners who have long sentences, conversion is actually about discovering a new sense of meaning which makes sense of the past, offers a new way of seeing the future and of establishing a new, pro-social identity. Spiritual practice gives order to the day, the week and even the year marked as it is by fasts and festivals. Being part of a group of people who practise their faith can give real hope and support. Although much work has looked at conversion to Islam, the principles apply to people who convert to other faiths in prison. Buddhism and Paganism are two interesting cases in point as many people who come to practise these on the 'inside' were not part of such communities on the outside.

### **Social Capital: Relationship and Resettlement**

To sustain the changed sense of self that comes about through conversion or renewed faith practice, through-the-gate work is crucial. Whilst the Christian community has been engaged in this work for many years as a result of having had people in prison, for other faith communities this work is a relatively new. Even coming to terms with having members of their community in prison can be challenging, bringing as it does for some a sense of shame to the family.

Imaginative work is being done in this area recognising that a 'one size fits all' model is not going to work because different faith communities have different shapes. Some examples will illustrate this and underline the importance for 'prime providers' in the Community Rehabilitation Companies under Transforming Rehabilitation, to find ways of engaging with faith communities to ensure that the added value that faith can bring to desistance can be realised. As mentioned, although there are some lifelong Buddhist

practitioners in jail, especially foreign nationals, most come to Buddhist practice on the inside. This, combined with the fact that many local Buddhist groups meet in people's homes, pose particular resettlement challenges. Responding to this the Buddhist prison Chaplaincy, Angulimala, which is based at the Forest Hermitage near Warwick is working in partnership with NOMS to develop a project called 'Let Go'. The hope is for the Forest Hermitage to be a place where ex offenders can attend groups to build on the practice that they developed on the inside, to make retreat to deepen practice and to join a web-based community of practice to keep them engaged and motivated when facing challenges. This is a stepping-stone to joining a local group in due course.

Within the Muslim community, charities are growing to address housing needs, mentoring and capacity building within the community to encourage volunteering so that ministry to prisoners and ex prisoners becomes more embedded in the community as a whole. Capacity building within local faith communities has been the goal of a number of events organised by the Wormwood Scrubs Community Chaplaincy. Presentations to introduce the through-the-gate work have been held in a Sikh Gurdwara, Hindu Temple and Mosque as well as in the local Anglican Church. The aim is to attract mentors from across the faith communities and to raise awareness among those communities who are still coming to terms with having to face the fact that numbers of their young people have been caught up in criminal activities.

The Jewish community is very supportive of people on release but focus on looking forward rather than revisiting past failures. The Pagan community, like the Buddhist, often have meetings in homes though some are in more public spaces. It is exploring ways to develop guidelines to keep both the ex offender and the community safe but is also developing mentoring schemes to support pagan prisoners on release. A key organisation that helps groups to develop this work is the Community Chaplaincy Association. There is a strong sense of collaboration based on the recognition that many Churches have already developed good practice guidelines relating both to child protection and resettlement and so groups will work together to build on best practice.

Being part of a group of people who practise their faith can give real hope and support.

4. Liebling, A, Arnold, H, Straub, C (2011) *An exploration of staff-prisoner relationships at HMP Whitemoor 12 years on*. Cambridge Institute of Criminology Prison Research Centre. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/217381/staff-prisoner-relations-whitemoor.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217381/staff-prisoner-relations-whitemoor.pdf)

Chaplaincy is well placed to respond to the challenges posed by Transforming Rehabilitation and Resettlement Prisons as Chaplains always work as part of an external faith community having to be authorised by that community to work in prison. The specification underpinning much chaplaincy work, PSI 51/2011 Faith and Pastoral Care of Prisoners has two mandatory outputs recognising the centrality of this work. They relate to contact with chaplaincy for prisoners prior to release and ensuring links are maintained with external faith and community groups. There is also the opportunity for community-based faith leaders who may have supported the prisoner before conviction to offer support and where appropriate to assist in reintegration upon release.

To summarise, discovering or rediscovering a religious faith or a new sense of meaning and purpose can help to integrate other experiences of rehabilitation in the prison. This is an eighth 'bringing it all together' pathway which recognises that we are more than the sum of our deficiencies. This sense of a new identity is supported through engagement with faith based community groups coming into the prison — volunteers who believe that change is possible making it more possible for the prisoners to believe this of themselves and thus help to sustain a new self narrative. Whilst this process assists in prison adjustment, it can also impact on reoffending if it is combined with through-the-gate support and an engaged faith community upon release

**Post Traumatic Growth and the Statutory Duties: Possibilities of New Identities**

The idea of 'post traumatic stress' is well known. But recent work in psychology is exploring why some people seem to go through traumatic experiences but come through it stronger and more resilient. The term 'post traumatic growth' has been coined for this phenomenon.<sup>5</sup> What seems to make the difference is enabling people to be real about the feelings they experience as a result of what has happened to them. It is also important that they have time to explore the meaning of the experience — in other words, to allow a new sense of identity to coalesce around the experience — for example, enabling a person to grow

from a sense of being a 'victim' into a new identity as a 'survivor'.

Imprisonment for most is a traumatic experience — even for those who may have served a number of sentences and certainly for those receiving long or indeterminate sentences. Within prison life itself there can also be traumatic experiences: the loss of a loved one outside, or the experience of violence or bullying on the inside. The statutory duties of the Chaplaincy, enshrined in the 1952 Prison Act and developed in the present PSI 51/2011, require Chaplains to visit daily new receptions, those who are in segregation or cellular confinement, those in health care facilities and those preparing for release as well as those identified as being at risk of self-harm. Chaplains are well placed to be part

of the process of turning stressful experiences into opportunities for growth and the development of a new sense of meaning. This requires that prisoners are given time to reflect and that 'doing the stats' for Chaplains should never become a tick box exercise. Too much is at stake — such visits may be the window of opportunity a person needs at a liminal moment in their life to see things afresh and begin or reinforce a journey of change.

. . . discovering or rediscovering a religious faith or a new sense of meaning and purpose can help to integrate other experiences of rehabilitation in the prison.

**Corporate Worship/Meditation and Religious Education: Developing Internal Capital**

In the literature on desistance the idea of internal capital relates to the development of self esteem, self efficacy, a healthy sense of shame, elements of regret, hope and emotional self management. Looking at faith practice in prison through this lens helps to frame such activities in ways that link them to supporting the journey of desistance. All faith traditions affirm the worth of human beings — those espousing reincarnation recognise that being born as a human gives a unique opportunity for spiritual practice and so raises the possibility of liberation from the wheel of death and rebirth. For faiths that do not see the world in this way there is an acknowledgement of the value of the person. St Irenaeus' words, quoted above, are one example from within the Christian tradition.

Given that prisoners' low self esteem can have a negative effect of their motivation to change, being part of a community that affirms a person's intrinsic worth can be an important corrective. Volunteers from

5. Joseph, S 2012 'What doesn't kill us'. *The Psychologist* 25 816-819.

outside communities can be especially helpful in this process as prisoners recognise that they come entirely by choice and can see their value affirmed through the consistent support they receive. Faith traditions also encourage a sense of personal responsibility which can be allied with an experience of support. So taking responsibility for actions in the past need not simply be crushing but can lead on to an understanding that the future may offer new possibilities and that regret/repentance should be followed by a commitment to change. The support of both a 'higher power' to use the language of AA and of chaplains and volunteers on the inside and a faith community on the outside furthers this process.

Religious education classes are crucially important to develop a rounded understanding of the faith tradition both for prisoners discovering a faith and those who are renewing their beliefs. They can also be opportunities to make links with other elements of the prison regime to give a new sense of purpose and direction. One interesting example is the notion of 'right livelihood' found in Buddhism or the idea of 'works' in Rastafarianism. Both ideas make explicit the link between faith practice and work or productive activity. This can lead to a new sense of motivation for work or education in prison as it provides a way of seeing this as an extension of spiritual practice rather than simply as another part of the regime. Work may also be seen as reparative, a making good for the harm done to the victim and community. A new sense of meaning can bring a deeper engagement and support a new narrative so prisoners see themselves as able to contribute to society in a positive way in the future.

All traditions teach a variety of methods for prayer and meditation. This can be key in supporting emotional self management. Discovering ways of dealing with anxiety or frustration may not be the prime purpose of learning to pray or meditate but it can be a helpful adjunct to support other techniques learned through Interventions. Spiritual traditions speak of *practice* and underline the need to persevere rather than seeing such approaches as 'quick fixes'. Different traditions will use different words, but the idea of spiritual practice as journey can be especially helpful. Works such as *Pilgrim's Progress* build into the narrative the journey as a series of challenges and setbacks which provide a parallel interpretation of the human journey of life. Desistance encourages a mindset that honours the distance travelled rather than simple focussing on

## Faith traditions also encourage a sense of personal responsibility . . .

binary success or failure. Some faiths ritualise 'moving on' after setbacks, for example, through the practice of the sacrament of confession within some Christian traditions.

Corporate worship or Meditation in prison is especially important in providing an experience of a pro social community where implicit norms of behaviour are enacted — the community being marked by mutual respect and accountability. The meeting after worship/meditation for refreshments is an extension of this process — give and take, listening, support are all built up week by week and also provide a grounding for the behaviours expected from a faith community outside prison. It is important that the experience of worship inside in some ways parallels what people can expect on the outside so that if they join a faith community upon release it is in some ways familiar.

As well as religious texts, Chaplaincy can provide other inspirational but not always explicitly religious books which encourage resilience and a new sense of identity. Jo Simpson's *Touching the Void* — a book and a film — can help discussion about getting through against the odds. Similarly, the film *The Way*, which is based on the idea of pilgrimage, provides insights into coming to terms with loss that can be a key factor in the stories of many offenders. Even the recent best selling book *A Street Cat named Bob* can be used to provide a sense of hope and a belief that things can be different:

*There's a famous quote I read somewhere. It says that we are all given second chances every day of our lives. They are there for the taking, it's just that we don't usually take them.*<sup>6</sup>

This can help sustain motivation and give a new way of approaching each day in a positive rather than negative light. Allied with stories that inspire, that give a sense that things can be different, is inviting ex offenders who have 'made good' to come and share their stories — the ups and the downs and how they faced and overcame challenges. They can help people to see themselves as capable of change and able to write a new chapter in their story.

### Seekers, Pastoral Care and Liminality

The 2011 census recorded that whilst formal religious affiliation is declining, an interest in the

6. Bowen, J (2012) *A Street Cat Named Bob* Hodder and Stoughton.

'spiritual' is increasing. This trend is likely to be reflected in the prison population. If this is combined with the experience of prison as 'liminal' and a moment where post traumatic growth can occur, then Chaplaincies need to provide opportunities for offenders to come and explore what is on offer to make sense of their experiences and offer a way forward. It can be especially valuable where humanists are part of the chaplaincy team. Including them can help some prisoners whose new sense of themselves may not involve a 'higher power' but rather a renewed sense of faith in human potential to do good and of the dignity of human being apart from any notion of transcendence.

Many chaplaincies run 'open days' where prisoners can come and ask questions and explore ideas in a non threatening and supportive environment. Such opportunities can also introduce the chaplaincy itself as a place of reflection that can be especially valuable at a time of loss or change. Recent research conducted into multifaith chaplaincy in England and Wales<sup>7</sup> underlines the value of the chaplaincy as a different kind of place within the prison where it was possible to think, reflect and consolidate especially when people were coming to terms with loss. Even people of no particular faith tradition find the opportunity to be quiet and light a candle, perhaps on the anniversary of death to be helpful as a way of marking time passing. Such space is also valued by staff.

This research into Chaplaincy also underlines the value of the pastoral care provided by Chaplains outside their statutory duties. What was distinctive in the eyes of the interviewees was that although it was recognised that Chaplains themselves frame their ministry in religious language, such care was not simply 'God talk'. Instead, the care provided had an exploratory and person centred quality to it. This provided the opportunity to make sense of events in a way that could allow new possibilities to emerge:

*The Chaplain, you know, they help me escape prison. Not just this prison **but my own prison**, you know? You can trust the Chaplain, you know. Tell them stuff you wouldn't tell no one else.*<sup>8</sup>

## A case study: The 'Belief in Change' Programme<sup>9</sup>

Many of the ideas discussed in this article form the basis of a faith-informed reintegration programme 'Belief in Change'. A pilot of the programme has been running at Risley. It was commissioned by NOMS, developed through the ESF grant funding and has been accredited by the Correctional Services Accreditation Panel. It is multi-faith and aimed at medium to high risk male offenders aged between 25 and 40 — although some older offenders who are part of the community have found it helpful in giving them a new way of seeing the past and planning a different future.

The programme is holistic and offers a range of experiences that invite offenders to change — the diagram below illustrates. It is community based, but is not a closed community, encouraging participants to try out their new skills and insights through engaging with the wider prison. It also allows participants to engage in

productive activity that can be seen as reparative. The Belief in Change programme also draws on the idea of retreat found in spiritual traditions. For the duration of the programme participants in some sense 'come away' from their previous experience of prison and are encouraged to reflect personally through the keeping of a journal.

They also to reflect together on what it means to be a community through morning meetings which include inspirational talks from participants or outside speakers as well as dealing with the nuts and bolts of living together.

In addition to daily community meetings there is peer support and restoration groups. These give participants and staff different ways of dealing with things that happen within the community itself and to develop new strategies for dealing with conflict or disagreement. Each participant also has 16 hours of personal coaching to develop a Life Plan in preparation for release and the support of mentors and volunteers from the outside community. Like a retreat experience, there is an explicit focus on re entry so the work and progress made during the programme is not lost through inadequate preparation for the challenges that will be faced either through re entry to another wing in the prison, moving to Cat D conditions or on release.

There are also 42 hour-long 'Lifeskill Sessions'. Many of the sessions in the six modules — Preparing to

You can trust the  
Chaplain, you  
know. Tell them  
stuff you wouldn't  
tell no one else.

7. Todd, A and Tipton, L (2011) The Role and Contribution of a Multifaith Chaplaincy to the Contemporary Prison Service Cardiff Centre for Chaplaincy Studies.

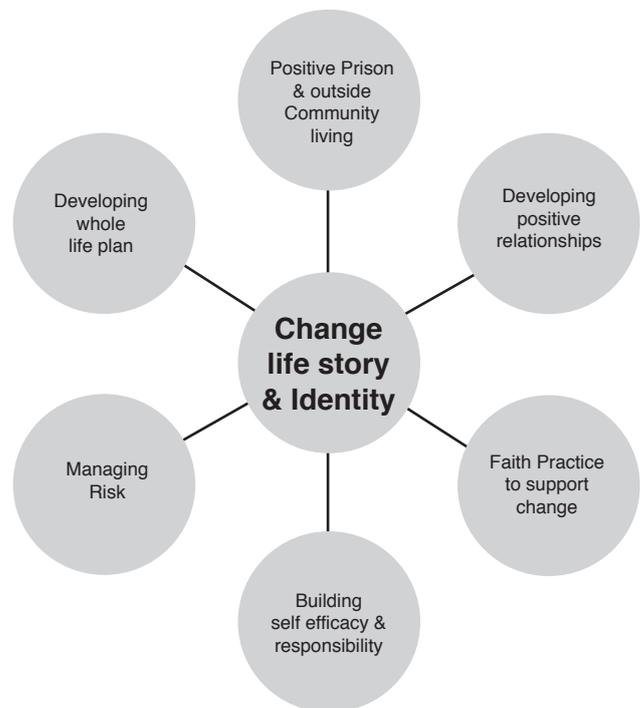
8. Ibid p30 quote from prisoner italics mine.

9. Bird, L, Kavanagh, M, Emmanuel, L (2010) The Belief in Change Programme Crown Copyright, National Offender Management Service.

Change; Relationships; Health and Wellbeing; Productive Living; Parenting and Family Life; and, Resources and Social Networks — are based on stories and practices introduced from across the faith and humanistic traditions to encourage reflection and the growth of resilience. Stories of people ‘making good’ encourage participants to see themselves both as able to change and to make a difference. This allows a new sense of narrative and the developing a new future self that complements work on the Life Plan. The programme is value based with respect and mutual support referenced throughout and so are integrative of other experiences on the programme. Another theme of the programme is the idea of legacy which is key to the idea of a changed narrative and identity. Participants are invited in various ways — choosing their inheritance tracks based on the radio 4 feature, plotting their life journey, reflecting on what their memorial might be when they die — to own their past but also to see that they have a role in shaping their future that can free them to pass on positive memories and inspiration as someone ‘made good’.

### ‘Bringing it all Together’

One of the ideas in New Ways of Working is that ‘Every Contact Matters’. This is at the heart of what has motivated generations of Chaplains. As one of the ‘Belief in Change’ participants put it, ‘Believing in Change makes Change possible.’ He was saying that when people believe in him as someone capable of change, than he is more able to believe in this for himself. Chaplains and Chaplaincy Volunteers as well



as other prison staff are such Believers in Change. Through spiritual practice, prisoners are able to begin to frame a new narrative to help them desist from crime. The process incorporates a variety of practical tools that help build resilience and the capacity to overcome failure as well as to celebrate success. With the added value of through-the-gate work and a supportive faith community upon release, such new narratives can be sustained and the possibility of a positive legacy becomes real.

# A Modus Vivendi — In-cell Television, Social Relations, Emotion and Safer Custody

*Dr Victoria Knight, Senior Research Fellow, De Montfort University, Leicester.*

This article documents some of the findings from a doctoral study examining the role of in-cell television in a closed adult male prison. Interviews with serving prisoners and staff indicate the complex nature of relationships (social relations) within prison settings. In particular, prisoners' relationships with other prisoners, especially those they share a cell with, was a significant feature of this research. Television's role within these dynamic relationships has personal, social and policy value for prisons and the people within them. This article draws upon two separate case examples of prisoners who, at the time of interview, shared a cell. The ways in which they relate to television and each other provides some initial understandings of what happens to prisoners when they share a cell together. The article ends by discussing the role of television in light of safer custody agendas.

## **Modus Vivendi: Finding ways to stay in control: Barry and Will**

Television activity diaries completed in this study highlighted that most television in prison is viewed with another prisoner and so scope for carving out their 'own' viewing schedules is limited. Most respondents spoke about compromise or the need to accommodate others' viewing preferences, which often meant that not all of their viewing needs were met. Here, a *modus vivendi* is established to avoid conflict. Some talked about conflict over viewing schedules and the ways in which these differences are resolved.<sup>1</sup> Barry and Will separately disclosed their frustration over the other's viewing preferences and their domestic habits. Barry was not as keen as Will on sporting events. Will did not like Barry's choice of action movies and the lead actors in them. Hobson<sup>2</sup> describes how television audiences are separated by different tastes in television or 'two worlds' and this applies to Barry and Will:

**Barry** — *I've been having rows with pad mate cos the athletics is on, he's not bad but don't tell him. It was on all day yesterday. Last week I watched what I wanted with a view to him*

*watching the athletics and 'Match of the Day'. I don't want to watch it, especially after 5 hours, I'm climbing the walls. He ain't bothered though. He hates Steven Segal and Jean Claude van Dam, he hates it I know it winds him up. I leave the toilet seat up too. We get on alright. I know him from in here.*

Within this confined space two separate cultures evolve and do not always nestle well together. The few things they share are the experience of being in prison. Learning to compromise and be tolerant of each other requires personal control and a willingness to ratify a treaty or surrender. Layder's<sup>3</sup> application of Goffman's 'interaction order' can account for how individuals find ways to look after their 'social self' and dealing with problems in social life results in 'mutual moral obligations'.<sup>4</sup> Will corroborates what Barry states about their planned viewing and sometimes viewing together is achieved. Will's interest in sport is enabled by a sustained sacrifice of his viewing preferences in order to 'bank' television time with his cell mate,

**Will** — *Like in the last 2 weeks I told him to watch what he wanted cos I knew sport was on. He enjoys football I think, he does get into it. We have a cup of tea and sit on the bed and watch it.*

Barry describes how planning together helps to establish a shared television routine in which a rhythm of mutual viewing can evolve,

**Barry** — *I plan TV and mark it down, we also plan it together. He is the DVD orderly, I tell him what I fancy and he brings it. We have as many as we like really. Tonight we've got 'Shooting Gallery'. We'll watch a DVD at bang up between 12-2pm and on Saturdays and Sundays we can do 3 DVDs back to back.*

By having a shared ritual they develop their own social rules, and these become ratified as time spent with each other in these circumstances goes on.<sup>5</sup> However this

1. Gersch, B. (2003) Dis/connected: Media Use Among Inmates Unpublished PhD Oregon, University of Oregon USA.
2. Hobson, D. (1980) Housewives and Mass Media Culture, *Media and Language* p109.
3. Layder, D. (2004) Emotion in Social Life: The Lost Heart of Society London, Sage.
4. Ibid (2004) p18.
5. Ibid (2004) p18.

is not always a seamless or innocent negotiation. Will admits that he will deliberately select programmes which challenge Barry's taste:

**Will** — *Sometimes I do the opposite to him. I can't stand Jean Claude Van Damm and Steven Segal or crime and 'The Bill'. I like 'Panorama', 'Dispatches', 'News on ITV', but not regional. 'The Bill' is most frustrating, it is police orientated, a warped perspective of what police do.*

The game-playing<sup>6</sup> can in part help to temper their own frustrations and manage a situation which most find intolerable. Moreover in a climate in which boredom is commonplace, conflict can emerge as a response to these conditions.<sup>7</sup> Furthermore, finding and sustaining power within the cell requires focus, and the playful nature they describe underlies their attempts to sustain personal control.<sup>8</sup> On the surface Barry and Will wanted to present an egalitarian version of their domestic circumstances, yet Barry's description describes how his own power could not be fully realized with Will, due to a prisoner code:<sup>9</sup>

**Barry** — *We have a remote each now, we normally pass it to each other. My pad mate was in his cell before me so it is his pad, when he moves out it then becomes mine. Mind you I moved into a cell and there was a young lad and I told him to shift. I didn't bully him, I just told him. I don't like to associate with people in here some are nasty, but I know who is good. My pad mate is not bad but he is never wrong. He has a way of saying stuff. We like 'Star Trek', when we were kids, our era. We just like it. You see things in 'Star Trek' and 'Star Wars'.*

Finding common ground and the ability to relax in these awkward circumstances is important to make the situation bearable and meaningful. Sharing programmes they both enjoy provides respite from potential tension and conflict. In maintaining the 'self as a finely tuned security system',<sup>10</sup> they can function with less effort as they become united:<sup>11</sup>

**Will** — *My pad mate's choice 'Big, Bigger and Biggest', I enjoy that. He sometimes says 'that's amazing' but we don't normally talk, that is a*

*sign of a good pad mate. If you can sit in silence. I remember this chap, one of the bully boys, like making demands, I think it was a lack of education to deal with problems, there are arguments sometimes. Like my pad mate we have arguments sometimes, his hygiene levels, he smokes and the toilet. You have got to respect each other and he snores. TV is great for your mental health, but you need ear plugs for your sanity, but it is more to do with his snoring. In daytime I might watch 'Countdown' or sports. My pad mate watches 'Murder She Wrote' and 'Heartbeat'! I'd murder that Angela Lansbury. Curtain twitchers watch that stuff.*

Will explains that television provides an escape from his environment and the people within it. Will may worry about the potential risk his pad mate could pose, as he knows about the way the prison had managed Barry as a high risk prisoner. This means Will needs to tread carefully. Barry described the violent crime he was involved in and this will have been assessed as a factor of significant risk. Inadvertently, these kinds of actuarial assessments can highlight and inflame the pathological label. Will therefore may be worried about the contaminating effects Barry could have on him, and experiencing large quantities of time in a confined space with a 'dangerous' prisoner can induce fear. Television, if handled and negotiated properly, can provide respite from these tensions. Striving for ontological security<sup>12</sup> using television can offer protective factors against unsettling and distressing emotions like frustration or fear.

**Will** — *In the evenings TV is separation from my pad mate I get head space from him. I think he was single cell and high risk, so I need head space from him. I'm a private person. I enjoy my own company. My pad mate is a big kid — it is frustrating. In here sometimes you are forced into violent situations. It is divide and conquer with other prisoners, it is much easier to control and we become products of our environment.*

Their relationship requires 'a rational plan' in order for them to co-exist in the same cell without conflict.<sup>13</sup> Planning television viewing and bargaining are techniques which help to maintain an amicable relationship, sharing

6. McDermott, K. & King, R. (1988) Mind games: where the action is in prisons *British Journal of Criminology* Vol.28:3 pp357-78 Gersch, B. (2003) Dis/connected: Media Use Among Inmates Unpublished PhD Oregon, University of OregonUSA.
7. Barbalet, J. M. (1999) Boredom and Social Meaning *British Journal of Sociology* Vol.50:4 pp631-649.
8. Layder, D. (2004) Emotion in Social Life: The Lost Heart of Society London, Sage p17.
9. Sykes, G. (1999) The Society of Captives: A Study of A Maximum Security Prison New Jersey, Princeton University Press
10. Crewe, B. (2005) Codes and conventions: the terms and conditions of contemporary inmate values in Liebling, A, & Maruna, S. (eds) (2005) *The Effects of Imprisonment* Collumpton, Willan.
11. Layder, D. (2004) Emotion in Social Life: The Lost Heart of Society London, Sage.
12. Kubey, R. (1990) Television and The Quality of Family Life *Communication Quarterly* Vol.38:4 pp312-324.
13. Layder, D. (2004) Emotion in Social Life: The Lost Heart of Society London, Sage.
13. Ibid.

the remote control for example and Will providing Barry with DVDs are ways in which help to temper conflict. Will has clear distaste for Barry's television choices and Barry finds Will's love of sport tedious; both manifesting as frustration. Despite these differences some common ground was achievable and Barry's testimony in relation to sci-fi was an opportunity for these individuals to identify a bond or intimacy via television; bringing them together<sup>14</sup> and achieving reasonable harmony.

### **Friendship, survival and time together: Shaun and Lee**

At the time of interview Shaun and Lee were subject to basic conditions and their television had been removed for bad behaviour. This meant that time out of cell, visits and access to goods and services were limited, resulting in extended periods of bang-up. In the absence of television, Shaun found he read and wrote more, something he got great pleasure from. Lee enjoyed dance music, which Shaun also liked. Unlike Barry and Will, Shaun and Lee's relationship appeared more settled; they shared similar taste in music, shared a past before prison and also liked crime novels and similar television and radio programmes. Shaun's taste was more diverse than Lee's; he also liked wildlife programmes, rock and pop music. Both were very familiar with popular soap storylines and characters. They were concerned about boredom and the impact that certain kinds of broadcasts would have on their well-being,

**Lee** — *My typical day is in a morning if I had TV I'd turn on 'Jeremy Kyle' then get lunch and sit there all day until dinner. I get bored of watching it, it is the same everyday. It makes time drag with telly. You know how long they are on for and then it is dinner time. It is one big time game here. Time flies with me and him [Shaun]. We get up and clean pad and we jump up and do something. But cos TV might be on you're just lying on your bed. I go to sleep at lunch and we have a messy pad. I clean in evenings all the time.*

**Shaun** — *There is crap on TV. TV in your cell is ok like if you weren't working and nothing to do. But in the day it is rubbish like 'Build a*

*House in the Country', 'Trisha', 'Wright Stuff' — crappy, shitty, rubbish. But then TV is something to look at, something to stare at. Day time fries your head, scrambled brain, it makes people anti-social, no one talks when the telly is on. You talk, but it is not a conversation, like saying 'Oh she's fit', 'yeah' it is not a proper conversation. There is no danger with TV in prison, it entertains people, keeps people quiet, good for reducing suicides, but it gives people a lot of power, even the prisoners. Like some folks can't read, folks haven't got a stereo, so TV helps. But without it for me it is easy, I can read and write.*

Given their attitude towards the dominance that television can have in their lives in prison, their current experience on the basic regime without television highlights how getting by and doing their time can essentially be experienced more positively. Shaun especially felt more motivated and compelled to read and write,

**Television, for Shaun,  
is a distraction,  
something that gets  
in the way of what  
he considers to be  
more purposeful.**

**Shaun** — *I've been 3 weeks without TV cos I am on basic. It is much better, I feel more motivated to do things such as cell work-outs, read books, write more like poetry, a book. If I had TV I'd only just*

*be starting... But I don't miss them. I suppose if I had a TV that magically came on and then switched off that would be good — but it is too tempting to leave on and then you become a bed spud — it becomes the be all and end all of your life in here. If my pad mate watches 'Emmerdale', I'll write a letter.*

They also show 'sensitivity to spatiality' which is accentuated by their segregation from the standard regime.<sup>15</sup> Television, for Shaun, is a distraction, something that gets in the way of what he considers to be more purposeful. Shaun realises that reading and writing was something that was out of his focus, until he encountered prison without television. Shaun does recognise the pleasures of television, but like many respondents in this study finds it hard to switch off and regulate viewing quantities. Lee is less confident about the absence of television. For Lee music (which is permitted on basic regime) can provide sufficient stimulation, but he struggles more than Shaun with bang-up time,

14. Lull, J. (1990) *Inside Family Viewing: Ethnographic Research on Television Audiences* London, Routledge.

15. Martel, J. (2006) To Be, One Has To Be Somewhere: Spatio-temporality in Prison Segregation *British Journal of Criminology* Vol. 46:4 pp587-612.

**Lee** — *Music makes you think about other things so you can go behind your door and get away and stay behind your door. I'm alright to talk but it does wind you up also behind your door... it deads my head in this shit. I just cope with it really, but it does wind me up. It is a joke with the staff. My cell mate helps.*

Tolerance of isolation and exposure to unstructured time can differ, and coping and adaptation to the conditions of incarceration is variable. Their friendship helps Lee handle these conditions. Under the basic regime, contact with others would be minimal and therefore interaction between themselves in their cells becomes increasingly significant. The solidarity they have can be evidenced in how they plan to manage television once it is re-introduced,

**Lee** — *We've planned a routine with telly it was his [Shaun] idea, I ain't bothered. I'm getting lazy just lying in bed watching TV all night. I don't like been lazy. I like to get up and be out there and be busy. But here I don't want to do anything, it is a waste of time doing nothing.*

Shaun fears idleness and the intrusion of the outside world once television enters his life again,

**Shaun** — *Prison is depressing, nothing happens and to have the outside shoved in your face is hard. I don't want to think about it whilst I am here. I'm in my cell all day. I need a certain level of exercise, it lets off steam and you are then not thinking and things playing on your mind. I manage to block it out all day and then it all just hits you all before you go to sleep. I struggle with sleep in here and suppose TV can help with that. Like when I couldn't get to sleep and find myself watching Big Brother.*

Despite the benefits Shaun describes, contact with the outside world is too painful. Withdrawal from public life is not an uncommon response amongst prisoners, especially long-termers.<sup>16 17</sup> Shaun was a remand prisoner and explained he was probably going to get a life sentence for his crime. Being able to comprehend, witness and be intimate with a world in which he cannot participate may explain his need to disconnect. This is the same world that has confined him to prison and put him

in social care as a child. The visual qualities of television for Shaun are an intrusion into his life<sup>18</sup> and therefore do not suit Shaun's needs at this time. He is grateful to spend time without television and escape the punctuated nature of broadcasts,<sup>19</sup>

**Shaun** — *I thank them for putting me on basic, I love it. I don't want my TV back, but I do want visits and associations. They don't like that, that I don't want a TV. I'm not in cell crying. I have a choice you see. Time goes quicker this way, I suppose you analyse yourself. I like TV on at certain times and not having a clock. Like the adverts, they come on roughly every 15 minutes and so on, so you get the time all the time. Without a stereo it is hard. You have a 45 minute tape I suppose, but there isn't a constant tab on time. I don't want to know what time it is.*

Lee on the other hand imagines a routine in which television would feature in his 'own' schedule rather than he being dominated by television all of the time.<sup>20</sup> Lee also described how he had struggled to overcome drug addiction, and finding techniques to control his drug use could also be extended to his use of television,

**Lee** — *...the punishment doesn't bother me. I just take it. I could leave the TV on the doorstep when they move me to level 2. They are winding me up saying I could have a telly. If they offered me a telly I'd turn on in the morning for the news then keep it off. I'd have it on in the lunch hour and in the afternoon it would be off. It would be on in the evening for the soaps. Then I would do a pad work out to music, switch it back on to fall asleep.*

Television helps Lee to punctuate his daily life in prison and he actively aligns television to certain activities. The combination of imprisonment and television accentuates the fears of becoming idle, akin to addiction.<sup>21</sup> Becoming dependent on television is something the respondents were conscious of and where media dependency<sup>22</sup> reaches a level that they considered to be unhealthy, television could become dissatisfactory. This draining effect of television steals important energy and stifles attempts to remain ontologically secure. As

16. Cohen, S. & Taylor, L. (1972) *Psychological Survival: The Experience of Long-Term Imprisonment* Middlesex, Pelican.

17. Sapsford, R.J. (1978) *Life-Sentence Prisoners: Psychological Changes During Sentence* *British Journal of Criminology* Vol. 18:2 pp128-145.

18. Spigel, L. (1992) *Make Room for TV* Chicago, University of Chicago Press.

19. Scannell, P. (1996) *Radio, Television and Modern Life* Oxford, Blackwell.

20. Silverstone, R. (1999) *Television and Everyday Life* London: Routledge.

21. Jewkes, Y (2002) *Captive Audience: Media, masculinity and power in prison* Collumpton, Willan.

22. Vandeboosch, H. (2000) *Research Note: A Captive Audience? The Media Use of Prisoners* *European Journal of Communication* Vol.15:4 pp529-544.

Rubin<sup>23</sup> found, those individuals with internal locus of control were less likely to be susceptible to these kinds of effects, whereas individuals with an external locus of control and are more likely to take up more television are more likely to be dissatisfied with the activity. Taking responsibility for their viewing is a mechanism for resolving pervasive attitudes, which can be destructive. Avoiding the 'docile'<sup>24</sup> aspect of incarceration serves to ensure that their personal control remains functioning. Losing control by becoming docile can weaken their ability to govern themselves and thus they may become susceptible to subordination of the situated or mediated encounters. The techniques outlined by Shaun and Lee enabled them to secure meaning and control in their disorientating circumstances. The re-introduction of television presents a threat to the equilibrium they have managed to achieve in its absence.

### Television and Safer Custody

The two case studies presented in this article outline how television can contribute to the 'work' of the prison. The dominant outcome of this research is that television is co-opted by prisoners in attempts to self-regulate and control their emotive responses to prison life. Inadvertently, television is therefore contributing to the efforts to maintain control and assist in the delivery of care — television is put to work and thus contributes to what Crewe<sup>25</sup> defines as a mechanism for 'soft-power', enabling services to govern at a distance. Television has normalised the experience of the cell, in part replicating the comforting aspects of domestic life which result in legitimating the power structures which operate at a distance.

Television provides the prison with a resource which unwittingly distracts and occupies the prisoner in a number of ways. So much so, that other opportunities have either been removed or declined in popularity. The removal of 'stage' newspapers (free daily newspapers for prisoners) from prisons in 2005 has been attributed by some commentators to the introduction of in-cell television.<sup>26</sup> Before its introduction, policy makers and politicians made reasonable judgements of the value of

in-cell television by anticipating its impact on calming or 'settling' of prisoners, assisting with loneliness and boredom and above all achieving control of the setting and its people. The findings of this study, as well as that of others<sup>27</sup> support what policy makers anticipated were reasonably close to findings from research. The placing of television in the cell, however, means that these 'benefits' have wider and diverse ramifications on prisoners and the prison and thus actually extend beyond the original aims of introducing in-cell television.

A major outcome in prisons has been the regulation of the 'emotional economy'<sup>28</sup> and the regulation of emotion has enabled and accompanied increased control of prisoner behaviour.<sup>29,30</sup> Television is one of the few outlets for prisoners to manage their emotionality. Television's place across social relations contributes to 'neo-paternalistic' agendas, where television is used to foster control with less direct intervention from staff and thus satisfying safer custody priorities.

If television did not deliver 'care-giving' qualities, prisoner audiences would be reluctant to use it.<sup>31</sup> This raises important questions about the framing of television as 'care-giver'. There is a problem of 'care' in prison settings, which results in care being mostly self-directed and television is one functional mechanism to assist in this. It is observable that there is a dichotomous relationship between care and control. The experience of television is secured by attachments to it in the promise of achieving basic or ontological security. Instead, personal and inter-personal control resembles care of the self. Tait<sup>32</sup> has recently attempted to capture the nature and typologies of care among prison officers. The ambiguity of care is accentuated by the prevalence of control and this may result in care being difficult. Instead it is suggested that television is not necessarily 'care giving', it is 'care enabling'. Television's contribution is to normalise the experience of prison and especially attempt to make the cell more palatable and attractive. Television is therefore placed in the cell with unanticipated outcomes for therapeutic control, and inadvertently television is exploited to achieve control. This extends the remit originally intended by policy makers at the introduction of in-cell television to prison.

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# Incentivising Prison Visits:

## New Research Findings on the Needs of Children with Imprisoned Mothers and Fathers

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**In April 2013, the Justice Secretary announced plans to make significant reforms to the Incentives and Earned Privileges (IEP) Scheme in adult male prisons throughout England and Wales.<sup>2</sup> This represents just one step in achieving the coalition government's proposals to toughen prison regimes and enforce harsher penalties for prisoners who fail to meet expectations.<sup>3</sup> Despite the proposed reforms to the Scheme, it appears that extra visits and access to Family Days will continue to be offered as a reward to male prisoners who behave responsibly and engage with sentence plan objectives. This is in contrast to the female estate where visiting arrangements were detached from the IEP Scheme five years ago — this was based on recognition that incentivising contact was incompatible with meeting the needs of imprisoned mothers and their children. This paper presents findings from in-depth interviews with families affected by parental imprisonment in England and Wales. It emerged that early, frequent and good quality visits are equally important in meeting the emotional needs of children with either a mother or father in prison. It is argued that including visiting arrangements as a key earnable privilege is incongruous with the United Nations Convention on the Rights of the Child (UNCRC) since restricting the frequency of visits and access to Family Days is clearly not in the best interests of most children. It is recommended that to effectively meet the rights and needs of children, arrangements for contact should also be detached from the IEP Scheme in the male estate.**

Since the introduction of the IEP Scheme in 1995, its aims have been to encourage prisoners to comply with prison rules and participate in rehabilitation-related activities:

*Encourage responsible behaviour by prisoners; encourage effort and achievement in work and other constructive activity by prisoners; encourage sentenced prisoners to engage in sentence planning and benefit from activities designed to reduce re-offending; and create a more disciplined, better-controlled and safer environment for prisoners and staff.<sup>4</sup>*

To date, prison establishments have been required to operate an IEP Scheme based on three tiers (Basic, Standard and Enhanced). Prisoners can move up or down the tiers according to their behaviour around the establishment and engagement with sentence plan objectives. Under the new reforms, it has been proposed that a fourth 'Entry Level' will be introduced, and the behaviour of prisoners will be monitored during their first two weeks in custody before they are formally allocated to either the Basic or Standard Level.<sup>5</sup>

Prisoners at the Enhanced Level are eligible to receive extra privileges. These have traditionally included the opportunity to wear their own clothes, improved prison wages, increased frequency of visits and access to Family Days. All prisoners are entitled to two visits lasting 60 minutes every four weeks,<sup>6</sup> but in some prisons, Enhanced prisoners can receive up to five or six visits per month. Family Days are typically extended visits characterised by fewer security restrictions than standard visits (e.g. on physical interaction) and activities designed

1. The authors would like to thank Professor Adele Jones (Scientific Coordinator of the COPING Project and Director of the Centre for Applied Childhood Studies, University of Huddersfield) and Martin Manby (Principal Investigator for the in-depth interviews and Director of the Nationwide Children's Research Centre) for granting permission to use the data for purposes of this publication. The authors are also grateful to Diane Curry OBE (CEO, Partners of Prisoners and Families Support Group; POPS) for her helpful comments in improving this article.
2. <https://www.gov.uk/government/news/toughening-up-prisoner-privileges>
3. Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. London: The Stationery Office.
4. Ministry of Justice (2011) *Incentives and Earned Privileges PSI 11/2011*. London: Ministry of Justice.
5. [www.gov.uk](http://www.gov.uk); see n.2.
6. <https://www.gov.uk/staying-in-touch-with-someone-in-prison/visiting-someone-in-prison>

to support interaction between imprisoned parents and their children (e.g. craft or sports activities).

In male prisons, the number and type of visits available to prisoners and their families has remained firmly linked to prisoner behaviour. However, in the female estate, visiting arrangements were removed from the IEP Scheme several years ago. This emerged out of recognition of the importance of visits in meeting the emotional needs of imprisoned mothers and their children.

The introduction of the Gender Equality Duty (GED) in 2007 placed a requirement on all public authorities (including prisons) to meet the diverse needs of men and women.<sup>7</sup> This does not mean that men and women should be treated the same, but that practices should meet their gender-specific requirements. The GED does not explicitly state what the gender-specific requirements of men and women are — instead it is left to public authorities to determine.

The Corston Report, also published in 2007, highlighted that enforced separation from children due to imprisonment causes mothers great anxiety and distress, and has deleterious consequences for their mental health.<sup>8</sup> The report also stated that maternal imprisonment has a disproportionately negative impact on children and families — *'Women's imprisonment has a harsher effect on the lives of their friends and families and most especially their children, whose lives can be devastated...'*<sup>9</sup> According to Baroness Corston, the needs of imprisoned mothers and their families were not being adequately addressed by a prison estate primarily designed to cater for male offenders.

In response to the GED and Corston Report, Prison Service Order (PSO) 4800 was created to ensure that the specific requirements of women prisoners and their children were met. Crucially, it recognised that *'losing a parent to imprisonment is often an extremely damaging life event for a child'* and instructed the removal of family contact from the IEP Scheme in female establishments:<sup>10</sup>

*Children should not be penalised from visiting or contacting their mother because of the mother's behaviour. The number of visits by children should not be restricted in order to serve the needs of an incentives scheme.*

*Incentives schemes therefore should never be linked to access to family visits.*

PSO 4800 represents a significant advance in terms of recognising the needs of children affected by maternal imprisonment. It seems unlikely that the new reforms to the IEP Scheme in the male estate will demonstrate similar consideration for children's needs. Speaking at a recent conference, the Justice Secretary stated that there was no intention to remove the frequency of visits and access to Family Days from the IEP Scheme in the male estate; in his view they are too effective an incentive in promoting compliance with prison rules and engagement in rehabilitation activities.<sup>11</sup>

The reluctance to remove visiting arrangements from the IEP Scheme is cause for concern since empirical research has demonstrated that visits are also important in sustaining the emotional wellbeing of imprisoned fathers and their children. More frequent visits are associated with an improved sense of involvement in the child's life, more satisfactory parent-child communication, and better emotional adjustment and more effective coping skills on behalf of the child.<sup>12</sup> Child-friendly prison environments (i.e. those created on Family Days) have also been demonstrated to be crucial in protecting children's emotional wellbeing when visiting their father in prison.<sup>13</sup>

## The Study

The COPING Project was a large-scale study of the impact of parental imprisonment on children.<sup>14</sup> The project was conducted in accordance with strict ethical guidelines, and approval was obtained from the School of Human and Health Sciences Research and Ethics Council at University of Huddersfield, The National Offender Management Service in the North West, and the Ministry of Justice.

As part of the project, semi-structured interviews were conducted with 46 families who had a parent or carer in prison in England and Wales. Interviews were undertaken with the child or children in the family (n=66), their non-imprisoned parent/carer (n=45), and wherever it was possible to gain access to the prison, their imprisoned parent/carer (n=26).

7. Equal Opportunities Commission (2007) Gender Equality Duty: Code of Practice, England and Wales. London: Equal Opportunities Commission.
8. Home Office (2007) The Corston Report: A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the Criminal Justice System. London: Home Office. Page 20.
9. Home Office (2007) Page 21; see n.8.
10. Ministry of Justice (2008) Women Prisoners PSO 4800. London: Ministry of Justice. Page 17.
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12. Murray, J. (2005) 'The effects of imprisonment on families and children of prisoners'. In: Leibling A and Maruna S (eds) *The Effects of Imprisonment*. Devon: Willan Publishing.
13. E.g. Poehlmann, J., Dallaire, D.A., Loper, A. and Shear, L.D. (2010) 'Children's Contact With Their Incarcerated Parents: Research Findings and Recommendations'. *American Psychologist* 65(6): 575-598; Nesmith, A. and Ruhland, E. (2008) 'Children of incarcerated parents: Challenges and resiliency, in their own words'. *Children and Youth Services Review* 30(10): 1119-1130.
14. The project was funded by the European Union Framework Seven programme (grant agreement number 241988), and in the UK data was collected by the University of Huddersfield in partnership with POPS (Partners of Prisoners and Families Support Group).

The target age-range for children was 7-17 years old; they had a mean age of 11.6 years (standard deviation=2.9). Slightly more boys than girls participated in interviews (39 compared to 28), and most children were white (n=58).

All children in the sample had just one parent/carer in prison. This was most often their biological father, step-father or mother's partner (n=50), but there were also a reasonable proportion of children with a biological mother in prison (n=16). Most children had visited their parent in prison at least once (n=59).

In most cases, workers from Partners of Prisoners and Families Support Group (POPS) established contact with families as part of their normal work at prison visitor centres, predominantly in the North West of England. Families initially completed a questionnaire-based survey, and those who indicated that they would be willing to progress to in-depth interviews were subsequently contacted by telephone to arrange a convenient time.

Interviews with children and their non-imprisoned parent usually took place at the family home, and were conducted by a combination of researchers from the University of Huddersfield and workers from POPS. Involving POPS in the interviews was found to be advantageous since they often had an existing rapport with families. The contact that POPS' had with families post-interview also enabled ongoing support where necessary. All imprisoned parents were interviewed by University of Huddersfield researchers, but were informed that POPS were available to provide support after the interviews should this be required.

The interviews were designed to elicit information about the impact of parental imprisonment on the child and included questions about family relationships, physical and emotional wellbeing, school, social life, and involvement with support services. Of particular relevance to this paper were questions relating to the child's experiences visiting their parent in prison, for example 'Please can you say how you have found visiting the prison?' and 'How important are these ways of keeping in contact for you?'

Interviews were recorded and fully transcribed, and with the help of qualitative software analysis tool NVivo (QSR International, 2013), a thematic analysis was carried out. University of Huddersfield researchers were responsible for coding of transcripts, and wherever possible this was done by a researcher who had visited the family.

## Findings

Analysis of the interview transcripts revealed several distinct themes in relation to children's experiences of visiting their parent in prison. Prominent amongst these themes were the importance of first visits, the importance of continuing contact, factors affecting the quality of visits, and the goodbye and aftermath.

### *The Importance of First Visits*

It was clear that the first visit to the prison was of crucial importance to children and families. First visits were helpful in terms of dispelling myths about prison conditions and the treatment of inmates, and providing reassurance that the imprisoned parent was safe and well. There were only a few families who experienced delays arranging their first visit due to prison administrative procedures and risk assessments, but the prolonged worry and distress that they felt during this time was paramount. Children and families often reported an immense feeling of relief following their first visit.

*It took about a week for our first visit...but then we knew that he was okay, the kids knew that he was okay (Non-imprisoned mother)*

*The heavens opened. There were tears all round. All the kids were crying (Non-imprisoned mother)*

### *The Importance of Continuous Contact*

Throughout the period of imprisonment, it was clear that imprisoned mothers and fathers were missed to an equal degree. Visits to both mothers and fathers were equally important in satisfying children's emotional need for face-to-face contact with their imprisoned parent. Visits provided a level of emotional connection that could not be achieved by indirect methods of communication such as telephone calls and letters (e.g. 'visits are important because you can actually see him' Boy aged 12). Continuing visits also provided ongoing confirmation of the imprisoned parent's wellbeing.

Following the initial visit to the prison, most children visited as often as permitted by the prison regime — usually weekly or fortnightly. Although most children were excited at the prospect of seeing their imprisoned parent, and enjoyed the time that they spent together, it was not uncommon for the prison environment itself to cause feelings of anxiety and nervousness. Children's

It was clear that the first visit to the prison was of crucial importance to children and families.

determination to visit their parent on a regular basis, despite the discomfort that some experienced when visiting, provides an indication of the significance that visits held for them:

*Yeah of course I will go to see him, I don't like being in the prison...but I don't care, I just want to see my dad (Girl aged 10)*

*I find it very hard in the prison but I like seeing my dad because it's better than nothing (Girl aged 7)*

There were just a small number of children who visited less frequently or did not visit at all. This was usually in their best interests and attempts to encourage contact caused undue distress to the child. In these cases the parent-child relationship was often fraught either prior to, or as a result of imprisonment or offence, or the prison environment itself caused the child too much distress.

*No he never liked it from the beginning. He cried his eyes out for the first about 6 months we took him. It was devastating... (Non-imprisoned mother)*

### **Factors Affecting the Quality of Visits**

Three factors affected the degree to which children enjoyed their visit and felt able to interact with their imprisoned parent — the prison atmosphere, restrictions on physical interaction, and the provision of meaningful activities.

There was a general consensus amongst families that the more secure the prison, the more intimidating it was for children to visit. Efforts to reduce some of the security restrictions for the purpose of Family Days were clearly appreciated by families. The atmosphere on Family Days was usually perceived to be more relaxed and informal. Family Days seemed to result in more enjoyable visits for children and more satisfactory interaction between children and their imprisoned parent.

*You lost all the sense, sort of thing, that you were actually in a prison because it was just so normal compared to the other (Boy aged 12)*

*You feel as if you can go in there and be yourself and you're more focusing on your communication than you are on 'oh I'm in a prison' kind of thing... (Girl aged 17)*

The opportunity to engage in physical interaction (e.g. physical displays of affection) was equally important to children with imprisoned mothers and fathers. Where restrictions were imposed on physical contact, this was a major source of dissatisfaction for children, and caused feelings of distress and anger. Younger children often found restrictions on physical contact difficult to comprehend, and parents could struggle to engage younger children in conversation for prolonged periods of time.

*It was alright because we got to see him but like, he wasn't allowed to get out of his chair or nothing, he just had to sit there. So we couldn't actually do anything with him (Girl aged 11)*

*...the attention span, two and a half hours just sitting and talking, sitting and talking (Imprisoned father)*

It was not often that prisons provided activities that children and parents could complete together. Although most prisons provided play areas for children, usually the imprisoned parent was not allowed to access them, further limiting the opportunity for parent-child interaction. These types of play areas also tended to be unattractive to older children. In the absence of suitable activities, children often became

increasingly bored and agitated throughout the duration of the visit (typically 2 hours):

*...after half an hour they have said their hellos and everything and then they are bored. So then they run around causing havoc (Non-imprisoned mother)*

Family Days that imposed fewer restrictions on physical interaction and provided parent-child activities (e.g. board games or craft activities) were far more effective in protecting children's emotional wellbeing and supporting parent-child interaction. The opportunity to focus on an activity together was especially useful for younger children who struggled to engage in prolonged conversation. Activities were also particularly beneficial in supporting parent-child engagement where bonds had become fragile.

*...they'd have something in common, something to talk about because he's been away for a long time. They've done nothing together so it's hard after a while for them to*

## **Family Days seemed to result in more enjoyable visits for children and more satisfactory interaction between children and their imprisoned parent.**

*think of what to say to their dad (Non-imprisoned mother)*

*It's like playing games that you might play at home but then I felt a real sense of bonding with the kids again. I could just see it in her face (Imprisoned father)*

### **The Goodbye and Aftermath**

Although the majority of children enjoyed their visits, the experience of saying goodbye to their mother or father at the end of visits often posed a big challenge for them. For some children saying goodbye was associated with a sense that they were leaving the parent behind or acknowledgement that it could be weeks before they saw them again. Family Days often enabled a more satisfactory goodbye — it tended to be less rushed and the opportunity to hug was less inhibited.

*I like getting the feeling that we are going to visit my mam but I am all upset when we leave. A lot upset (Girl aged 10)*

*...it's not very nice really because you're saying bye yourself and you're feeling quite upset yourself and everybody else is crying (Girl aged 10)*

Some children became increasingly upset as their visit progressed towards the end, and others employed coping strategies to deal with the goodbye, for example saying a brief goodbye and departing quickly.

*Happy at first when he just came in...then getting sadder as he watched the clock go round (Imprisoned mother)*

*...he would be watching the clock all the time making sure it wasn't time for going, and how long he had got left. And then when it was time for going, oh it was horrible (Imprisoned mother)*

For some children, visits were found to exacerbate the sense of loss for the imprisoned mother or father and they experienced severe levels of distress in the days

following a visit. It could also be a time of increased curiosity about the imprisoned parent's situation and/or offence and it was not unusual for the non-imprisoned parent to be faced with a series of awkward questions.

### **Discussion and Recommendations**

Consistent with previous research,<sup>15</sup> the present study has highlighted the importance of frequent and good quality visits in satisfying the emotional wellbeing of children of prisoners. Regular visits have both immediate and longer-term benefits for a child, including reassuring the child that their imprisoned parent is safe and well and satisfying their emotional need for face-to-face contact with their parent. 'Good quality' visits are characterised by welcoming and relaxed environments,

freedom for physical interaction with the imprisoned parent, and the provision of meaningful activities to support parent-child interaction. On the whole, Family Days were found to be particularly effective in meeting the requirements of 'good quality' visits. Family Days were found to reduce the emotional impact of prison visiting by minimising the anxiety, distress, and in some cases boredom, experienced during normal social visits. The degree of 'normality' often achieved on Family Days was also found to be more conducive to facilitating engagement between children

... the present study has highlighted the importance of frequent and good quality visits in satisfying the emotional wellbeing of children of prisoners.

and imprisoned parents. This is likely to be more effective in maintaining existing bonds and strengthening those that have become fragile as a consequence of the parents offence and/or imprisonment.

In contrast to previous research, the present study has placed more emphasis on the importance of timely first visits in protecting children's emotional wellbeing, the difficulties associated with saying goodbye at the end of visits, and the adverse emotions experienced in the aftermath of visits.

The inclusion of both imprisoned mothers and fathers in the present study has also revealed some previously unreported findings — the gender of the parent in prison seems to have little bearing on how much that parent is missed and visits to mothers and fathers are equally important in protecting the emotional wellbeing of the child. The Corston report was paramount to improving recognition of the needs of imprisoned mothers and their children,<sup>16</sup> but findings from the present study contradict assertions that

15. Murray (2005); Poehlmann, Dallaire, Loper and Shear (2010); and Nesmith and Ruhland (2008); see n.12 and n.13.

16. Home Office (2007); see n.8.

maternal imprisonment has worse effects for children. The previous comments about the importance of early, frequent and 'good quality' visits apply equally to both children with imprisoned mothers and fathers.

It is unfortunate that for such a long time prisoners' behaviour has determined the frequency and type of contact that they will have with their children, thus exerting an influence on the extent to which the emotional needs of their children are met. Thankfully the importance of visits in meeting the needs of imprisoned mothers and their children has since been recognised and visiting arrangements have been detached from the IEP Scheme in the female estate. The male estate has failed to follow suit, and despite proposed reforms to the IEP Scheme, it appears that visiting arrangements will remain inextricably linked to prisoners' behaviour.

When the IEP Scheme is contrasted with other policies, it is difficult to see how government officials could justify retaining visiting arrangements as an incentive. The United Nations Convention on the Rights of the Child (UNCRC), to which the UK is a signatory, states that '*the best interests of the child must be a primary consideration in all actions concerning them*'.<sup>17</sup> It also stresses that when a child is separated from one or both parents, they have a right to contact with them providing that it does not cause the child any harm.<sup>18</sup> Evidence from the present study clearly outlines that retaining visiting arrangements as a key incentive within the IEP Scheme is incompatible with meeting the best interests of children. It is therefore argued that incentivising contact defies international policy regarding children's rights.

Children and families feature in several aspects of national prison policy, perhaps most notably policy surrounding reducing reoffending. This has made considerable advances in recognising the support needs of children and families, and it is difficult to see how incentivising contact could co-exist alongside such developments. The 'National Reducing Re-offending Delivery Plan', which identifies children and families as one of the seven pathways to reducing re-offending, places responsibility on prisons to protect the emotional wellbeing of children attending visits.<sup>19</sup> The importance of supporting children of prisoners is further re-iterated in 'Reducing re-offending: supporting families, creating

better futures', which states that visits should be arranged with the needs of children in mind, visits should be a positive experience for children, and child-centred visits or Family Days should be regularly available.<sup>20</sup>

It is recommended that, in order to effectively meet the legal rights and emotional needs of children affected by parental imprisonment, the frequency of visits and access to Family Days should also be detached from the IEP Scheme in the male estate.

It is acknowledged that Family Days can only accommodate a small number of families and that resources limit the frequency with which these can be delivered. In practice it might be unfeasible to give all families' access to Family Days, and therefore it is suggested that eligibility is assessed according to the needs of children. Findings from the present study indicate that children who struggle to interact with their parent under normal visiting conditions, or who find the normal visiting conditions highly distressing, benefit most from Family Days.

One limitation of the present study is that most of the children who participated were visiting their parent on a regular basis, and so it was not feasible to comment on their wellbeing in relation to children who do not visit their imprisoned parent. Research that has examined the impact of other forms of separation (e.g. divorce) has demonstrated that an absence of contact with the parent can lead to feelings of loss, rejection and insecurity; decreased self-esteem; and behavioural difficulties for the child.<sup>21</sup> Further research is required to examine the specific effects of the absence of contact between children and imprisoned parents. It is also suggested that future research might explore how first night procedures can operate to ensure timely first visits, and how children can be supported at the end of/in the aftermath of visits.

To conclude, all aspects of prison policy that exert either a direct or indirect influence on children should strive to conform with the UNCRC by making the protection of children's best interests a primary consideration. Whilst there have been commendable advances in some areas of policy, unfortunately it seems that the forthcoming reforms to the IEP Scheme will continue to fall short of meeting the rights and needs of children of prisoners.

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17. United Nations (1989) United Nations Convention on the Rights of the Child, Article 3, Paragraph 1. Geneva: United Nations.

18. United Nations (1989) Article 9, Paragraph 3; see n.17.

19. National Offender Management Service (2005) The National Reducing Re-offending Delivery Plan. London: Home Office.

20. Ministry of Justice and Department for Children, Schools and Families (2009) Reducing re-offending: supporting families, creating better futures. A framework for improving the local delivery of support for the families of offenders. London: Ministry of Justice.

21. Lee, C.M. and Bax, K.A. (2000) 'Children's reactions to parental separation and divorce'. *Paediatrics and Child Health* 5(4):217-218.

# 'Nowhere Else to Turn'

## — Key Findings from an Evaluation of the Offenders' Families Helpline

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### Introduction

**Children and families of offenders have been described as the 'forgotten victims' of the Criminal Justice System (CJS), and advocacy groups argue that criminal justice agencies pay insufficient attention to the impact of their processes on families, meaning that their best interests can be overlooked or actively damaged.<sup>1</sup> This paper presents findings from an evaluation of the Offenders' Families Helpline — a free and confidential service providing information, emotional support and signposting to families and friends of offenders involved in any stage of the CJS. In 2013, the Helpline received almost 10,000 telephone calls and over 145,000 unique visitors to its website. The Helpline is funded by the National Offender Management Service (NOMS), and at the time of the evaluation was delivered by Partners of Prisoners and Families Support Group (POPS), a voluntary sector organisation based in Manchester. The aims of the evaluation were to assess the extent to which the Helpline meets families' support needs, and to evidence the impact and outcomes of the Helpline for family members.**

### The Impact of the CJS on Families

Offenders and their families represent a particularly vulnerable section of society where unemployment, debt, family discord, substance misuse and mental health problems are disproportionately common even before involvement in the CJS.<sup>2</sup> Although involvement in the CJS does not necessarily signal the onset of problems for

families, there is a growing body of literature that demonstrates how the various stages of the system can add to the challenges that they are already experiencing.

For family members, an offenders' arrest can be sudden and unexpected, and can be accompanied by feelings of shock and disbelief.<sup>3</sup> Information about the arrest, for example, the offence with which they are charged or the police station at which they will be detained, is not necessarily made available or properly explained to family members.<sup>4</sup> Witnessing the arrest of a parent can be highly traumatic for children, and can go unexplained for some time whilst the remaining parent/carer devises a strategy for telling the child.<sup>5</sup>

There can be considerable delays between the arrest and court proceedings, and this period is often characterised by feelings of uncertainty regarding the future, stress, anxiety, and heightened family conflict.<sup>6</sup> When the court hearing finally arrives, proceedings and sentencing outcomes can be difficult for families to comprehend.

The imposition of a custodial sentence can be advantageous for some families — providing a welcome reprieve from domestic violence or substance misuse — but there is considerable evidence that families are more likely to suffer as a direct result of imprisonment.<sup>7</sup> Imprisonment can be associated with a loss of income, strain to partner relationships, disruption to children's care giving arrangements, and unwelcome adjustments to roles and responsibilities within the family.<sup>8</sup>

Furthermore, families of prisoners are known to experience severe stigma, bullying, victimisation and social isolation.<sup>9</sup> Understandably, many families adopt a policy of secrecy to protect themselves from negative community reactions, but as a consequence, this inhibits the

1. Cunningham, A. (2001) Forgotten families — the impacts of imprisonment. *Family Matters* 59(Winter): 36-37; and Robertson, O. (2007) *The Impact of Parental Imprisonment on Children*. Geneva: Quaker United Nations Office.
2. Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*. London: Social Exclusion Unit.
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4. Jones, A., Gallagher, B., Manby, M., Robertson, O., Schützwohl, M., Berman, A., Hirschfield, A., Ayre, L., Urban, M. and Sharratt, K. (2013) *Children of Prisoners: Interventions and mitigations to strengthen mental health*. Huddersfield: University of Huddersfield.
5. Phillips, S. and Zhao, J. (2010) The relationship between witnessing arrests and elevated symptoms of posttraumatic stress: Findings from a national study of children involved in the child welfare system. *Children and Youth Service Review* 32(10): 1246-1254.
6. See Jones et al (2013) n.4.
7. Murray, J. (2005) The effects of imprisonment on families and children of prisoners. In Liebling, A. and Maruna, S. (eds) *The Effects of Imprisonment*. Devon: Willan Publishing.
8. See Robertson (2007) n.1.
9. Murray, J. (2007) The cycle of punishment: Social Exclusion of Prisoners and their children. *Criminology and Criminal Justice* 7(1): 55-81.

opportunity to seek support from their established social networks. Perhaps it is not surprising then, that partners and children of prisoners frequently experience poorer mental health outcomes.<sup>10</sup>

Maintaining contact with the individual in prison has multiple benefits, including sustaining partner relationships and parent-child attachments, protecting the wellbeing of individual family members, and also reducing the likelihood of reoffending.<sup>11</sup> Despite this, it is estimated that 43 per cent of prisoners lose touch with their families during their time in prison.<sup>12</sup> The emotional strain experienced by families can diminish their willingness to maintain contact with the offender.<sup>13</sup> The distance to the prison and the associated travel costs, complicated visits booking systems and the cost of telephone credit can also present challenges to maintaining contact.<sup>14</sup>

An offender's return to the family home — after months or perhaps even years in prison — can have dramatic and unanticipated consequences for all concerned. Families report problems re-adjusting, communicating, and negotiating roles and responsibilities around the home.<sup>15</sup> If the offender experiences difficulties finding employment, relapses into drug or alcohol misuse, or re-offends, this can also be a major source of frustration or disappointment for families.

## Methodology

An independent evaluation of the Offenders' Families Helpline was conducted by the University of Huddersfield in December 2013-February 2014. The evaluation adopted a multi-stranded methodology, which was approved by the School of Human and Health Sciences Research and Ethics Council. Protocols were established to ensure that family members were able to give their informed consent and understood their rights as participants.

1. Sixty eight family members who had accessed the Helpline participated in a telephone survey. All of these participants had accessed the service by telephone, but only eleven had also accessed the website, meaning that

the analysis was restricted to data relating to the telephone service. The survey elicited information related to satisfaction with the service, the extent to which the Helpline meets families support needs, and the impact of the service on callers. Respondents were mostly female (77.3 per cent) and white British (79.4 per cent). Wives/partners/girlfriends (30.8 per cent) and mothers (29.2 per cent) of offenders' accounted for the largest proportion of all participants. Most of the participants had contacted the Helpline for issues relating to prison (57.4 per cent), followed by issues concerning release from prison (19.1 per cent). When compared to existing call monitoring data, it was found that participants were highly representative of all service users, as were their reasons for accessing the Helpline.

2. Four family members who participated in the telephone survey also took part in semi-structured interviews. The interviews covered similar topics to the questionnaire but were intended to elicit more in-depth information. All interviewees were female and had either a son or close friend in prison. Interviews were also conducted via telephone and lasted approximately 15-20 minutes. Interviews were recorded and fully transcribed.

3. Two focus groups were conducted with the Helpline team, including the Service Co-ordinator and volunteers. The focus groups covered a variety of themes including the aims and objectives of the Helpline, perceived benefits of the Helpline to families, and the personal qualities and skills required to successfully support families. Focus groups lasted approximately one hour, and were recorded and fully transcribed.

## Findings

Overall, the Helpline was found to provide a crucial service that was highly effective in meeting families' support needs. Four prominent themes emerged from the telephone survey and interviews, and each is discussed in turn below.

... it is estimated that 43 per cent of prisoners lose touch with their families during their time in prison.

10. Wildeman, C., Schnittker, D. and Turney, K. (2012) Despair by association? The Mental Health of Mothers with Children by Recently Incarcerated Fathers. *American Sociological Review* 77(2): 216-243; and Nesmith, A. and Ruhland, E. (2008) Children of incarcerated parents: Challenges and resiliency, in their own words. *Children and Youth Services Review* 30(10): 1119-1130.
11. Sharratt, K. (in press) Children's Experiences of Contact with Imprisoned Parents: A Comparison between Four European Countries. *European Journal of Criminology*; and May, C., Sharma, N. and Stewart, D. (2008) Factors linked to re-offending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 & 2004. Ministry of Justice Research Summary 5. London: Ministry of Justice.
12. National Offender Management Service (2005) The National Reducing Re-offending Delivery Plan. London: Home Office.
13. See Sharratt (in press) n.11.
14. Clarke, L., O'Brien, M., Day, R.D., Godwin, H., Connolly, J., Hemmings, J. and Van Leeson, T. (2005) Fathering behind Bars in English Prisons: Imprisoned Fathers' Identity and Contact with Their Children. *Fathering* 3(3): 221-241.
15. Naser, R.L. and Visher, C.A. (2006) Family Members Experiences with Incarceration and Reentry. *Western Criminology Review* 7(2): 20-31.

### *'Nowhere Else to Turn'*

As part of the telephone survey, participants were asked if they believed that there were lots of other places that families could seek **information** about the CJS, and most responded 'no' (79.4 per cent), a few responded 'yes' (14.3 per cent) and a small proportion were unsure (6.3 per cent). Perceptions about alternative sources of **emotional support** for families affected by the CJS were similar (81.8 per cent responded 'no', 15.2 per cent 'yes' and 3.0 per cent 'not sure').

The perceived absence of alternative sources of support for offenders' families was also echoed in the interviews (e.g. *'I feel like there is nowhere else to turn'*). Interviewees described the relief that they experienced when they first discovered the Helpline, and said that it was reassuring to know that *'someone is there, that there is somebody that you can speak to'*.

*I didn't know that there was anybody there to turn to. I thought it was just go to this jail and that was it, you were on your own, that's the end for you.*

Family members also described the Helpline as a unique service and said that there were few comparable sources of information and support for families affected by the CJS:

*With there not being anything else like them, I don't know what people would do...the Helpline is the only hope for them.*

Interviews with the Helpline team offered further insights into the perceived lack of support for families. It was reported that families often encounter difficulties obtaining information from criminal justice agencies. Prisons, for example, have limited resources to respond to families' queries, and are also bound by strict security and data protection regulations that prevent the release of certain information.

Indeed, one interviewee expressed her frustration that despite contacting several different agencies on numerous occasions, she had been unsuccessful in receiving a response to her query, and said that the Helpline were *'the only people that have actually been helpful'*:

*Our experience of Probation is that they have no contact at all with the families. The prison were just like 'confidentiality, we can't speak to*

*you'. We had major concerns for his health and wellbeing and they kept quoting the Data Protection Act...*

Although the preferred approach of the Helpline was to provide families with a platform from which they can resolve issues independently, sometimes obstacles associated with obtaining information from criminal justice agencies limited the extent to which this is possible. In these cases, the Helpline was able to act as an effective intermediary between families and agencies, made possible by well-established links with criminal justice agencies. The Helpline team pointed out that by responding directly to families' queries, there was no need for them to contact the prison, and so the Helpline could reduce some of the burden on prisons' already over-stretched resources.

During the interviews, family members continued to speak positively about the Helpline team's knowledge of the CJS and their ability to confidently answer their queries.

### *Meeting Families' Information Needs*

It was apparent from the interviews that the support needs of families and offenders are heavily intertwined, and in supporting families, the Helpline invariably supports offenders too. This is particularly true for offenders who are held in custody and are less able to deal with issues themselves, in which case families often play an important role in accessing information of their behalf.

The telephone survey revealed very positive perceptions of the information provided by the Helpline. On a scale ranging from 1 to 5, the statements *'At the end of my call, I had enough information to deal with the issue better'* and *'The information that I received was easy to understand'* received mean scores of 4.92 and 4.91 respectively. The statement *'I had confidence that the person I spoke to could deal with my concerns'* achieved a mean score of 4.92.

During the interviews, family members continued to speak positively about the Helpline team's knowledge of the CJS and their ability to confidently answer their queries. Some interviewees reported that they had found information provided by the CJS to be either contradictory (e.g. *'I was being told one thing and then I was being told another'*) or difficult to understand, and expressed their gratitude to the Helpline for providing valuable clarification and explanation.

*They were excellent, they were straight to the bone, anything I wanted to ask, I got an answer to, I didn't get a 'don't know' or 'unsure'.*

*I just felt like I was in a foreign country and I didn't speak the same language at all...I suppose it was explanations in plain English really, in a language that I understood, without the legal jargon.*

A couple of interviewees commended the Helpline for providing information quickly, saying that delays would only exacerbate their anxieties. Other family members indicated that they would like the Helpline's opening hours to be extended as having to wait to speak to someone could prolong and heighten their feelings of stress. It is noteworthy that this was the only potential area for improvement mentioned by family members during the survey and interviews.

*You're stressed enough as it is, I am at the moment you know, you want the answers...you don't want to be faffing around, waiting and waiting...*

*...if you can't talk to someone you just let things stew, and the more you think about it, the more worked up you get, and this is not good, you get stressed...*

#### *Helping Families to Cope*

All of the family members who were interviewed indicated that they had primarily contacted the Helpline seeking information, but also reported that they had found it to be a very valuable source of emotional support. The Helpline team highlighted that although families might initially call with a question, it can become apparent that they are really seeking emotional support. Families can be very conscious of the stigma associated with their involvement in the CJS, and might be hesitant to confide in others for fear of how they will react. The Helpline team reported that it was important to be sensitive to how callers are feeling in order to properly recognise their support needs, and that building a sense of rapport and trust was crucial in enabling family members to confide in the Helpline.

Perhaps one of the most pertinent examples of how the Helpline supports both families and offenders, are calls from family members who are concerned about the safety or wellbeing of a prisoner, for example, in relation to bullying or self-harm. In contacting the prison on behalf of the family, the Helpline can ensure that the appropriate safeguarding procedures are instigated, and can also report back to

the family that their relative is being looked after, providing much needed reassurance.

It was evident from the interviews that family members called the Helpline in various states of distress, despair, frustration and anger. Interviews provided evidence that the Helpline was successful in helping families to cope with a range of emotions, for example:

*I was a bit upset on the phone, I was in a bit of a turmoil, I was all agitated before I rang, she was excellent, she helped calm me down really.*

Nevertheless, the emotion that family members most often associated with their involvement in the CJS was 'stress'. Interviews suggested that the first point of contact with the CJS could be one of the most stressful

times for families (e.g. *'I did not know where to even begin when my son was remanded in custody'*, and interviewees variously described feeling *'panicked'*, *'lost'* and *'confused'* at this time.

For a few interviewees, intense or prolonged periods of stress seemed to be having adverse implications for their health, but the Helpline provided a much-needed sense of relief:

*Miles better because I'd had a weight lifted off my shoulder, because I'd been getting frantic with it, I'd been stressing out, making*

*myself worse.*

The telephone survey indicated that the Helpline was very successful in alleviating feelings of stress and anxiety. On a scale ranging from 1 to 5, the statements *'At the end of my call, I felt reassured'* and *'At the end of my call, I felt more confident about my situation'* received mean scores of 4.91 and 4.88 respectively.

The Helpline team reported that although they provided immediate support, part of the ethos of the service was to enable families to develop coping strategies to deal with their situation on their own. This was reflected in the interviews with family members who reported that the Helpline provided them with a sense of courage to deal with challenges posed by the CJS (e.g. *'She was strength to me, even though I don't know the girl...'*).

During the evaluation, it emerged that a number of staff and volunteers had previously been affected by a friend or relative's involvement in the CJS. It was believed that personal experience enabled the team to thoroughly empathise with families, and contributed to the provision

The Helpline team highlighted that although families might initially call with a question, it can become apparent that they are really seeking emotional support.

of high quality support. Indeed, the questionnaire item *'The person that answered my call seemed to understand my situation'* received a mean score of 4.97 out of a maximum of 5. Support for this assertion was also provided by one of the family members interviewed who said that most people struggled to understand her concerns: *'Well friends and family don't get me because they're not in that situation'*.

#### *Refreshingly Genuine and Non-Judgemental*

Simply knowing that the Offenders' Families Helpline existed seemed to make a real difference to the family members interviewed; it provided a sense that their support needs have been recognised and they had been acknowledged as an important part of society. The sense that families of offenders 'mattered' seemed to be further reinforced by the style in which the Helpline team responded to calls. Family members reported that the Helpline team really listened to and understood their concerns, and put a considerable degree of effort into helping families resolve issues. Callers were left with the impression that the Helpline team genuinely cared about families and had a genuine desire to help them.

*...you know, sometimes you can talk to someone and they're 'um, um, um' but you know that they're not taking in things, they really, really do.*

*They were genuine like they wanted to give you help and advice, like they really wanted to help.*

As anticipated, interviews with family members revealed that there was a great deal of stigma and prejudice associated with involvement in the CJS. One family member reported that she was so *'embarrassed'* and *'ashamed'* of her son's imprisonment that she felt unable to confide in family or friends. Other participants reported that they had spoken to family and friends about their situation, but had found them to be very opinionated and felt that they were being *'judged'*. Interviewees reported that although family members tried to be supportive, as a result of the negative attitudes towards offending, their efforts often seemed very insincere:

*Family and friends are trying to support you but its either coming across as 'poor you', 'poor him', or they think that you are a bad parent...*

A couple of the interviewees thought that the emotional attachment to family and friends made it impossible for them to provide unbiased support. The Helpline on the other hand was perceived to be *'detached'*. According to families this enabled them to provide support in a more impartial manner and to take a *'view from the outside'*.

*Family especially are very opinionated, because the Helpline haven't got any emotional attachment, they are not judgemental....There's no 'he shouldn't have done that, he wouldn't have landed himself in prison then'. That's refreshing, you really need that.*

#### **Summary and Conclusion**

Previous literature revealed that offenders' families may be classed as a particularly vulnerable section of society. Involvement at all stages of the CJS has negative implications for families including disruption to family relationships, practical and financial challenges, deleterious consequences to emotional wellbeing, and stigma and isolation. Maintaining relationships between offenders and their families is likely to present significant benefits in terms of preventing family break-

down, protecting the wellbeing of individual family members, and reducing the likelihood of re-offending. Despite this, a significant proportion of relationships break down as a result of emotional strain and practical and financial barriers to sustaining contact with relatives in prison.

The literature points to a need for services designed to reduce the negative impact on families involved in the CJS. Families' support needs are likely to be complex and diverse but might include access to information (e.g. explanations of criminal justice procedures and arrangements for contact) and emotional support provided in a confidential and non-judgemental manner. Families might also require help and advice on how to support children throughout the various stages of the CJS, and signposting to other agencies and organisations that can offer assistance with regards to finance, health, accommodation, etc. Services designed to support relationships between offenders and families are also likely to have a positive impact.

There are several regionally-based services dedicated to supporting families affected by a relative's involvement

Callers were left with the impression that the Helpline team genuinely cared about families and had a genuine desire to help them.

in the CJS, but the Offenders' Families Helpline is the only service available to families across the whole of England and Wales. The volume of telephone calls and website hits (in 2013 this was 10,000 and 145,000 respectively) provides a clear indication that the Helpline is a much-needed service, and this was further evidenced by the evaluation. Approximately 80 per cent of family members surveyed thought that there were few alternative sources of information and emotional support for families. Interviewees also reported that they felt there was *'nowhere else to turn'*, and perceived the Helpline to be a unique source of support.

These findings might reflect the difficulties that families experience obtaining information from criminal justice agencies. It should, however, be acknowledged that agencies have limited resources to respond to families concerns and regulations exist preventing the release of certain information. Nevertheless, the well-established reputation of the Helpline enabled them to act as a successful intermediary between families and agencies where necessary.

Even though the Helpline fills an important gap in service provision, this does not guarantee its success in meeting families' support needs. The evaluation, however, revealed that the Helpline was very effective in meeting families' needs for information and emotional support. Both the questionnaire survey and interviews found that the Helpline provided easily-accessible information and enabled families to cope with a range of emotions, particularly stress. By providing a combination of good quality information (e.g. about prison visiting arrangements) and emotional support that reduces the strains associated with the CJS, the Helpline has the potential to influence the likelihood that relationships between offenders and their families are maintained.

The evaluation also revealed that family members perceived the Helpline team to be very understanding, genuine and non-judgemental. The quality of service provision could partly be attributed to some of the Helpline team having personal experience of the CJS; therefore enabling them to better empathise with families' circumstances.

Although the focus of the evaluation was primarily the extent to which the Helpline meets families' support needs, a number of additional benefits emerged. In responding directly to families' queries, the Helpline was found to reduce some of the pressure on criminal justice agencies already over-stretched resources. The Helpline was also found to support the instigation of safeguarding

procedures in prisons, and to provide an indirect source of information for offenders. Further research exploring how non-governmental organisations, including but not limited to the Offenders' Families Helpline, can support the interface between families and criminal justice agencies would be advantageous.

In light of the finding that being able to access information quickly is important in meeting families' support needs, the evaluation recommends that the opening hours of the Helpline are reviewed. It is acknowledged, however, that the evaluation had a modest sample size and therefore this observation might not necessarily reflect the views of all family members accessing the Helpline.

A further limitation of the evaluation was that, due to the small number of participants who reported accessing the website, it was not feasible to assess the extent to which this aspect of the service effectively meets families' needs. Therefore further research is required to understand the impact and outcomes of the website for family members. Although the website might provide instantaneous access to information, it seems unlikely that it would be able to rival the quality of the unbiased emotional support provided by telephone, or to support the interface between families and criminal justice agencies so seamlessly.

Overall, the Offenders' Families Helpline was found to make an important contribution to reducing the negative impact of the CJS on families, particularly in terms of alleviating negative emotional consequences and supporting families and offenders to maintain relationships. Well-established links with criminal justice agencies, and personal experience of the CJS might partly explain the effectiveness of the service. Although further research is required to explore alternative mechanisms to support offenders' families, it is envisioned that an online-only service would not suffice.

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# Mothers in Prison:

## the sentencing of mothers and the rights of the child<sup>1</sup>

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**The Human Rights Act 1998 came into force in October 2000. Section 6 obliges all public bodies, including the courts, to comply with the European Convention on Human Rights. Article 8 of the European Convention on Human Rights and Fundamental Freedoms (1950) (ECHR) states that everyone has the right to respect for private and family life. As imprisonment of a father or mother entails the forcible separation of a child from its parents and therefore impacts on the child's Article 8 rights, sentencing courts are required to obtain information on dependent children and then conduct a balancing exercise weighing the Article 8 rights of potentially affected children against the seriousness of the parent's offence. I have undertaken research to explore to what extent, if at all, the required balancing exercise is being carried out in the English sentencing courts and whether the courts are complying with the Human Rights Act in this respect. The research covered 75 cases of the imposition of custody (suspended and immediate) on mothers who care for a dependent child**

### Introduction

The last ten years or so have seen a dramatic rise in the number of women in prison, from an average of 1560 in 1993 to about 4460 in June 2006 (the Prison Reform Trust.)<sup>2</sup> In August 2010 the number of women in prison in England and Wales was 4,230. Of the 10,181 women and girls who entered prison in England and Wales in 2011, about half were on remand, spending an average of four to six weeks in prison.<sup>3</sup>

Following conviction, 61 per cent of women sentenced to custody received sentences of less than six months. In 2008 3,000 women (27 per cent) were sentenced to custody for 3 months or less of whom 176 were sentenced to 10 days or less.<sup>4</sup> This suggests that a significant number of women are imprisoned for relatively minor offences. Many have dependent children. Most of the rise in the female prison population can be explained by a significant increase in the severity of sentences.<sup>5</sup> In 1996, 10 per cent of women convicted of an indictable offence were sent to prison; in 2006 the figure was 15 per cent.<sup>6</sup>

Sixty-six per cent of women prisoners are mothers of children under the age of 18, and each year it is estimated that more than 17,700 children are separated from their mothers by imprisonment. Only 5 per cent of children remain in their own home once their mother has been sentenced. At least a third of mothers in prison are lone parents before imprisonment. A Home Office study found that, for 85 per cent of mothers, prison was the first time they had been separated from their children for any significant length of time.<sup>7</sup>

Research in the UK and across Europe on the effects of parental imprisonment has identified 'complex health, social and welfare disadvantages, including the impact of poverty, family discord, substance abuse and mental health issues. The imprisonment of mothers, for example, has been described as having 'wreaked havoc on family stability and children's well-being' .<sup>8</sup> A number of studies have shown long-term detrimental effects on children of the incarceration of their parents.<sup>9</sup> Murray and Murray report that parental incarceration is a strong risk factor for long-lasting psychopathology with antisocial outcomes.<sup>10</sup> Parental incarceration might threaten children's attachment security because of parent-child separation,

1. This research was funded partly by Coventry University and partly by *The Oakdale Trust*. I am grateful for this support which provided payment for the transcripts of sentencing remarks. I would also like to thank *Women in Prison* for their help in making this research possible.
2. Statistics from the Bromley Briefing produced by the Prison Reform Trust (2010): [www.prisonreformtrust.org.uk/](http://www.prisonreformtrust.org.uk/)
3. Number of female receptions 2011, Ministry of Justice statistics.
4. Ministry of Justice, Freedom of Information Request.
5. Hough M., Jacobson, J. and Millie A. (2003) *The Decision to Imprison: Sentencing and the Prison Population*, Prison Reform Trust, London.
6. Ministry of Justice (2007) *Sentencing Statistics 2006*, London.
7. Home Office Research Study 162 (1997), *Imprisoned Women and Mothers*, Home Office, London.
8. Convery, U. and Moore, L. (2011) Children of imprisoned parents and their problems, in *Children of Imprisoned Parents*, (Ed.) Peter Scharff-Smith and Lucy Gampell, European Network for Children of Imprisoned Parents, Denmark, p 12.
9. Murray, J., Farrington, D. P., & Sekol, I. (2012). Children's antisocial behavior, mental health, drug use, and educational performance after parental incarceration: A systematic review and meta-analysis, *Psychological Bulletin*.
10. Murray, J., & Murray, L. (2010). Parental incarceration, attachment and child psychopathology, in *Attachment & Human Development*, 12(4), pp 289-309.

restricted contact with incarcerated parents, and unstable care giving arrangements. Maternal incarceration tends to cause more disruption for children than paternal incarceration and may lead to greater risk for insecure attachment and psychopathology.

### The Human Rights Framework

#### THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (CRC) 1989

The Convention on the Rights of the Child 1989 (CRC) is the specific international instrument intended to secure specific children's rights. Article 3 (1) of the CRC reads as follows:

*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*<sup>11</sup>

The Committee on the Rights of the Child has indicated that the best interests of the child of a defendant or an imprisoned parent must be considered carefully and independently by 'competent professionals and taken into account in all decisions related to detention, including pre-trial detention and sentencing, and decisions concerning the placement of the child'.<sup>12</sup>

The need to consider the best interests of the child was recently cited by Lady Justice Hale in a Supreme Court case concerning deportation of a mother of young children.<sup>13</sup>

The CRC neither offers a precise definition, nor explicitly outlines common factors of the best interests of the child, but stipulates that:

- the best interests must be the determining factor for specific actions, notably adoption (Article 21) and separation of a child from parents against their will (Article 9);

- the best interests must be a primary (but not the sole) consideration for all other actions affecting children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies (Article 3).

#### THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR) 1950

The Human Rights Act 1998 obliges all public bodies, including courts, to comply with the European Convention on Human Rights. Article 8 provides that:

1. Everyone has the right to respect for their private and family life, home and correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society ...

Imprisonment of a parent involves the forcible separation of parent and child — it interferes with the Article 8 rights of the child by depriving the child of parental care.

It is clear from both the Convention on the Rights of the Child and the European Convention on Human Rights that the rights and best interests of the child must be a primary consideration when a court of law is considering a decision which may cause the separation from a parent due to incarceration.

Maternal incarceration tends to cause more disruption for children than paternal incarceration and may lead to greater risk for insecure attachment and psychopathology.

#### Leading cases

Two early cases considered the impact of the Article 8 rights of the child on the criminal process.

*R (on the application of Stokes) v Gwent Magistrates Court*<sup>14</sup>

Ms Stokes, mother of 4 children, age 16, 15, 6 and 9 months was committed to prison for 12 days suspended on payment of £5 per week for outstanding fines and compensation orders. The High Court held at judicial review that the decision of the magistrates was perverse.

11. The CRC was adopted in 1989 and entered into force in 1990 in the UK.

12. Lagoutte, Stephanie, (2011) *The human rights framework*, in *Children of Imprisoned Parents*, (Ed.) Peter Scharff-Smith and Lucy Gampell, European Network for Children of Imprisoned Parents, Denmark, p 34. See also: Townhead, Laurel, *Women in Prison & Children of Imprisoned Mothers*, Quaker United Nations Office, April 2006.

13. *ZH (Tanzania) (FC) (Appellant) v Secretary of State for the Home Department (Respondent)*[2011] UKSC 4, at para 23. Hale LJ stated: 'For our purposes the most relevant national and international obligation of the United Kingdom is contained in article 3(1) of the UNCRC: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"'.<sup>14</sup>

14. [2001] All ER (D) 125 (Jul).

The Court stated that a court considering an order to imprison which would:

*separate completely a mother from her young children with unknown consequences of the effect of that order on those children, had to take into account the need for proportionality and ask itself whether the proposed interference with the children's right to respect for their family life was proportionate to the need which made it legitimate. Committal to prison must be a remedy of final resort if all else has failed.*

*R (on the application of P and Q) v Secretary of State for the Home Department*<sup>15</sup> was a Court of Appeal case concerning the prison rule that babies in a Mother and Baby Unit had to leave the unit at the age of 18 months. Two mothers, known as P and Q, challenged the inflexible application of that rule.

Lord Phillips stated that, in sentencing a mother with dependent children, the rights of the child have to be weighed against the seriousness of the offence in a 'balancing exercise':

*Illumination of the task confronted by a court in a case concerned with a prospective violation of a child's Article 8 rights has recently been provided by Hale L J in the quite different context of interim care orders ... After saying ... that respect for family life was fundamental to the philosophy underpinning the ECHR, and describing the different levels of interference with the right to respect for family life inherent in the different types of order a court might make, she said:*

*Such an interference can only be justified under Article 8.2 if three conditions are fulfilled:*

*i) It must be 'in accordance with the law'...*

*ii) It must be in pursuit of one of the legitimate aims provided for in the Article ...*

*iii) It must be 'necessary in a democratic society': that is to say, the reasons given for the interference must be 'relevant and sufficient'... It must correspond to a 'pressing social need' and be 'proportionate' to the legitimate aim pursued ... .<sup>16</sup>*

Thus magistrates and judges must:

- a. acquire information about dependent children and
- b. balance the Article 8 rights of the child against the seriousness of the mother's offence.

These principles still hold good today and were confirmed and re-stated recently in the High Court and in the Court of Appeal.<sup>17</sup>

### The research

Does the required balancing exercise actually take place? My research aimed to explore the question whether, and to what extent, the balancing exercise is undertaken in the criminal courts when a mother with the care of a dependent child is at risk of imprisonment either on remand or on sentence.

This study concerned the duties of the courts under Article 8 of the ECHR: what these duties are and whether they are being carried out. The research aimed both to look at examples of current practice and to raise the issue of how the rights of children potentially affected by parental incarceration could be better protected in the criminal courts. Although the law regarding the rights of the child to a parent's care applies equally to a father and mother, I studied the imprisonment of mothers; in the vast majority of cases, it is imprisoning mothers that results in the loss of parental care.

I analysed 75 cases of the sentencing of mothers convicted of imprisonable offences: 5 in magistrates' courts, 31 in Crown Courts and 39 in the Court of Appeal (these were sentencing appeals against sentences pronounced in Crown Courts). In the 75

Although the law regarding the rights of the child to a parent's care applies equally to a father and mother, I studied the imprisonment of mothers; in the vast majority of cases, it is imprisoning mothers that results in the loss of parental care.

15. [2001] EWCA Civ 1151.

16. *Ibid.*, at para 65.

17. *R (on the application of Amanda Aldous) v Dartford Magistrates' Court* [2011] EWHC 1919 (Admin) in the High Court; *R v Bishop* [2011] WL 844007, Court of Appeal, *R v Petherick* [2012] EWCA Crim 2214.

cases the courts imposed 3 Community Orders, 2 imprisonments were replaced by Community Orders by the Court of Appeal, there were 51 sentences of immediate imprisonment and 19 suspended.

| Offences in cases studied        |           |            |
|----------------------------------|-----------|------------|
| Offences                         | No. cases | Percentage |
| Benefit fraud                    | 23        | 30         |
| Drugs                            | 11        | 15         |
| Perverting the course of justice | 9         | 13         |
| Fraud and deception              | 7         | 9          |
| Assault                          | 3         | 4          |
| Possessing a weapon              | 3         | 4          |
| Handling stolen goods            | 3         | 4          |
| Car offences                     | 2         | 3          |
| Council Tax default              | 2         | 3          |
| Shoplifting                      | 1         | 1          |
| Other*                           | 11        | 14         |
| Total                            | 75        | 100        |

\* This includes aiding illegal entry to the UK, blackmail, robbery, transfer of criminal property, conspiracy to evade duty.

The shortest sentence was 2 weeks for Council Tax default; the longest was 15 years for drugs importation. There were 19 suspended sentences and 51 sentences of immediate custody. There were also 3 sentences of imprisonment reduced by the Court of Appeal to a Community Order.

| Sentences: Immediate custody imposed, 51 cases |           |            |
|--|-----------|------------|
| Sentences                                      | No. cases | Percentage |
| <i>Imprisonment:</i>                           |           |            |
| 6 months or less                               | 20        | 40         |
| more than 6 months, up to 1 year               | 17        | 32         |
| more than 1 year, up to 3 years                | 8         | 16         |
| more than 3 years                              | 6         | 12         |
| Total  | 51        | 100        |

| Non custodial sentences, 24 cases                     |           |            |
|---|-----------|------------|
| Sentences   | No. cases | Percentage |
| Court of Appeal replaced custody with Community Order | 3         | 13         |
| Magistrates impose Community Order                    | 2         | 8          |
| Sentence of imprisonment suspended                    | 19        | 79         |
| Total   | 24        | 100        |

All the defendants/appellants were mothers of dependent children. The law reports, sentencing remarks and press reports studied indicate that about 155 children under the age of 18 were living with the defendants or appellants at the time of sentencing. Several were very young infants, only a few weeks old. There were a number of cases where the children were disabled.

### Findings

#### (a) No evidence of consideration of Article 8 rights

This study of 75 cases of the sentencing of mothers has found that in the cases studied there was no evidence of any specific consideration of the Article 8 rights of the child. There was a wide variation in the extent to which the care of dependent children appeared to be considered in sentencing, with the stress on the welfare of children rather than on the child's rights. In some cases, the court made no mention at all of the accused's children. In other cases the courts alluded to the trauma and misery caused to the children, but blamed the defendant, did not consider the rights of the children and did not appear to impose an alternative or reduced sentence. In some cases the court considered the welfare of the children and ordered a suspended term of imprisonment. In only a few Court of Appeal cases did the judges acknowledge the plight of the child and order a reduction in the length of sentence. However, even in the Court of Appeal, specific reference was not made to the Article 8 rights of the child.

There were seven cases where the sentencing remarks or notes in the magistrates' court made no mention at all of the dependent child or children.

#### Case studies: no mention of dependent child

*CD is a single mother of a 6-year-old child, who was on income support. Magistrates sentenced her to 2 weeks in prison for council tax default. The file notes make no reference to the fact that she is the sole carer of a young child. Had this imprisonment been challenged by judicial review it would almost certainly have been held to be unlawful and quashed. This is because the magistrates had the alternative of ordering repayment of the tax due by deduction from benefit and chose to impose imprisonment instead. It is not lawful to imprison if the magistrates have an alternative course available to them.<sup>18</sup>*

*Leanne Gidney was 18 years old, the mother of a two-year-old child. She was a heroin addict*

18. See: Epstein, R, Masson, I, and Wise, I. (2011). Imprisonment For Debt: A Case Study. *Coventry University Law Journal*, 16(2): 56-63.

*who had attempted to rob a sixteen-year-old student of the sum of £1. The judge ordered her to serve six months of an earlier sentence and twelve months for the attempted robbery, a total of 18 months. Eleven days into her sentence she committed suicide.*

In a case involving misfeasance in a public office (granting extension of student leave to would-be immigrants), the Crown Court judge appeared to refuse to obtain information about the children. The defendant was a single parent, sole carer of her 4 children aged 19, 9, 7, and 5.

The judge said:

*I am asked to adjourn sentence for a pre-sentence report. I am bound to say that I do not consider that a pre-sentence report would assist me.*

It should be noted that a pre-sentence report would normally tell the court whether dependent children were living with the defendant, how old they were, if any had disabilities or special needs, and who would care for them in the event of the mother going to prison.

In cases where sentencers imposed immediate custody the balancing exercise appeared not to have been carried out. In the case of suspended terms of imprisonment it appeared that the welfare of the children (rather than their Article 8 rights) has been weighed against the seriousness of the offence.

#### **(b) Care of children is a mitigating factor**

The fact that children's rights were not specifically referred to in sentencing does not mean that sentencers are silent on the matter of defendants' dependent children. The care of children has long been regarded as a mitigating factor. Recent definitive guidelines issued by the Sentencing Council in accordance with the Coroners and Justice Act 2009 reflect long accepted responsibility of the sentencing court to consider the interests of children of a criminal defendant. Thus, in the Assault Guideline, which took effect on 13 June 2011, and again in the Drug Offences Guideline, which took effect on 29 February 2012, among other features the defendant's responsibility as the sole or primary carer for a dependant or dependants is expressly included as potential mitigation.

In cases where sentencers imposed immediate custody the balancing exercise appeared not to have been carried out.

Sentencers frequently expressed in various ways their awareness of the plight of children of imprisoned mothers. However, this is not the same as taking account of the child's Article 8 rights and conducting the balancing exercise to weigh the child's rights against the seriousness of the offence. Sentencers did not always seek information on the dependent children as they are required to do ('If the court does not have sufficient information about the likely consequences of the compulsory separation, it must, in compliance with its obligations under section 6(1), ask for more ...')<sup>19</sup>

This research has found examples of apparent breaches of the obligation to consider the rights and welfare of the child and some sentencing remarks in which the existence of affected children is entirely ignored. In the majority of cases studied dependent children were mentioned. The courts usually regarded the fact that the defendant is caring for a child as a mitigating factor. In *R v McClue*<sup>20</sup>, for example, the Court of Appeal judge stated that the appellant, who had committed fraud, had a daughter age seven who suffered from the abandonment by her father and was emotionally vulnerable. The sister of the appellant suffered from schizophrenia and the appellant had looked after her sister's 4-year-old child since her birth. The Court of Appeal said:

*The effect on these two children of the loss of the appellant and the fear of separation has been devastating for them. ... We have been moved by the mitigation factors ... and in particular the disastrous consequences for the appellant's child and her sister's child.*

The court reduced the sentence from 18 to 8 months.

Although the Article 8 rights of the child are not specifically mentioned, the courts may state that the effects of imprisonment on children must be considered and refer to 'the well-understood principle that an offender who is the carer of three young children should be sentenced to imprisonment only if that is absolutely necessary, and secondly, if it is, for the shortest term that is conceivably commensurate with the offences in question'.<sup>21</sup>

In a number of the cases studied the courts' concern for children appeared to be expressed by:

19. *(R (on the application of P and Q) v Secretary of State for the Home Department* [2001] EWCA Civ 115) at para 79.

20. [2010] EWCA Crim 311.

21. Mr Justice Wyn Williams in *R v Evelyn Arinze* [2010] EWCA Crim 1638.

- a) asserting that courts must have regard to the effects of imprisonment on children; and
- b) regarding exceptionally needy and disabled children as having a right to care and to have this weighed against the seriousness of the offence.

The Court of Appeal cited 'the effect on children', not the child's Article 8 rights.

**(c) The sentencing guidelines**

In a number of cases the judge made a remark along the lines of 'I take into account the fact that you have dependent children' and then quoted 'sentencing guidelines' when imposing immediate custody, with no mention of the children's Article 8 rights. For example, in sentencing a mother for benefit fraud, the Crown Court judge said:

*The sentencing guidelines are perfectly plain in this case and I regard these offences as so serious that only immediate custody is appropriate. The sentence I impose is twenty weeks imprisonment.*

In accordance with s. 170(9) of the Criminal Justice Act (CJA) 2003, the Sentencing Guidelines Council issued definitive guidelines. By virtue of the CJA 2003, every court must 'have regard to a relevant guideline. This guideline applies to the sentencing of offenders convicted of statutory offences of fraud who are sentenced on or after 26 October 2009'.<sup>22</sup> The CJA 2009, s. 120 states that every court 'must, in sentencing an offender, follow any sentencing guidelines which are relevant to the offender's case ... unless the court is satisfied that it would be contrary to the interests of justice to do so'. As the section below shows, it is entirely legal to follow the guidelines with respect to the length of sentence, and then, bearing in mind the rights and welfare of affected children, suspend imprisonment.

**(d) Suspended imprisonment**

There were 51 cases of the immediate imposition of custody and 19 cases of imprisonment being suspended. Of the cases of suspended imprisonment 17 (23 per cent of the cases studied) were suspended by the sentencing court and 2 (3 per cent) by the Court of Appeal.

There were 23 cases (31 per cent of the cases studied) where mothers had committed benefit fraud. Of these 8 (one third of the benefit fraud cases) were sentenced to immediate custody. If we look at those who had committed benefit fraud and were not imprisoned, 2

were given Community Orders (punishment in the community) and 13 were given sentences of imprisonment which were suspended. 3 were heard in Magistrates' Courts and 20 in a Crown Court. The 13 cases of suspended imprisonment show a strong awareness of the effects of a mother's imprisonment on her children, and although none of them mentioned the rights of the child, it is perhaps implicit in their approach.

In one case of benefit fraud the Crown Court judge said:

*[Y]ou have chosen to have a large family, I do not criticise you for that ... You have a child who has significant difficulties, she is 13, and I am told ... that, if deprived of your care, it would have a significant detrimental effect upon her. You have another 16 year old child who has learning difficulties ...*

Her husband had very serious health problems. In this case her sentence of 10 months' imprisonment was suspended for two years.

The sentencers usually cited more than one reason for suspending the imprisonment. Reasons given were:

1. The potentially disastrous effects on the family.
2. The fact that the defendant is paying back the money fraudulently obtained.
3. The view that imprisonment would be disproportionate.
4. An early guilty plea.
5. The very high costs to the taxpayer of imprisonment.

**(e) The effects on the children**

I have already referred to the various studies carried out in a number of different countries. These studies have reported damaging effects of parental incarceration, and particularly serious negative effects when it is the mother who is separated from children by imprisonment.

In my research the mothers in prison related 'devastating' effects on their children. One mother wrote her children were 'distracted'. Another reported:

*The lives of my children are in disarray. My eldest of 17 years is doing 'A' levels .. and my youngest daughter who is in remission from cancer is in year 6.*

A mother of a three-year-old boy wrote:

In my research the mothers in prison related 'devastating' effects on their children.

22. Foreword to Sentencing Guidelines, October 2009.

*It's my family who is receiving the biggest punishment as this is a massive burden. The first words that comes out of my son's mouth when I see him or speak to him are 'When are you coming to pick me up?' or 'I want you to take me home mummy' and it is breaking my heart.*

Perhaps the most serious effects were on the child of a woman who should never have been sent to prison at all: Amanda Aldous was sentenced to 3 months in prison by magistrates for a council tax debt. Following intervention due to this research project, a High Court application led to the granting of bail, and later a High Court hearing. The decision of the magistrates to commit her to prison was declared unlawful and was quashed.<sup>23</sup> She is the mother of 5 children including a 15 year-old autistic boy. While she was in prison for 74 days (of a 90 day sentence) Mrs Aldous's daughter looked after the boy. She was 8 months pregnant at the time and she struggled to cope. When her baby was born she was of low birth weight, and the obstetrician said that this was probably due to stress suffered during the pregnancy. While his mother was in prison the boy did not want to go to school, and the school wrote letters complaining about his behaviour.

*When he got home from school he would hide himself in his bedroom and refused to come out or do anything: he would just stay at home and didn't really want to talk about the situation: he wouldn't let us know how he was feeling, every time we tried to speak to him he just changed the subject or totally avoided us.*

After his mother returned home, she reported that he is always frightened and nervous:

*He will ring me from school just to check that I'm still there. He still worries that his mother will suddenly leave again, and has fears for the future, what lies ahead for him.<sup>24</sup>*

## **A recent decision of the Court of Appeal**

*R v Rosie Lee Petherick* [2012] EWCA Crim 2214, 3 October 2012.

A recent decision in the Court of Appeal, given after the data collecting stage of the research had been completed, brought the complex issues of the Article 8 rights of the child in criminal sentencing sharply into focus.<sup>25</sup> Rosie Petherick pleaded guilty to causing death by dangerous driving and driving with excess alcohol. She was sentenced to 4 years and nine months imprisonment. She is the sole parent of a two-year-old boy who has had little contact with his father. In October 2012 the Court of Appeal heard her appeal against sentence. The Court reduced the length of imprisonment to 3 years and 10 months, and explained in detail the Court's view of the consideration that must be given by a sentencing court to the Article 8 rights of children potentially affected by parental imprisonment.

The Court stressed:

1. A criminal court ought to be informed about the domestic circumstances of the defendant and where the family life of others, especially children, will be affected it will take it into consideration.

2. The importance of the balancing exercise which is required by article 8.

3. When a case stands on the cusp of custody the balance is likely to be a fine one. In that kind of case the interference with the family life of one or more entirely

innocent children can sometimes tip the scales and means that a custodial sentence otherwise proportionate may become disproportionate.

## **Conclusion**

This study of 75 sentencing decisions concerning mothers has found that the courts did not appear to have considered the Article 8 rights of children potentially affected by their mother's imprisonment. An analysis of the sentencing remarks of Crown Court judges, together with the reports of the Court of Appeal and the files of magistrates indicated that practice regarding the required balancing exercise is inconsistent. 'A balancing exercise' is a vague phrase with no clearly defined set of procedures.

23. *R (on the application of Amanda Aldous) v Dartford Magistrates' Court* [2011] EWHC 1919 Admin. See: Epstein, R, Masson, I, and Wise, I. (2011). Imprisonment For Debt: A Case Study. *Coventry University Law Journal*, 16(2): 56-63.

24. See Epstein, R, Masson, I, and Wise, I. (2011). Imprisonment For Debt: A Case Study. *Coventry University Law Journal*, 16(2): 56-63.

25. See: Epstein, R. 'Mothers Behind Bars', *CL&JW*, (2013) 177 JPN 531.

Given the vagueness of the concept, the fact that sentencers have considerable discretion in terms of sentencing generally, and the absence of any guidelines, one can expect a large degree of inconsistency in judicial attitudes and practice in this area.

In a few rare cases where the imprisonment of a mother had caused great suffering to young children, a sentence of imprisonment was appealed, and reduced in length or suspended by the Court of Appeal. Some may conclude from this: 'Well, the Court of Appeal will come to the rescue and justice will be done'. Not so. For the vast majority of mothers in prison there will be no sentencing appeal. Those on short sentences will have no opportunity to appeal. Those sentenced for council tax debt are not given any advice on how to apply for bail, and would find great difficulty in mounting a judicial review even if they were advised that this is how their sentence must be challenged.<sup>26</sup>

Procedures must be developed as to how the balancing exercise should be carried out. Should it be a requirement that this be articulated in the sentencing remarks made by judges and magistrates when they pronounce sentence? If there is no clear reference to the balancing exercise how can we be confident that it has taken place?

No legal authorities have set out exactly what this balancing exercise should consist of. Lord Justice Phillips in *P and Q*<sup>27</sup> stated that the court considering imprisonment of a mother must have 'sufficient information' on the children likely to be affected by a parent's imprisonment. There is currently no system for ensuring that the court has this information. Reliance on what others involved in

the criminal trial have to say about the child is an inadequate way of understanding what the child's needs are and how they are to be met. Similarly, pre-sentence reports cannot be relied upon to assist the court. These reports are concerned with the history and attitudes of the defendant, are chiefly concerned with the risk of re-offending, and are not directed at the interests of the child. It is unlikely that the authors of such reports will have the expertise or qualifications to assess the child's interests. Urgent consideration is needed to how to inform sentencing courts about the child's interests. This will enable the child's interests to be given appropriate weight in deciding whether a custodial sentence which will result in separation of a child from its mother is proportionate. Action should be taken to ensure that unnecessary, lasting damage is not done to young children who are separated from their mothers for no fault of their own.

It is a legal requirement that where a mother with a dependent child is at risk of a custodial sentence, the sentencer must acquire information about the dependent children, and must then weigh the Article 8 rights of the children against the seriousness of the offence. For the most serious offences the balance will come down on the side of custody. But in some instances the court will suspend imprisonment or impose a community order rather than a custodial punishment. The vast majority of women are imprisoned for less serious offences and receive short sentences: the balancing exercise should now take centre stage.

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26. Epstein, R. and Wise, I. (1995) Magistrates in the Dock, *New Law Journal*, 567.

27. See Footnote 15.

# The Georgian Prison: Inquisitive and Investigative Tourism

Allan Brodie, Senior Investigator English Heritage.

**Some elements of the media are quick to claim that time in prison is like visiting a holiday camp. Therefore, it was perhaps with some irony that in 1996 the Prison Service briefly considered taking over Middleton Towers Holiday Camp to use as a category C prison to contribute to easing the accommodation crisis of the 1990s. Inmates would have been able to enjoy the faded remains of Harry S. Kamiya's art deco holiday camp, which opened unfortunately on 19 August 1939 and was promptly requisitioned by the government! Tourism and prisons might at first seem to be inappropriate bedfellows but this paper will seek to describe how there might be a noble reason for tourists to visit prisons.**

## Inquisitive Tourism

In the 17th century substantial numbers of wealthy people flocked to spas in search of cures for their various medical conditions and ailments and by the 18th century seaside resorts were beginning to attract a similar clientele. These people with the money and time to enjoy leisure drank spa and sea water and bathed in the sea, activities that took place in the morning before the sun had warmed the water. This left the rest of the day to socialise with fellow visitors in the circulating libraries, assembly rooms, coffee houses and theatres. It also left plentiful time for other pursuits such as walks and riding into the countryside where they could visit the country seats of aristocrats and gentry who seem to have been highly accommodating, even when they were in residence. For instance, John Feltham's *A guide to all the Watering and Sea Bathing Places ...* includes many references to places that tourists could visit. At Scarborough his entry for the resort included a number of large houses including Hackness, the home of Sir Richard Bempt Johnson where the 'company, who visit the place, are allowed every indulgence they can desire, by the worthy owner' and Castle Howard — 'Parties are frequently formed to visit Castle Howard, the seat of

the Earl of Carlisle'.<sup>1</sup> Georgian holidaymakers also spent time at other types of historic buildings that still attract millions of people today. In 1815 Thomas Lott enjoyed a youthful visit to Deal Castle: 'I forgot to mention that before we went to the play we went to deal castle a very nice large one with excellent rooms and furniture. I brought a wafer from there and also ground my knife on a Stone there. Pulled the alarm Bell. We went on the Battlements and climbed up the Ladders to the towers etc'.<sup>2</sup> The Georgian tourist also had time to keep journals and these, in combination with guidebooks, reveal that the enquiring visitor could also venture to a range of less historic sites. Charles Powell, who was sixteen years old in 1823, was interested in more recent coastal fortifications, visiting Martello towers on the Kent Coast and looking at steamships at Ramsgate, vessels at the cutting edge of technology.<sup>3</sup> Daniel Benham while on holiday visited Margate's Royal Sea Bathing Infirmary in 1829.<sup>4</sup>

The English coast was in the frontline of wars with during 18th century, yet visits to military sites and garrisons were commonplace. It is surprising that prisons were also places where holidaymakers seem to have visited routinely. Teenage Charles Powell visited Maidstone Gaol a year after Daniel Asher Alexander's monumental detached-radial plan structure had been completed in 1822.<sup>5</sup> On 19 September he recounts how they: 'Arrived at Maidstone at 4 o'clock to Bell Inn, Papa came in soon after us, then we all walked to the New Jail a fine stone building — went into the wards and chapel — saw the prisoners spinning, weaving, making mats, string, ropes, etc., then we came in to dinner.'<sup>6</sup> At the end of his day's visit he concluded that: 'Maidstone seems a large town and the Jail a large, strong, melancholy and clean place of punishment.'

It is clear from Charles Powell's diary that he and his father were inquisitive about a range of places and activities, but it is also evident that Maidstone Prison, like the Martello Tower and the steamships in the harbour, were simply part of the family's entertainment while on holiday. The 19th century may have been the

1. Feltham, John (1803) *A guide to all the Watering and Sea Bathing Places, with a description of the Lakes; a sketch of a tour in Wales, and Itineraries*. London, 98-9.
2. Grandfield, Y. (1989) The Holiday Diary of Thomas Lott: 12-22 July, 1815, *Archaeologia Cantiana*. 107, 63-82, 78.
3. Hull, F. (ed) (1966) A Kentish Holiday, 1823, *Archaeologia Cantiana*. 81, 109-17, 111-3.
4. Whyman, J. (1980) A Three-Week Holiday in Ramsgate during July and August 1829, *Archaeologia Cantiana*. 96, 185-225, 200.
5. Brodie, Allan et al (2002) *English Prisons*. Swindon: English Heritage, 67-70.
6. Hull, F. (ed) (1966) A Kentish Holiday, 1823, *Archaeologia Cantiana*. 81, 109-17, 110.

heyday of the freak show at fairs, but visiting hospitals, asylums and prisons is almost a manifestation of the same kind of interest in the 'grotesque body', one that is now satisfied by quasi-medical television programmes.<sup>7</sup> The works of other more famous writers demonstrate that prisons were part of mainstream tourism at least from the early 18th century. John Macky in 1714 visited the new Bethlem Hospital, which had been designed by Robert Hooke in 1676, and he also visited Bridewell:

*BRIDEWELL was formerly a Royal Palace, but is now converted into a Work-house, like the Rasp-House at Amsterdam. Many a pretty Girl is brought into it with their fine Cloaths, but for all that is forc'd to receive Correction here for Night-Walking; of which Sort of Cattel this City abounds more than any City in the World; it being impossible to walk the Streets, and especially about the Play-Houses, without being picked up by this Sort of Vermine. There is also another House of Correction in this City for all Vagrant Loose Persons who are taken in the Night, and are there put to Work.<sup>8</sup>*

A house of correction had been established in Bridewell, the former Tudor royal palace that had remained unused since 1530.<sup>9</sup> The Great Fire largely destroyed the palatial building in 1666, but a new institution had been created on the site.

Prior to the reforms introduced as a result of the works of John Howard (1726—1790), works that were a direct result of investigative tourism, gaolers had made a living by levying fees on the arrival and discharge of inmates, and iron fetters could be removed if prisoners paid for this privilege. Some gaolers were also able to supplement their income by charging visitors to their prison. William Pitt, the keeper of Newgate, made more than £3,000 from people who wanted to see Jacobite prisoners being held there, while visitors to see the highwayman Jack Shephard in 1716 paid £200.<sup>10</sup> On 3 May 1763 James Boswell decided to visit Newgate simply out of curiosity:

*I then thought I should see prisoners of one kind or other, so went to Newgate. I stepped into a sort of court before the cells. They are surely most dismal places. There are three rows of 'em, four in a row, all above each other. They have double iron windows, and within these, strong iron rails; and in these dark mansions are the unhappy criminals confined. I did not go in, but stood in the court, where a number of strange blackguard beings with sad countenances, most of them being friends and acquaintances of those under sentence of death.<sup>11</sup>*

The ease of visiting a prison undoubtedly added to the air of disorder, but the availability of alcohol, tobacco, gambling and the mingling of the sexes also contributed to poor morality and bad behaviour.

The life of prisoners could provide amusement for visitors, but their deaths were also part of the Georgian entertainment landscape. Executions at Tyburn were the most riotous and potentially the ones most likely to cause authorities concern regarding maintaining law and order, and therefore in 1783, once repairs had been completed following the Gordon Riots, the new prison at Newgate became the site for public executions in

## The life of prisoners could provide amusement for visitors, but their deaths were also part of the Georgian entertainment landscape.

the heart of the capital. In county towns the county gaol was also the scene of public executions; at Gloucester executions took place at the gate to the new prison that was built in the 1780s. The body of the hanged prisoner dropped through a trapdoor to dangle inside the gateway for the public to witness, an arrangement reproduced in the new gate that was added in 1826 when the site was enlarged.<sup>12</sup>

### Investigative Tourism

Prisons and executions attracted the curious and the morbid, but they also attracted people who had the more altruistic aim of reforming prisons by recording and exposing to public scrutiny the conditions that inmates had to endure. Foremost amongst these

7. Urry, John (2002) *The Tourist Gaze*. London: Sage Publications, 29.  
 8. Macky, John (1714) *A Journey Through England*. London: T. Caldecott, 1, 195.  
 9. Thurley Simon (1993) *The Royal Palaces of Tudor England*. Yale, 53.  
 10. McConville, S. (1981) *A history of English prison administration*. 1 London: Routledge & Kegan Paul, 71.  
 11. Pottle, F. A. (ed) (1950) *Boswell's London Journal 1762-3* London: William Heinemann, 250-1  
 12. Neild, J. (1812) *State of the Prisons in England, Scotland, and Wales ...* London: Printed by John Nichols and Son, 245.

investigative tourists was the renowned philanthropist John Howard, but he was only one of a series 'investigative tourists' who would contribute to transforming Britain's prisons. Perhaps the earliest was Dr Thomas Bray, one of the founders of the Society for the Promotion of Christian Knowledge (SPCK), who published *An Essay Towards ye Reformation of Newgate and Other Prisons in and about London in 1702*.<sup>13</sup> He found that in Newgate there was no separation between male and female inmates, and between old incorrigible prisoners and new arrivals. Swearing, gaming and blaspheming was rife and there was unlimited access to strong liquor. As well as describing the poor conditions he suggested ways that Newgate and prisons in general could be reformed. He recommended that behaviour would be improved by employing a better type of person as the gaoler and a minister should also be provided to lead daily worship. Both should be paid a salary so that staff no longer had to rely on fees levied from inmates. Men and women would be held separately, preferably in single cells, similar to those at Bethlem Hospital. In his writing he was anticipating the reforms that John Howard would seek to implement later in the 18th century.

Following Bray's work a number of other reformers visited individual prisons and suggested, and in some case, helped to introduce reforms. Newgate was frequently at the centre of reformer's attention as it was a particularly bad place of imprisonment, as well as being conveniently based in central London, though the capital's other unhealthy gaols also received considerable attention. Newgate was damaged during the Great Fire of London, but was patched up and repaired or rebuilt by Robert Hooke in 1672.<sup>14</sup> In the course of the 18th century some improvement and enlargement took place, including the installation in 1752 by Dr Stephen Hales (1677—1761) of an air ventilator system, driven by a windmill on the roof of

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the building.<sup>15</sup> John Howard during his travels around Europe in the mid-1770s discovered that this apparently minor initiative had attracted attention from German reformers. He met Dr Duntze of Bremen who had been in London in the 1750s and had seen the ventilator at work, though he observed that the rooms were still pervaded by an offensive smell, a telling observation at a time when disease and smell were thought to be inherently linked.<sup>16</sup> In 1755 the City of London decided to rebuild Newgate Gaol, though this scheme was dropped when the government refused to contribute money. However, the need to rebuild the prison did not disappear and had to be reconsidered during the 1760s. The foundation stone of the new prison was laid on the 31 May 1770, the Sessions House was completed by 1774, and the whole complex was finished by 1780, though damage by the Gordon Rioters delayed its opening until 1783.<sup>17</sup> Newgate Gaol was undoubtedly the largest and most visible new prison of its day, but although it was a marked improvement on its predecessor, John Howard would nevertheless be rightly highly critical of it.

John Howard (1726-90) was the son of a partner in an upholstery and carpet business in London.<sup>18</sup> Following the death of his wife in 1755 he travelled to Portugal in January 1756 in the immediate aftermath of the catastrophic earthquake and tsunami, but *en route* a French privateer captured him. After a short period in prison, and two months on parole in a house in France, he returned to England in exchange for a French Officer.<sup>19</sup> On his return to England he resided at Cardington in Bedfordshire, managing his estate, but with his election to the office of High Sheriff of Bedfordshire in 1773 his life changed forever.<sup>20</sup>

As Sheriff, Howard was responsible for the management of the county gaol and he discovered that prisoners were being detained after being found innocent or after completing their sentence until they

13. Hinde, R.S.E.. (1951) *The British Penal System*. London: Gerald Duckworth and Co Ltd, 21-6.

14. Pugh, R. B. (1968) *Imprisonment in Medieval England*. Cambridge: Cambridge University Press, 137.

15. Evans, R. (1982) *The Fabrication of Virtue*. Cambridge: Cambridge University Press, 100.

16. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 118.

17. Brodie, Allan et al (2002) *English Prisons*. Swindon: English Heritage, 26-8

18. Gentlemans Magazine LXII 1792, 61-2; Howard, Derek Lionel (1958) *John Howard: Prison Reformer*. London: Christopher Johnson, 20-2; Southwood, Martin (1958) *John Howard, prison reformer. An account of his life and travels*. London: Independent Press, 14-17, 19.

19. Southwood, Martin (1958) *John Howard, prison reformer. An account of his life and travels*. London: Independent Press, 20-3; Howard, Derek Lionel (1958) *John Howard: Prison Reformer*. London: Christopher Johnson, 23-6.

20. Ramsay, M. (1977) 'John Howard and the Discovery of the Prison' *The Howard Journal of Penology and Crime Prevention*. 16, number 2, 1-16, 4.

paid a discharge fee.<sup>21</sup> To remove this impediment to their release, the Justices of the Peace insisted that he provided a precedent and therefore he visited neighbouring counties where he witnessed 'scenes of calamity, which I grew daily more and more anxious to alleviate.'<sup>22</sup>

By 4 March 1774 he had already visited many parts of England when he attended the House of Commons to give evidence in support of legislation being introduced by Alexander Popham, MP for Taunton. The result was two Acts of Parliament. The Discharged Prisoners Act 1774 abolished discharge fees and replaced it with payments from the rates.<sup>23</sup> The Health of Prisoners Act 1774 was the first concerted attempt at improving the physical conditions of prisons although it was frequently ignored.<sup>24</sup> It ordered that the walls and ceilings of cells and wards should be scraped and whitewashed once a year. They were to be regularly washed and constantly supplied with air by means of hand ventilators. Separate rooms were to be provided for sick prisoners and baths were to be introduced into prisons. An experienced surgeon or apothecary was to be appointed and all the provisions of the Act were to be painted on a board to be hung in a conspicuous part of each prison.

Although Howard could have ceased his travels, he continued to travel throughout England and Ireland until March 1775, when he went on his first visit to European prisons. In total he made seven journeys around Europe reaching as far as Moscow, Constantinople, Lisbon and Malta and between these longer trips he continued to visit British prisons. The result of these journeys was published in 1777 as *The State of the Prisons*, and revised editions appeared in 1780, 1784 and 1791.<sup>25</sup>

Howard's last journey began on 7 July 1789, a week before the storming of the Bastille, a building he had visited a few years before. He travelled along the Baltic coast to St Petersburg and Moscow. By January

1790 he had moved on to Kherson, near the Crimea, where he died on 20 January 1790 of typhus, the same disease that he had previously proved resistant to throughout his hundreds of visits to prisons.

Howard's books revealed that the buildings that he visited were usually in a poor state of repair and even modern purpose-built prisons, such as St George's Fields in Newington (Surrey), which was built in 1772, had dirty rooms inhabited by chickens.<sup>26</sup> Many prisons had no sewers or water supply and cramped urban prisons often had no exercise yards.<sup>27</sup> Inmates were sometimes detained in pits and many were forced to sleep directly on the ground.<sup>28</sup> Howard also feared that the foul air would infect him: 'It was not, I own, without some apprehensions of danger, when I first visited the prisons; and I guarded myself by smelling to

vinegar, while I was in those places, and changing my apparel afterwards.'<sup>29</sup> Vermin was also a problem in some prisons. At Knaresborough an officer who had been imprisoned for a few days 'took in with him a dog to defend him from vermin; but the dog was soon destroyed, and the Prisoner's face much disfigured by them.'<sup>30</sup> The surroundings, as well as the buildings, were also filthy with prisons such as Birmingham and Gloucester having dung heaps in the yards.<sup>31</sup>

Howard's *The State of the Prisons* is rightly celebrated as a biting indictment of the state of

prisons in the 1770s and 1780s and it is also a tribute to his stamina and tenacity in travelling so extensively. It is even more remarkable when the extraordinary complexity of legal jurisdictions is considered. Some prisons were run by towns, some by counties and in some towns they might share the same building. Similarly the house of correction and the county gaol were separate institutions, with differing origins, but they might nevertheless share one building. He also had to visit, and record, the conditions in prisons run by the church and the stannaries in Cornwall. The fragmented nature of legal jurisdictions suggests the magnitude of

## The Health of Prisoners Act 1774 was the first concerted attempt at improving the physical conditions of prisons although it was frequently ignored.

21. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 1.

22. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 2.

23. 14 Geo III, c.20.

24. 14 Geo III, c.59.

25. England, R. W. (1993) 'Who Wrote John Howard's Text ...' *British Journal of Criminology*. 33, 203-215, 203n1.

26. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 236.

27. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 14.

28. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 15.

29. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 5.

30. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 410.

31. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 275, 344.

the task that he faced when trying to gain access throughout the country. Today Howard is a celebrated reformer, but at the time in which he was conducting his first rounds of visits around England in 1773 and 1774, he was simply the Sheriff of Bedfordshire.

The records of the English and Welsh sites in *The State of the Prisons* rarely, and almost certainly deliberately, give little insight into the process of his visit to an individual site, each entry being put forward in a factual, documentary way. In his entry for Newgate he mentions that he attended prayers there on one occasion. However, there are more insights into his personal experiences in his foreign visits. In Paris he visited a number of prisons without incident, but his visit to the Bastille proved to be difficult. After knocking on the door he was allowed to enter and looked round the outside of the building; 'But whilst I was contemplating this gloomy mansion, an officer came out of the Castle much surprised, and I was forced to retreat through the mute guard, and thus regained that freedom, which for one locked up within those walls it is next to impossible to obtain'.<sup>32</sup> In Germany he spent a week in Hamburg and got into its prisons because he was accompanied by his friend Senator Voght, while in Bremen Dr Hornwinckel who was the Magistrate accompanied him.<sup>33</sup>

Howard's tireless visiting, meetings with justices and campaigning in Parliament helped to start a process of transforming England and Wales's prisons, but nevertheless in the 1830s it was recognised that there were still fundamental problems in England's prisons. Of 165 borough and town prisons examined by Municipal Corporation Commissioners in 1835, only sixty-one (37 per cent) offered adequate accommodation. Twenty-six (16 per cent) were described as being 'unfit for the confinement of human beings'.<sup>34</sup> Since 1823, the basis of prison discipline had been classification according to the nature of the offence, but this was not evenly applied. While small borough gaols were unable even to separate criminals and debtors, large county gaols and houses of

correction accommodated an increasing number of classes. Shrewsbury, for example, was divided into seventeen categories (excluding sick and condemned prisoners) in 1797, but had twenty-six categories by 1834 and therefore potentially twenty-six sets of accommodation and yards.<sup>35</sup> Classification based on the nature of the offence rather than the character of the offender was increasingly seen to be flawed, since habitual criminals convicted of minor offences were imprisoned alongside young or first offenders.

New directions would be needed and so the British Government looked to the USA for ideas. In 1831 Earl Grey's Whig administration appointed a Select Committee of the House of Commons to examine the question of secondary punishments and it reported in June 1832.<sup>36</sup> It recommended employing a system of

solitary confinement with hard labour along the lines of the silent system practised in Auburn prison in New York State. Their preference for this model rather than the separate system was influenced by publications of the Boston Prison Discipline Society and by the experience of Captain Basil Hall of the Royal Navy (1788-1844).<sup>37</sup> He had travelled extensively in North America during 1827 and 1828 and had visited a number of American prisons, including Sing-Sing and Cherry Hill. Hall favoured the former prison because its silent system allowed human contact and he condemned the absolute

solitude of Cherry Hill, where the separate system was in force. The 1831-2 Select Committee also recommended that dormitories and dayrooms in existing prisons should be converted into separate sleeping cells and new cell blocks should be erected; that a return should be made by all prisons estimating the expense of these alterations and additions; and that prison inspectors should be appointed.

Following the Committee's report William Crawford (1788-1847) was dispatched to the USA to examine at first-hand their state prisons. Crawford had been a secretary of a committee that investigated the cause and increase of juvenile delinquency in London,

## Howard's tireless visiting, meetings with justices and campaigning in Parliament helped to start a process of transforming England and Wales's prisons . . .

32. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 93.

33. Howard, J. (1777) *The State of the Prisons in England and Wales*. Warrington: William Eyres, 116-7.

34. First Report of the Commissioners appointed to inquire into the Municipal Corporations of England and Wales, PP, 1835 (116), XXIII, 96.

35. Shropshire Record Office, QA/2/3, 151/1, *General Rules, Orders, Regulations and Bye-Laws for the Inspection and Government of the Gaol and House of Correction for the County of Salop* (1797); QA/2/3, *Rules and Regulations for the Government of Salop Gaol and House of Correction* (1834), 7-8.

36. Secondary Punishments 1831-2, PP 1831-2 (547), VII, Report 3-20.

37. Secondary Punishments 1831-2, PP 1831-2 (547), VII, Minutes of Evidence, 43-8.

and he was a founder member and secretary of the Society for the Improvement of Prison Design (SIPD). He was one of a number of European visitors to investigate the respective merits of silent- and separate-system prisons in the United States. On his return, Crawford produced a report on American penitentiaries and the two rival systems of discipline. Contrary to the conclusions of the 1831-2 Committee, he condemned the silent system since it was maintained by corporal punishment and he criticised the design of Auburn because it did not allow central inspection.<sup>38</sup> He praised the moral discipline imposed at Cherry Hill and recommended the adoption of a modified form of the separate system in England.<sup>39</sup> Every prisoner should have his own cell in which to sleep and eat and certain classes should be held in solitary confinement, with or without work. Where separation was not enforced prisoners should undertake associated labour in strict silence. He argued that classification alone did not prevent contamination and that all communication between prisoners should be prevented. Crawford also

emphasized the importance of employment, religious instruction and the uniform application of discipline in all prisons.

### Conclusion

Tourism in the Georgian period could be prurient, satisfying the need to witness punishment, suffering and even death, but there was also potentially an educative element even to a casual visit; hopefully the youthful Charles Powell's visit to Maidstone in 1823 taught him that crime would not pay. However, a more constructive form of tourism also existed in the 18th and 19th centuries undertaken by a range of people seeking to record the state of prisons and by doing this seeking to introduce reform. Most famous among these was John Howard who crusaded to improve prison conditions until his death in 1790, but a generation later his heroic effort had still not improved all England's prisons, forcing the British government to look to America for ways to improve the prison system.



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38. Crawford, William (1834) *Report of William Crawford, Esq. on the Penitentiaries of the United States*, PP 1834 (593), XLVI, Report, 19, Appendix, 23.

39. Crawford, William (1834) *Report of William Crawford, Esq. on the Penitentiaries of the United States*, PP 1834 (593), XLVI, Report, 19, 31, 36-41.

# The Annual Birmingham City University/HMP Grendon Debate: What Are the Benefits?

*Professor Michael Brookes OBE is a Birmingham City University Visiting Professor and formally Director of Therapeutic Communities at HMP Grendon.*

**A regular feature of HMP Grendon's regime over the past fifteen years has been the annual debate between 3rd Year Birmingham City University (BCU) Criminology Students and Grendon residents. This follows a tour of the establishment and an opportunity for students to meet with prisoners over lunch. The event is eagerly anticipated by both students and residents, with the outcome of the debate usually being a comprehensive victory for Grendon residents (the score is 14-2). But apart from being an interesting activity for all concerned, are there any other benefits to be derived from this experience? This article will summarise evaluation projects undertaken by academics from Birmingham City University and by a Custodial Manager at HMP Grendon. Outcomes include students positively evaluating the experience of meeting with offenders who have committed serious offences, gaining a greater appreciation of the work of prison officers and an increased awareness of prison life; Grendon residents appreciating being able to share their experiences with those who had no knowledge of custodial life while prison staff saw the visit by students as a good opportunity to promote the work undertaken at HMP Grendon.**

## Public Interest in Prisons

While walls and fences of prisons keep prisoners in, they also keep members of the public out. Perhaps because prisons and punishment have become a 'secret world', gaining insight into custodial establishments, their interiors, regimes and impact upon those incarcerated has long been of general interest: 'For

prisons are at once extraordinary and ordinary institutions. They are extraordinary in that they are places in which larger numbers of strangers are forced to live, in close proximity with each other, often for sustained periods. . . . ordinary in that much of prison life, especially long-term prison life, revolves around those mundane matters which concern all of us in our non-prison lives — eating, sleeping, cleaning and tidying, doing the laundry, working (or looking for work), thinking about the family and friends, attempting to alleviate boredom'.<sup>1</sup>

Attractions or events linked with death, suffering, violence or disaster have historically drawn people to them.<sup>2</sup> Such has been the fascination in these places that this has been termed within both the media and academia as 'dark tourism'.<sup>3</sup> Former sites of state-sanctioned incarceration are among the most popular of dark tourist locations<sup>4</sup> with prison 'tourism' generally centring on prison buildings rather than their inhabitants.<sup>5</sup> Additionally, the creation of prison museums with their focus on the fabric and structure of the building can also create a false impression of prison life and not the authentic, uncomfortable, realities of penal history.<sup>6</sup> For the impact of imprisonment can be 'an unremitting challenge to a person's self-respect, autonomy, security and personal safety. . . . (creating) . . . in prisoners intense feelings of loneliness, hopelessness, guilt, depression, anxiety, fear and distress'.<sup>7</sup>

How then are the public to find out about prisons, the work that goes on inside and the impact of imprisonment upon prisoners, especially given 'the steady and gradual disappearance of the prison from public view'?<sup>8</sup> Is it just a question of viewing the building and then making inferences about what life inside must be like? Is it through reading books and articles by academics, prison officials and former prisoners? But to

1. Crawley, E. (2004) *Doing Prison Work: The public and private lives of prison officers*. Cullompton: Willan Publishing. p. xi.
2. Sharpley, R. and Stone, P. R. (2009) *The Darker Side of Travel: The Theory and Practice of Dark Tourism*. Bristol: Channel View Publications.
3. Foley, M. & Lennon, J. (1996) 'JFK and Dark Tourism: Heart of Darkness' in *Journal of International Heritage Studies*, 2, 198-211.
4. Strange C & Kempa M (2003) 'Shades of Dark Tourism: Alcatraz and Robben Island' in *Annals of Tourism Research* 30 (2): 386-405.
5. Wilson, J. Z. (2008) *Prison: Cultural memory and dark tourism*. New York: Peter Lang Publishing.
6. Barton, A. and Brown, A. (2012) 'Dark Tourism and the Modern Prison' in *Prison Service Journal* 199: 44-49.
7. Scott, D. (2008) 'Creating ghosts in the penal machine: prison officer occupational morality and the techniques of denial'. In J. Bennett, B. Crewe & A. Wahidin (Eds.), *Understanding Prison Staff*. Cullompton: Willan Publishing. p. 168.
8. Wilson, D. (2014). *Pain and Retribution. A Short History of British Prisons, 1066-the Present*. London: Reaktion. p. 190.

what extent do they, can they, convey a real sense of incarcerated lives and the experience of those who work in prisons? Can films, TV dramas or documentaries assist in realistically portraying prison life? Even in documentaries false depictions can occur. While staff can be professionally portrayed, knowledgeable about prisoners, caring and dynamic in their approach to dealing with problematic people; programme makers, focusing on the dramatic, on incidents or aggressive and demanding offender behaviour, may misrepresent the reality of daily prison life. It can lead to offenders phoning families saying the establishment was not really as shown, that it was a good establishment.<sup>9</sup> Staff too may have to respond to incoming call from offenders' families concerned about the way in which the establishment was being portrayed and seeking confirmation that this was not an accurate representation of the way in which that institution normally functioned.

### Carceral Tours: Potential Difficulties

An innovative approach to assist the public understand more about prisons and punishment is that undertaken by Rideout (Creative Arts for Rehabilitation).<sup>10</sup> One of their projects 'The Creative Prison' was taken into galleries and museum and concerned re-imagining and re-designing prison. Another project 'GOTOJAIL', was taken to shopping centres, festivals and art galleries. This offered the public a sense of the lived experience of imprisonment and an opportunity to engage with former prisoner/actors in dialogue in a mock cell.<sup>11</sup>

Carceral tours offer another approach whereby members of the public can gain a greater understanding of prison life though there has been, within the criminological literature, much debate about their value. Based on Correctional Service of Canada

(CSC) penitentiary tour materials, carceral tours were found to be highly scripted and regulated in ways that obscured many of the central aspects of incarceration, particularly, the experiences of prisoners, with the consequence that these tours afforded little insight into the nature of imprisonment.<sup>12</sup> The criticism was that such tours were often more concerned with impression management as staff and prisoners took on the role of performers to demonstrate that prisons are tolerable and well-ordered,<sup>13</sup> with there being limited opportunity for deeper discussion with prisoners or staff about imprisonment experiences.<sup>14,15</sup> Even when prisoners were selected to take part in these tours often those selected were those who were not going to say anything which might upset the prison authorities, with those chosen therefore being 'subservient, complacent and docile',<sup>16</sup> careful in what they said if they wanted to be involved in future events.<sup>17</sup> However, even if prison tours are choreographed, there is an argument that perceptive participants can still gain an insight into how that establishment operates.<sup>18</sup> What is required is a 'counter-visual' approach where eyes are retrained to see that which is not 'there'<sup>19</sup> similar, perhaps, to what is sometimes required when watching a play where there are few actors or props and the audience is required to use their imagination.<sup>20</sup>

In organising carceral tours there is also a need to ensure that prisoners are not treated as occupants in a zoo,<sup>21</sup> that power imbalances are recognised<sup>22</sup> and that while those in positions in power are often cumbersome, unimaginative and bureaucratic,<sup>23</sup> within prisons the 'weak' can create their own spaces, 'making them temporarily their own as they occupy and move through them'.<sup>24</sup> What is therefore advisable is that during carceral tours, prisoners are empowered to speak freely about their imprisonment experiences and to be involved in the organisation of these events.<sup>25</sup>

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9. See Bennett, J. (2013) 'Behind the Scenes of Her Majesty's Prison: Aylesbury — Interview with Kevin Leggett' in *Prison Service Journal* 210: 44-47.
  10. For more information on Rideout see <http://rideout.org.uk/index.aspx>
  11. For more information on these two projects see Fiddler, M. (2010). 'Interview: Saul Hewish' in *Prison Service Journal* 210: 39-43.
  12. Piche, J. and Walby, K. (2010) 'Problematizing carceral tours' in *British Journal of Criminology* 50: 570-81.
  13. Goffman, E. (1961) *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. New York: Anchor Books.
  14. Bordt, R. L. and Lawler, M. J. (2005) 'Teaching a Course on Prisons: A Design, Some Resources and a Little Advice' in *Journal of Criminal Justice Education* 16: 180-92.
  15. Meisel, J. (2008) 'The Ethics of Observing: Confronting the Harm of Experiential Learning' in *Teaching Sociology* 36: 196-210.
  16. Dey, E. (2009) 'Prison Tours as a Research Tool in the Golden Gulag' in *Journal of Prisoners on Prisons*, 18: 119-25 p. 122.
  17. Nagelsen, S. and Huckelbury, C. (2009) 'The Prisoner's Role in Ethnographic Examinations of the Carceral State' in *Journal of Prisoners on Prisons*, 18: 111-18.
  18. Huckelbury, C. (2009) 'Tour de Farce', in *Journal of Prisoners on Prisons*, 18: 126-8.
  19. Schept, J. (2014) '(Un)seeing like a prison: Counter-visual ethnography of the carceral state' in *Theoretical Criminology* 18(2): 198-223.
  20. See Herford, R (2013) 'Little Did I Imagine' 'Woman in Black' Theatre Programme.
  21. Wacquand, L. (2002) 'The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration' in *Ethnography*, 3: 371-97.
  22. Minogue, C. (2009), 'The Engaged Specific Intellectual: Resisting Unethical Prison Tourism and the Hubris of the Objectifying Modality of the Universal Intellectual' in *Journal of Prisoners on Prisons*, 18: 129-42.
  23. de Certeau, M. (1984) *The Practice of Everyday Life*. California: University of California Press.
  24. Jewkes, Y. (2012) 'What has prison ethnography to offer in an age of mass incarceration?' in *Criminal Justice Matters* 91 (1): 14-15 p.15.
  25. Response — An Overview of the Dialogue on Prison Ethnography and Carceral Tours From the 2009 Meeting of the Canadian Society of Criminology in *Journal of Prisoners on Prisons* 18: 143-46.

## The BCU/HMP Grendon Annual Debate

These carceral tour organisational principles are applied at HMP Grendon, a therapeutic community prison opened in 1962 and which continues to operate in accordance with that treatment model.<sup>26</sup> The involvement of prisoners and the opportunity to speak freely are integral to the way in which this establishment operates. This is recognised in the continued accreditation of Grendon by NOMS' Correctional Services Advice and Accreditation Panel and by the Royal College of Psychiatrists sponsored 'Community of Communities', a quality improvement and accreditation programme for Therapeutic Communities (TCs) in the UK and overseas.<sup>27</sup>

Once a year, for the past fifteen years, an annual debate occurs between 3rd year undergraduate students taking Birmingham City University's Applied Criminology module and Grendon residents. This debate is preceded by a tour of the establishment, including community living areas, combined with an opportunity for students and prisoners to meet over lunch. Students are encouraged to interact openly and freely with Grendon's residents. In total, the students are in the prison for approximately five hours. After the visit they are verbally debriefed.

The number of students able to take part in the debate is limited to 40 from a module cohort of approximately 120. A greater number of participants would limit the interactional opportunities to talk with Grendon prisoners. Lots are held amongst the students given the popularity of this component of the module with those selected required, for the module assessment process, to write a reflexive account of all aspects of the day. Two students volunteer as the debate 'proposer' and 'seconder' with two of Grendon's residents chosen through the therapeutic process of group and community backing as those who would benefit from acting as the prison's 'proposer' and 'seconder'. Topics debated, which are moderated by BCU's Professor of Criminology, David Wilson, have included 'This House would reintroduce capital punishment'; 'Children should be seen and not heard'; and 'This House believes that we should understand a little less, and condemn a little more'. Grendon residents usually have to advocate the most proactive position so that, for instance, those who have been convicted of murder have been required to put forward the case for the reintroduction of capital punishment. At the end of the debate a vote is taken from those in attendance, resident and students each having one vote. The outcome is usually a comprehensive victory for Grendon residents (the current score is 14-2).

## Staff and prisoner views of the value of the BCU Grendon tour and debate

What though are the views of staff and prisoners involved with the tour and who attended or participated in the debate? A recent research project to explore these opinions was undertaken by one of HMP Grendon's Custodial Managers.<sup>28</sup> 60 questionnaires were distributed, 30 to staff involved with some aspect of the BCU/Grendon debate and 30 to prisoners who attended the Grendon debate. Questions were phrased in a way so as to invite respondents to state the extent to which they agreed or disagreed with particular statements regarding the BCU Grendon tour and debate. The ages of staff and prisoner respondents are given in Table 1, the length of staff service at Grendon and with the Prison Service in Table 2, and the results for the study in Table 3.

**Table 1:  
Age of Questionnaire Respondents**

|          | Under 35 | 35-40 | 40-50 | Over 50 |
|----------|----------|-------|-------|---------|
| Staff    | 9%       | 27%   | 27%   | 36%     |
| Prisoner | 38%      | 17%   | 45%   | 0%      |

**Table 2:  
Length of Staff Service**

|                   | Under 5 yrs | 5-10 yrs | 10-15 yrs | Over 15 yrs |
|-------------------|-------------|----------|-----------|-------------|
| HMP Grendon       | 56%         | 22%      | 11%       | 11%         |
| HM Prison Service | 44%         | 22%      | 22%       | 11%         |

This study found that 83 per cent of prisoners did not think that visits to the prison by 'outsiders' compromised the community (Question 1) — compromise being defined as bringing into disrepute or danger by indiscreet, foolish, or reckless behaviour. Staff were less certain this was the case, with only 44 per cent considering that the community had definitely not been comprised. Some staff therefore had reservations about a large number of students visiting the establishment and the potential risks this posed. However, nothing yet has occurred which has necessitated this regime activity being cancelled or postponed.

There was a much stronger consensus that the students were not the only ones who gained from this

26. For more information on HMP Grendon see Shuker, R. and Sullivan, E. (Eds.) (2010) *Grendon and the Emergence of Forensic Therapeutic Communities*. Chichester: Wiley.

27. For more information on the Community of Communities visit <http://www.communityofcommunities.org.uk>

28. Laidler, E. (2012) *Are Prison Tours A Constructive Use of Time? A Prison Officer's View from Grendon Prison*. Unpublished MA. Birmingham City University.

**Table 3:  
Prisoner and Staff Questionnaire Responses**

| Question  | Prisoner/<br>Staff | Strongly<br>Agree | Agree | Neither Agree<br>or Disagree | Disagree | Strongly<br>Disagree |
|---|--------------------|-------------------|-------|------------------------------|----------|----------------------|
| Q1. Did visits to the prison by 'outsiders' compromise the community?         | Prisoners          | 7%                | 0%    | 10%                          | 38%      | 45%                  |
|   | Staff              | 11%               | 11%   | 33%                          | 44%      | 0%                   |
| Q2. The only people who get the most out of the visits are the visitors?      | Prisoners          | 7%                | 0%    | 3%                           | 38%      | 51%                  |
|   | Staff              | 0%                | 11%   | 22%                          | 44%      | 22%                  |
| Q3. Do Visitors turn Grendon into a human zoo?                                | Prisoners          | 0%                | 3%    | 13%                          | 45%      | 38%                  |
|   | Staff              | 0%                | 11%   | 33%                          | 22%      | 33%                  |
| Q4. Prisoners do not like taking part in visits by students                   | Prisoners          | 0%                | 10%   | 14%                          | 41%      | 35%                  |
|   | Staff              | 0%                | 0%    | 22%                          | 78%      | 0%                   |
| Q5. The prison can use visits by students as a positive experience            | Prisoners          | 62%               | 28%   | 0%                           | 3%       | 7%                   |
|   | Staff              | 22%               | 44%   | 22%                          | 11%      | 0%                   |
| Q6. Staff can use visits by students to promote the work that is going on     | Prisoners          | 48%               | 35%   | 0%                           | 10%      | 7%                   |
|   | Staff              | 35%               | 33%   | 11%                          | 11%      | 11%                  |
| Q7. Students have no understanding of prisons                                 | Prisoners          | 14%               | 21%   | 52%                          | 13%      | 0%                   |
|   | Staff              | 0%                | 56%   | 22%                          | 11%      | 11%                  |
| Q8. By and large students need to read less and experience more               | Prisoners          | 14%               | 45%   | 21%                          | 14%      | 6%                   |
|   | Staff              | 0%                | 11%   | 67%                          | 22%      | 0%                   |
| Q9. The people who get the most out of visits to the prison are the prisoners | Prisoners          | 7%                | 17%   | 17%                          | 45%      | 14%                  |
|   | Staff              | 0%                | 11%   | 22%                          | 44%      | 11%                  |
| Q 10. Do you think prisoners get rehabilitated at Grendon?                    | Prisoners          | 35%               | 38%   | 14%                          | 7%       | 6%                   |
|   | Staff              | 18%               | 64%   | 18%                          | 0%       | 0%                   |

activity occurring (Question 2). 90 per cent of prisoners and 66 per cent of staff were of this view. There are therefore clear benefits too for prisoners of being able to take part in a debate and discussions with members of the general public, though both staff (59 per cent) and prisoners (55 per cent) thought that it was not the prisoners who gained most from the visit by BCU students (Question 9).

Only one prisoner thought that Grendon had been turned into a human zoo (Question 3), though four members of staff did. There were also a minority of prisoners who did not like taking part in the day (Question 4) or who were ambivalent about it (24 per

cent). Given the personality profiles of Grendon men, a proportion of whom score higher than prisoners in a non-TC prison on anxiety, depression and borderline personality characteristics,<sup>29</sup> this is perhaps not surprising. However, because Grendon men tend to acknowledge their difficulties and perceive the need for help in dealing with these problems, participation in discussions with students and being part of the debate can be an aspect of Grendon's therapeutic experience through assisting them develop appropriate interactional and social skills. For this reason, as well as other associated benefits, it can be inferred that both staff (66 per cent) and prisoners (90

29. Newberry, M. & Shuker, R. (2012). Personality Assessment Inventory (PAI) Profiles of Offenders and Their Relationship to Institutional Misconduct and Risk of Reconviction in *Journal of Personality Assessment* 94(6): 586-592.

per cent) thought that the prison can use the visit by students as a positive experience (Question 5).

It was also the case that 83 per cent of prisoners and 66 per cent of staff thought that the tour and debate were good opportunities to promote Grendon's work (Question 6), especially given the students perceived limited knowledge of prisons (Question 7), with 59 per cent prisoners considering that students needed to experience more and read less (Question 8). Staff were of the opposite view. There was greater agreement on whether prisoners can be rehabilitated at Grendon (Question 10). 82 per cent of staff and 73 per cent of prisoners thought that they can be.

### Analysis of Students' Reflexive Accounts

An analysis of students' reflexive accounts<sup>30</sup> of the day spent at Grendon identified three main themes. Firstly, students' expectations regarding the prison environment were both supported and challenged. Even though Grendon was designed in the 1950s and so is radically different to the popular image of the Victorian radial prison, perceptions of the exterior physical structure of the prison were reinforced. Expectations of the interior structure and décor and, of the emotional and social environment, were however challenged.

Of the exterior structure, 'Many students noted that their expectations of both the physical structure of the outside of the prison and of security, mostly derived from documentaries and popular films such as *Shawshank Redemption*, were accurate. For example, one wrote: 'the security was similar to what has been portrayed on prison documentaries and through the media'. Another commented: 'When arriving at the prison it was as expected. When first reaching it, the prison looks quite miserable . . . huge fences which surround it, on top of which are reams of razor wire'; another noted: 'On arrival at HMP Grendon I saw the tall walls and the large gates that I had thought would be there'.<sup>31</sup>

On Grendon's interior and following entry into the visits room, one student recorded that 'the inside of the prison building differed from expectations. Paintings and artwork created by the prisoners are displayed on walls and the visitors' room is quite cheerful with flowers on

each table and a room full of toys for children', while another student wrote 'my first observation of the wing is that it was nothing like what I was expecting'.

Secondly, students' expectations of the people that they would meet within the prison were challenged by their visit. Prisoners did not look like psychopaths, serial killers or paedophiles, nor were they middle-aged, aggressive and intimidating, with poor verbal skills, low intelligence and distinctive physical characteristics. Students were also surprised by the ease with which prisoners spoke about the crimes that they had committed and with how they conducted themselves during the debate. They were also impressed with prisoners' 'expert knowledge' about the prison system and government policy on prisons. Students were surprised too by the quality of relationships between prisoners and between staff and prisoners. These were better than they had expected.

Comments expressed included: 'everyone seemed to be getting along, which was quite bizarre considering we were in a prison'; 'I expected the prison officers to have a very bad attitude towards [prisoners] and to treat prisoners like scum' and 'everyone was friendly, helpful, and welcoming'.

Students considered that staff were not overly authoritarian, cold or unemotional and that they were honest about undesirable incidents that had occurred. For example, prison officers acknowledged that more could be done to assist minority ethnic

prisoners and that their rehabilitative efforts were not always successful. An example given was a prisoner trying to self-harm.

The final theme was students stating that the experience had changed them and their thoughts, attitudes, and/or behaviours with regard to incarceration. Longer term impacts upon students of the tour, discussions with residents and the debate was that for some it was a life-changing experience, with one student volunteering for victim support due to the prisoners explaining about the harm caused to their victims. Another student, due to changed perceptions of what prisoners were like, was thinking about becoming a probation officer. A number of students noted that the day at Grendon would stay with them forever. Their engagement with Grendon residents made them believe that people can change, that offenders were human,

The final theme was students stating that the experience had changed them and their thoughts, attitudes, and/or behaviours with regard to incarceration.

30. Wilson, D., Spina, R. and Canaan, J.E. (2011) 'In praise of the carceral tour: learning from the Grendon Experience' in *The Howard Journal* 50(4): 343-355.

31. See n.30. p.348.

that there was help for them to transform the way that they lived their lives and that we should not be judgemental. There was though a recognition that prisoners must want to change in order for prisons like Grendon to work.

Another study<sup>32</sup> examined whether engaging with prisoners during the Grendon tour and debate would increase empathy, reduce prejudice and raise tolerance levels towards serious offenders. This involved thematically analysing the reflexive accounts of eight students (four male, four female) to identify whether any change in empathy, prejudice or discrimination emerged during and after the visit. Seven labels emerged, three indicative of empathy (lack of concern for offenders, emotional detachment and perspective taking) and, four indicative of prejudice (resentment toward offenders, negative stereotyping, stereotype disconfirmation and change in attitude).

Prior to the visit, even though the BCU Applied Criminology course model included a variety of conceptual and theoretical explanations for engaging in criminal acts, students' reflexive accounts all indicated a lack of concern for imprisoned offenders, with punishment being viewed as the natural solution for criminal behaviour. For example, one student was of the view that those who offend are emotionless, aggressive individuals, deserving of harsh punishment. There were though in some accounts, indications of empathetic capacity. One student in particular, as she was nearing the prison, began to imagine what it must be like for prisoners to live in a place surrounded by barbed wire, especially when the surrounding countryside was so beautiful.

During the visit a number of students began to develop deeper insight into the impact on others of the offences Grendon residents had committed. What stuck one student was the mug they were given to drink from which, on one side, had HMP Grendon written on it while, on the other side, was a child's picture with the word 'dad' painted on. This made the student realise and remember that no matter what crimes these men had committed, they still had families; wives, children, brothers and sisters: that while offenders at Grendon serve their lengthy prison sentences, loved ones on the outside are serving that sentence with them.

Students also gained an insight into prison life and the concerns of prisoners. Comments made included:

During the visit a number of students began to develop deeper insight into the impact on others of the offences Grendon residents had committed.

'What instantly struck me were the two men cleaning a fish tank in the communal corridor and it made me think that allowing them responsibility for living things must be very therapeutic and satisfying for these men'; 'the interior of the prison is what challenged my perceptions, or should I say misperceptions of what is 'hidden' on the inside of those four barbed wired fences'; 'the wing we visited also presented problems when comparing my expectations to the reality that faced me. When we were let through locked doors onto the wing, I was confronted by what I can only describe as a 'mini community', people were hustling around the corridors, painting their own cell doors, using the telephone and holding conversations with each other. I had expected to see cage like cells, with big heavy locks and bolts across with all the men locked inside them'.

Prior to the visit, some students expressed concern about meeting offenders given Grendon's population consists of those who have been convicted of murder, rape and sexual offences, including sexual offences against young children, with a proportion having psychopathic tendencies. After interacting with Grendon residents, one student recorded: 'Initially, I felt intimidated and panicked at the thought of having to go over to the canteen and speak directly with prisoners. When I eventually mustered up the courage, I was astounded by

how they were not the hardened, violent, destructive individuals, immune from compassion I had originally thought. In fact they were quite the opposite in terms of how polite, respectful and well-mannered they were. This on its own challenged my viewpoint as it did not fit the stereotype of how I perceived prisoners to be'.

Another student commented: 'My idea of what a criminal 'should' look like was also challenged....I had expected them to be intimidating and illiterate with poor social skills and an aggressive nature, instead I was confronted with 'average Joe's' who were clever and able to hold civilised conversations — no different to any passing member of the public on the street'.

When describing their thoughts after the visit, reflections of students became openly more empathic, particularly along the perspective taking dimension, as well as less prejudicial. For example, one student described how resident accounts of their offences spoke in a way that demonstrated the various social challenges people face. This increase in empathy and decrease in

32. Boag, E. M. and Wilson, D. (2013) 'Does engaging with serious offenders change students' attitude and empathy toward offenders? A thematic analysis' in *The Journal of Forensic Psychiatry and Psychology* 24(6): 699-712.

prejudice towards Grendon residents is even more significant given that it has been found<sup>33</sup> that the most frequent outgroup towards whom prejudice and discriminatory behaviour was openly expressed by both community and student populations was serious offenders, and more specifically, sex offenders and murderers. When participants in this study were asked why such offenders were negatively rated, the majority of participants' verbal responses included expletive and derogatory language about the moral values (86 per cent) and psychological states (64 per cent) of these particular offenders. Phrases used included 'they have no normal morals, they just don't care about what other people think', and 'they are mentally sick'. Such views were considered to be socially acceptable and reinforced by the belief that sex offenders and murderers are likely to reoffend.

A further study<sup>34</sup> exploring empathy, prejudice and tolerance towards serious offenders involved all 143 BCU Applied Criminology students, including those for whom there were insufficient places to enable them to attend the Grendon tour and debate and, those who did not want to take part in this visit. These students acted as the control group. All participants completed the same measures at two time points: prior to the Grendon tour and debate, at the beginning of the semester and, then again, four weeks later on the return coach journey from Grendon Underwood to Birmingham.

This study found that engagement with imprisoned sex offenders and murderers increased empathy and decreased prejudice toward ex-offenders. It also provided support for the view that empathy is one of the mechanisms through which prejudice may be reduced as high dispositional empathy was associated with low prejudice towards ex-offenders.

The study additionally found that that the relation between engagement with Grendon residents and decreased prejudice, in the group that visited Grendon, was entirely explained by an increase in the empathic concern element of empathy. This has implications for the training of those interested in working with offenders in custody or ex-offenders in the community custody, as prejudice can be reduced through providing

opportunities to constructively engage with offenders or ex-offenders.

### Concluding reflections

The inclusion of a Grendon tour and debate within Birmingham City University's Applied Criminology module produces a number of benefits for students, prisoners and staff. These positive outcomes demonstrate that carceral tours can be constructive, though justifiable concerns about the value of this activity for visitors, prisoners and the staff involved do need to be satisfactorily addressed within the event programme.

The visits to HMP Grendon provides students with a positive experience of meeting with offenders who have committed serious offences, a greater appreciation of the work of prison officers, an increased awareness of prison life and an understanding that offenders actively engaging with a therapeutic community intervention does change their lives. This, students judge, increases the likelihood of Grendon residents' successful rehabilitation and reintegration into wider society. These factors help explain why both staff and prisoners consider that the prison can use visits by students as a positive experience for the establishment and as a way of promoting Grendon's role within the prison estate.

While students consider that they benefited from prisoners being able to express their views freely, for the prisoners this too was a beneficial experience.

While students consider that they benefited from prisoners being able to express their views freely, for the prisoners this too was a beneficial experience. For, they had the opportunity to share with those who only have a limited knowledge of offenders and prisons, the impact of committing serious (sometimes fatal) offences and of imprisonment. Grendon prisoners are not, as is the case with carceral tours elsewhere, passive deliverers of pre-agreed scripts, nor do they consider themselves to be part of a zoo, there simply to be observed and relegated to the margins. Rather, they are very active in the process, choosing what to say about themselves and their lives and what not to say. Nevertheless, all students 'verbally reported that the prisoners that they engaged with had been explicit about and reported feeling accountable for their crimes'.<sup>35</sup> This had though been the expectation,

33. Boag, E.M. and Carnelley, K.B. (2012) 'Self-reported discrimination and discriminatory behaviour: the role of attachment security' in *British Journal of Social Psychology* 51( 2): 393-403.

34. Boag, E. M. and Wilson, D. (2014) 'Inside experience: Engagement empathy and prejudice towards prisoners' in *Journal of Criminal Psychology* 4(1): 33-43.

35. See n.32. p.703.

given that Grendon's therapeutic regime is designed to encourage responsibility for offending, a willingness to express this and a desire to change.

Grendon senior management, as part of its commitment to the therapeutic ethos of the establishment, trusts prisoners to act responsibly when engaging with those from wider society and does not seek in any way to impose what can and cannot be discussed. Indeed, those who accompanied the students have written that 'we can say with certainty that the residents with whom the participants engaged were not told to behave or respond to the student visitors in a particular way. Rather, the residents were expected to act *normally* so any restrictions were self-imposed'.<sup>36</sup>

While the Grendon visit and debate did challenge previous negative perceptions of prisons, prisoners and prison officers, throughout students maintained a healthy level of scepticism, particularly regarding the benefits of therapy. Indeed they were reminded at the commencement of the day, both by staff at BCU and during the security talk, of the need for them not to disclose personal information or to pass on telephone numbers or addresses and that, despite the seemingly relaxed regime and approach, Grendon was a Category B prison which required them to act in a mature and responsible way.

Students were impressed that some prisoners recognised that their criminal activity had had serious consequences for their victims and that they wanted to address the reasons why they offended. This gave students hope that the prison system offered prisoners more opportunities for self-development and responsibility than they had previously imagined. It also influenced future career choices and vocational interests with one student deciding to become a criminal justice professional and another stating their intention to become a victim support volunteer. These developments were all achieved within the severe limitations of what can be conveyed of prison life in a five hour visit. For what seemed to enthral and engage students was the quality of prisoner and prison officer interactions and engagement, combined with their honesty about the difficulties faced.

Furthermore, the tour and debate impacted on student's levels of empathy (increase), prejudice towards

serious offenders (decrease) and tolerance (increase). Prior to the prison visit empathic responding was unapparent whilst prejudice was clear. So the opportunity to interact with prisoners and prison staff had a distinct influence on changing the negative stereotypes that were held by the students prior to their Grendon tour and debate. Time at Grendon enabled more empathic responses to develop as the opportunity to interact with Grendon residents provided a deeper insight into the individual crimes committed. Moreover, although the change in attitude was primarily led by the interaction, the prison environment also appeared to play some role. There were though no key differences by gender and the effects appear to be due to the individual experience itself.

This means that engagement with prisoners seems to have positive implications for the development of greater tolerance. Interacting with serious offenders appears therefore to redress negative stereotypes about offenders with scope for prejudice to be reduced. Consequently, increasing opportunities for constructive engagement with serious offenders and prison officers has the potential to increase tolerance toward offenders in wider society.

### **Final comment**

While the therapeutic environment of Grendon with its prisoner expectations of reflection, engagement, increase in self-understanding and change, provides the setting for a potentially unique tour and debate, it does mean that the Grendon approach may be difficult to exactly replicate in other establishments. Nevertheless, there are, as with all aspects of Grendon's regime, elements that can be shaped and adapted and applied in other custodial settings. And, given the population profile of Grendon prisoners, who should be the most difficult to engage and the least able to present themselves in a constructive way to members of the public; there should be opportunities for other establishments, whose prisoners have committed less serious offences and who have less complex needs; to share with the public, the work undertaken within prisons and the impact of imprisonment.

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36. See n.32. p.709.

# Reviews

Book Review

***Penal Culture and Hyperincarceration: the revival of the prison***

by Chris Cunneen, Eileen Baldry, David Brown, Mark Brown, Melanie Schwartz and Alex Steel.

Publisher: Ashgate (2013)

ISBN: 978-1-40944-7290

(hardback)

Price: £70.00 (hardback)

This book is timely and topical as imprisonment rates seem to have taken another step upwards in many jurisdictions following what for some appeared to be a 'peak' being reached in 2012. Despite news worldwide of prison closures there are equally jurisdictions that have very high levels of overcrowding and are now embarking on intense prison building programmes and emergency measures to deal with overcrowding.

This book is mainly based on studies of Australian Penal systems by a group of academics based in Australia; however the 'lessons learned' can equally be applied to any English speaking country throughout the world, and particularly those nations that have experienced the extraordinary increases in rates of imprisonment over the last 10-20 years. The book takes as its theme the work of Wacqaunt, and the concept of 'Hyperincarceration', or in other words the seemingly inexorable rise in the use of imprisonment and other punitive measures, despite the almost worldwide reductions in offending rates that coincide with this period.

Australia and New Zealand have been subject to the same pressures that have been seen in the UK and parts of Western Europe, with one significant difference — the massive over imprisonment of aboriginal groups. In many instances the high rates of imprisonment of aboriginal peoples can almost entirely explain the high rates of imprisonment nationally. In New Zealand for example Maori account for around 14 per cent of the population but 51 per cent of those imprisoned, resulting in an incarceration rate of 674 per 100,000 (the national rate for the USA) for this group, and a national rate of 188 per 100,000.<sup>1</sup> In the Northern Territories and Western Australia the picture is similar, although the overall rates are much lower than New Zealand principally because aboriginal groups are a much smaller proportion of the overall population. However this picture is not universal, and like some of the more enlightened (and Northern) states in the USA, some jurisdictions are bucking the trend: Victoria has a remarkably low rate of imprisonment and only modest numbers of aboriginal peoples in custody.

The book describes the changes in penal culture over the last 40 years in an attempt to explain why there has been such a marked variation in incarceration rates recently, making comparison with the USA which has until recently 'led the way' in what has been generally regarded as a unique Penal phenomenon (Tonry<sup>2</sup>).

The authors argue that we must now look to the USA to explain the relationship between penal culture and resulting trends that are emerging in liberal democracies throughout the world.

A key point of course is that there is little (if any) relationship between the rate of crime and the rate of imprisonment (Nagin<sup>3</sup>) and in fact the change is more a result of changes in sentencing law and practice and 'tougher' penalties and increasing punitive innovation in sentencing and sentence administration. Australia makes a good place to study these changes and how they can and have been differently applied. For example New South Wales and Victoria share a similar demographic profile and industrial base yet the former has a rate of imprisonment twice the latter. Even the explanations here differ — in some cases they are related to technical differences and attitudes to measures like bail, in other cases they are a product of social factors like post release support and the generosity or otherwise of state systems towards 'ex-offenders'.

The book also examines the theoretical context in which these changes have taken place and enters the debate about whether this apparent period of 'mass imprisonment' might be a product of 'neo-liberal' states move away from a 'rehabilitative agenda' to one based on risk assessment. The authors argue that whereas this might partly explain differences, the real issue is to do with 'penal culture' in other words the extent to which social, historical and political

1. NZ census 2013.

2. Tonry, M. 1999. Why are US incarceration rates so high? *Crime and Delinquency*(45) 419-437.

3. Nagin, D.S. 1998. Criminal deterrence research at the outset of the twenty-first century, in *Crime and Justice: A review of Research* University of Chicago Press, 1-42.

ideology coincides in the minds of popular media, government policy and activism.

Rising prison populations of course mean rising costs to the state. In Australia alone expenditure on Correctional Services has risen from \$2 billion in 2005 to \$3.1 billion in 2012. Although not examined in detail the book opens up the debate about the value of incarceration and the opportunity costs that prisons provide compared with say building schools or better adult education to tackle one of the causes of the rise. They quote the interesting 'exchange rate': for every prison bed built 30 school student places could have been provided. This is particularly poignant in New Zealand at the moment which has large numbers of Maori children who are not fully engaged in school at the same time attainment rates for this group are akin to those in developing nations.

Australia provides a somewhat unique perspective on imprisonment given its colonial history — In 2011 UNESCO gave World Heritage status to 11 of its prison sites, in view of the special nature they had in colonial history. During the 1970's there was a widely held belief that prisons would eventually become 'redundant' as a result of social reform, improved technology and improving economies. In other words there would be far less crime far less offenders and few prisons. Ironically only the latter part of this statement has not come true. It was the highly politicised law and order debate of the 1980's in which 'new labour' in the UK took a key role that seems to have signalled a turning point in history.

The book examines colonialism, convict transportation and other little known areas of 'custodial practice' such as the forced indenture of thousands of Polynesian peoples to work as

labourers in agricultural production in Australia, and their subsequent expulsion from the country; or the continuance of public executions of aboriginals long after the practice had ceased for white Europeans. Aboriginal peoples gained full constitutional rights in 1967 and the removal of legislation that allowed for flogging of aboriginal offenders and segregation in 'reserves.' This coincided with the sudden increase in Aboriginal peoples in Prison.

In response to rising numbers came therapeutic jurisprudence which sort to revive or at least allow in the practice of culturally driven criminal justice leading to Nunga aboriginal court in South Australia and the Koori Court in Victoria. Sadly these courts have had little if any impact on rates of imprisonment and re-offending rates. In some jurisdictions there has been a recent 'push — back' against punishment that was perceived as 'soft' or outside of mainstream. At the same time experiments started with Remission and Parole — two approaches designed to reward compliance with sentences and positive behaviour in custody. Again public reaction to these apparent reductions in sentence led to progressive challenges to Parole Board decisions and eventually to the availability of the process at all under the general banner of 'truth in Sentencing' born out of similar events in the USA. In New Zealand the 'Sensible Sentencing Trust' increasingly occupied the debate around law and order and the attention of both public and politicians leading to a current debate about 'three strikes' sentencing for property crime.

It is not just the availability of alternative sentences but also the manner of use. The book's authors chart the course from Parole as a method of early release to one of

'control'. Even bail procedures (originally designed to keep low risk offenders out of prison and manage the remand population) have been subject to this same pressures — like the UK electronic tagging is now routinely used for bailees and the process in effect becomes one of containment.

Interestingly the change has not been completely linear. In part this is to do with the resistance that the Judiciary has been able to mount against government attempts to fetter their independence.

A whole chapter is devoted to the rise and dominance of risk management and its overriding impact on custodial management and other factors such as early release as well as the way that offenders are managed in the community, and its more recent expansion into involuntary detention.

The penultimate chapter is devoted to the current opportunities that are presenting themselves as an alternative trajectory. In particularly the US Supreme court decision directing California to reduce prison overcrowding.

The most important factor that has the potential to drive long-term change is ironically cost. Bill English, the current New Zealand Finance Minister (and member of a National Government) made the unusual statement 'prisons are a fiscal and moral failure'<sup>4</sup> signaling the way for alternative thinking in a country which had up until this point one of the highest imprisonment rates of any OECD country outside the USA. The book notes that the changes that have so far driven up imprisonment rates were done with little if any scientific rationale, largely driven by popular politics and reactions to events. The opportunity has arisen for 'justice Reinvestment' strategies that

4 . Widely reported comment made by Bill English at the Opening a Families Commission's 50 Key Thinkers forum on May 11, 2011.

rationalize approaches (more and more using empirical research) and question the relative value of one versus another. This approach is emerging in a number of countries; in the UK it is described as 'a form of preventative financing which shifts funds away from dealing with problems downstream (policing and prisons) and towards tackling them upstream (family breakdown, poverty, mental illness, drug and alcohol dependency).(IPPR)<sup>5</sup>

The House of Commons Justice Committee in 2010 made the poignant remark that 'the overall system seems to treat prison as a free commodity',<sup>6</sup> and went on to recommend capping the prison system numbers and using this as an opportunity to divert funding into preventative measures. Sadly this proved 'too radical' for the British public and the Coalition government resulting in a 'bounce back' to more punitive rhetoric and cost cutting rather than cost saving.

Justice reinvestment is therefore moving tentatively rather than rapidly, looking to be accommodated alongside traditional conservative approaches to penal policy rather than in place of them.

Perhaps more of an immediate stumbling block is inequality and race, at the time of writing this review, the amount of children living in poverty in New Zealand rose from 25 to 27 per cent,<sup>7</sup> worst still this group is massively overrepresented by Maori and Pacific Island peoples. The same story is true in Australia. It is indigenous groups that dominate the majority of those entering and returning to prison — in some areas Aboriginal Youth have a 25 per cent chance of being incarcerated.<sup>8</sup> Until this crisis is dramatically reversed no policy will make a serious difference.

This book is an outstanding contribution to the growing body of work on prison growth. In terms of both the depth of discussion and the geographic reach both in the context of Australia but also the wider implications for Global practice, it is a thought provoking and ambitious undertaking, which is impressively realised.

**Steve Hall** is Director of Reducing Re-offending Serco Australia and New Zealand.

#### Book Review

#### ***Young Adult Offenders: Lost in Transition***

By Friedrich Lösel, Anthony Bottoms and David P. Farrington  
Publisher: Routledge  
ISBN: 978-041574-744-8  
Price: £24.95 (Paperback)

This is the eighth book in the Cambridge Criminal Justice Series, which is published by Routledge in association with the Institute of Criminology at the University of Cambridge. It therefore boasts three renowned editors drawn from the University in Friedrich Lösel, Sir Anthony Bottoms and David P. Farrington. They have, in turn, attracted authoritative contributors to the ten chapters of the book that include Alison Liebling and Rod Morgan.

The book aims to highlight issues around the transition from Juvenile Justice (i.e. community and custodial provision and practices for those aged under 18) to the adult justice world, with a particular focus on the individual variability of maturity, vulnerability and physical development of those in transition (Young Adults or those aged between 18 and 21 or 18 and 25

depending on how the definition is applied). The editors argue that this inconsistency is reflected in Justice systems across Europe and the rest of the world when dealing with transitional Young Adults, and this inconsistency provides the space to debate the most effective approach for administering Justice for this group. It is a timely publication given the significant reduction in under 18 offenders held in custody in England and Wales over the last few years, and the subsequent reduction in the 18-21 year old offender population. Furthermore, there are a number of different models in prisons holding Young Adults across the England and Wales system; with some prisons holding 18-21 year olds (e.g. HMYOI Brinsford), some holding 18-25 year olds (e.g. HMP and YOI Isis) and some mixing Young Adult and Adult populations (e.g. HMP and YOI Portland).

The book commences with these different approaches across Europe in the introduction and the second chapter by Frieder Dünkel and Ineke Pruin, with examples given of countries that treat some offenders as 'Juveniles' until they are 21 (e.g. Germany) or even 25 (e.g. Switzerland). This chapter focuses heavily on Germany which typically diverts 64 per cent of Young Adult offenders up to 21 into Juvenile provision and the analysis provides a strong argument for consideration by academics and policy makers.

This chapter focusing on broad policy is juxtaposed by the next from Mary McMurrin from the University of Nottingham's Institute of Mental Health, which looks at alcohol and aggression in Young Adults in the UK at the individual level, a reflection of her academic background in Psychology. Of particular resonance is the

5. Pages 172-3.

6. Ibid.

7. OECD report prepared jointly with New Zealand Statistics reported in New Zealand Herald Feb 28, 2014.

8. For example Aboriginal people constitute 37% of all Queensland youth offenders whilst only 2.5% of the general population.

comparison of middle-age and Young Adult heavy drinking which appear equally prevalent, except that middle-age drinkers have a much reduced inclination to behave aggressively and cause public disturbance, and therefore are less prominent in the public consciousness. It is another strong argument for the unique management of this group. David P Farrington provides a chapter based on longitudinal research that considers predictive factors in childhood for offending before an extremely interesting chapter for practitioners and academics by Alison Lieblich who summarises research into the coping strategies of Young Adults in custody and the positive impact that relationships can have on offending futures.

Friedrich Lösel uses the next chapter to attempt to review the evidence of what works for young adults, although this is generally limited to extrapolating general research, exposing the dearth of Young Adult specific empirical evidence. An interesting analysis of female Young Adults follows, highlighting key differences in the approach to this cohort, such as how specifically the sense of responsibility to others is a key factor in desistance for this group. Research evidence of desistance is continued in the following chapter which brings together evidence from the Sheffield Desistance Study, a longitudinal piece of research that mainly offers recommendations for those supervising Young Adults in the community.

The final two chapters focus on policy level issues, with Rob Allen specifically analysing the difficulties facing policy makers and Rod Morgan, the former Chair of the Youth Justice Board providing an updated version of an earlier speech he gave whilst still in post concerning transition. He gives a very balanced view, and is

ultimately pragmatic about the way forward, adding to points he made when I interviewed him for an earlier special edition of the *Prison Service Journal*.<sup>1</sup>

In conclusion, this book meets its aims of highlighting the variation in approaches to Young Adult Justice across England and Wales, and Europe, providing strong arguments and evidence at the individual and policy level of decision making. Clearly the editors and contributors argue the benefits of a more tailored approach to a fairly unique group of offenders, although, as Rod Morgan admits in his chapter, the practicalities of achieving this in the current political, operational and financial climates appear slim. Overall this book has the right balance of contributions to peak the interest of students, academics and practitioners working with Young Adults, but the underlying message throughout is clearly reserved for policy makers in the UK and across Europe.

*Paul Crossey is Head of Young People at HMYOI Feltham.*

Book Review

***Juvenile Justice: A Guide to Theory, Policy and Practice 8th Edition***

By Steven Cox, Jennifer Allen, Robert Hanser and John Conrad  
Publisher: Sage  
ISBN: 978-1-4522-5823-2  
Price: £68.00 (Paperback)

*Juvenile Justice: A Guide to Theory, Policy and Practice* has been published and republished for almost forty years with this being the eighth edition produced. It aims to be a concise and reader friendly textbook covering a broad range of topics across Juvenile Justice. The book is produced in the US and

focuses predominantly on the US system of Juvenile Justice, although a number of the key themes running throughout the book are consistent in most western countries, if not the whole world. In particular a large proportion of the book is dedicated to child protection, age of criminal responsibility and Juvenile gang activity, and these issues reoccur throughout all of the chapters.

Unsurprisingly, given the established nature of this textbook, the authors are experienced and reputable academics, some of which have been practitioners within the field of Juvenile Justice. The authors have provided numerous special features in addition to the core text such as 'built-in learning aides', landmark legal case summaries and linked 'career opportunities' related to each chapter.

The book comprises of 14 chapters starting initially with a thorough analysis of the history of Juvenile Justice around the world and in the US. Of particular interest is the lasting punitive approach to Juvenile Offenders, with the chapter highlighting for example the application of the death penalty to Juvenile Offenders which was only 'struck down' by a test case in 2005. Furthermore, there is an explanation of how life without parole for non-homicidal juvenile crimes was only ruled as 'cruel and unusual punishment' by judges as recently as 2010. Building on this chapter there is a descriptive chapter on the definition and measurement of Juvenile offences in the US, followed by a chapter that is applicable across most western cultures on the typical characteristics of Juvenile Offenders.

The following two chapters examine the criminological, psychological and sociological theories of Juvenile Offending and the importance of child protection.

1. Crossey, Paul (2011) Interview: Rod Morgan, former Chair of the Youth Justice Board *Prison Service Journal*, 193, 37-42.

Chapters six, seven, nine and eleven document in detail the specifics of US legal procedures in relation to Juvenile Offenders and are arguably the least useful to those seeking a more generic textbook. However, Chapters eight and ten provide an excellent examination of the interaction between the Police and Juvenile Offenders, in particular the importance of Police discretion and criminalising children, and the advantages of Restorative Justice with this cohort.

Possibly the most interesting chapters are the following two that consider an analysis of Juvenile gangs and their development followed by a chapter summarising Juvenile Justice around the world. The later focuses on the globalisation of the predictive factors of Juvenile Offending, and the link between urbanisation and increased offending within this group. It goes on to examine the variations in the age of criminal responsibility around the world, estimated to be between seven and eighteen before providing useful regional summaries of Juvenile Offending. The final chapter provides some brief ideas for future practice within this field.

Overall, this book achieves its aim of being concise and reader friendly. It is clearly aimed at the undergraduate student of criminology or a similar field, rather than the policy maker or established academic, although it could be of benefit to practitioners working in this area. Although it is strongly focused on the US system, which renders some of the chapters less useful to those wanting a more general or European based text, it does provide a number of chapters that will still resonate across all western society along, with a good analysis across all regions of the world.

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Book Review

***Hate Crime second edition***

By Nathan Hall

Publisher: Routledge (2013)

ISBN: 978-0-415-54027-8

(Paperback) 978-0-415-54026-1

(Hardback)

Price: £28.99 (Paperback) £85.00

(Hardback)

This is a second edition of a book first published in 2005 that aims to capture the growth of global interest in hate crime since the first edition.

The first chapter addresses the question *what is hate crime?* It is a relatively new category of crime and is difficult to define. The author explains that the root of this problem is that hate crime is a social construction rather than a clear cut category that is defined by laws that are more or less inclusive in different jurisdictions. Moreover, some offending badged as hate crime is motivated not straightforwardly by prejudice, sometimes not even by prejudice, but is variously opportunistic or otherwise criminal. In fact, as the author points out, few offences are motivated solely by hate. As if this wasn't complicated enough, the criminalisation of prejudice is also tricky in that it threatens to undermine freedom of belief and expression within pluralist and democratic societies.

Having set the scene as a complex and confounding one the second chapter seeks to answer the question *when is it occurring?* Although hate crime is a relatively new label it is an old problem, and this chapter charts its emergence as a contemporary socio-legal problem in the US and in England and Wales. The next chapter asks *where is it occurring?* The problem of varying definitions and recording practices produces a confusing international geography of apparent frequency in some countries and rarity in others. The next chapter addresses who is

affected? Here the British Crime Survey suggests that 3 per cent of overall crime in Britain is hate crime; that the predominant motivating prejudice is racial hatred and the highest risk group young single people aged 16 to 24 from an ethnic minority. With the changing geopolitical landscape racial hostility increasingly extends to new minorities that include immigrants, asylum seekers and migrant workers (not to mention Muslims in the wake of 9/11 and 7/7). The levels of repeat victimisation and consequent fear and anxiety lead the author to suggest that hate crime is better conceptualised as a process than an event, with a disproportionate and cumulative negative effect on victims.

Chapter 5 examines the nature of prejudice and hate in an attempt to explain why hate crime is occurring. Despite this being one of the most researched areas of social psychology a causal link between prejudice and violence has proved elusive. Many more people hold prejudices than cross a threshold to commit violence. This and the following chapter examine possible explanatory frameworks, hampered by an acknowledged dearth of research into perpetrators. A range of theories are presented. The most promising for me is that of social identity and group dynamics, not least because this has proved central to understanding extremist offending in those convicted under terrorist legislation. The review of the social psychological literature on prejudice and explanatory frameworks is helpful, but largely fails to bridge the gap between macro theory and individual agency.

A possible exception to this is the reference to Waller's (2002) account of how ordinary people come to commit genocide or mass killing in which they are extraordinary because of what they do, not because of who they are.<sup>1</sup>

1. Waller, J (2002). *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*. New York: Oxford University Press.

This goes some way to explaining the role of threshold influences that we have identified in extremist offenders such as identity, meaning, belonging, status, grievance, threat and thrill that make an ideology of hate appealing, and the role of conditioning and grooming in overcoming inhibitions about using violence. Waller's theory refers to professional socialisation, the merger of role and person, us and them thinking, dehumanisation and blaming of the victims. The conclusion of this chapter echoes our own within extremism, that '*the search for a single, universal causal factor for hate crime is likely to be fruitless. Rather it is the interplay of a number of different factors that produces perpetrators*'.

Chapters 7 and 8 address the question of *what should we do to make the problem better?* It examines law enforcement responses and other forms of intervention. The difficulties of definition and explanation again emerge to hamper the development of effective responses. In particular the lack of a comprehensive theory that integrates macro level analysis with an understanding of individual vulnerabilities has meant that formal treatment programmes for individual offenders have been slow to develop and lack evaluation. The conclusion is that at this stage in our knowledge we don't know what works, which leads into a chapter that questions the very utility of the hate crime paradigm. The conclusion is that hate crime is

here to stay, largely for pragmatic reasons. Legal challenges have failed to lead to its abolition.

Although the category of hate crime has practical value, theoretical and moral issues remain and are the subject of the next chapter *Critical issues in hate crime*. These essentially make the case for the continuing use of hate crime laws. Concerns about double jeopardy for hate crime in punishing both the motive and the offence and about the curtailment of freedom of speech are both discussed. The author concludes that the causal link between hatred and the offending can be inferred by the demonstration of hostility during the commission of the offence, and the evidence from victims is that offences aggravated by hostility hurt more and result in more long term damage.

One of the critical issues that resonated significantly with me concerned the extent to which the silo study of hate crime has prevented the recognition of the theoretical intersections between disciplines. The author is referring to academic silos, but it applies also to correctional approaches that tend to be specific to particular categories of offending. There is clearly much to be gained by shared working between those who are experts in extremist offending, gang related offending and hate crime. Indeed such a collaboration is now taking place within the National Offender Management Service in England and Wales to develop new shared approaches to assessment

and intervention. Disappointingly for me the area of Al Qaeda influenced extremism was not discussed despite there being some discussion of Right Wing extremism. This is undoubtedly because this work has not been published due to its sensitivity at the present time. Hopefully this area of learning will eventually be placed in the public domain so that the areas of convergence can be recognised.

The author concludes his book with a chapter of *Conclusions* that reprises the areas discussed and the implications of the gaps in our current knowledge for the future. His essential optimism and resilience is reflected in his interpretation of the ground still to cover as an inspiration rather than a deterrent. He reminds us again of the excerpt from T S Eliot's *Four Seasons* at the beginning of the book

*We shall not cease from  
exploration  
And the end of all our  
exploring  
Will be to arrive where we  
started  
And know the place for the  
first time.*

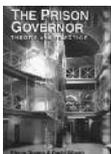
This is a useful, well argued and scholarly book that should significantly advance our shared exploration.

**Monica Lloyd** is a Senior Lecturer in Forensic Psychology at the University of Birmingham.



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The editor is responsible for the style and content of each edition, and for managing production and the Journal's budget. The editor is supported by an editorial board — a body of volunteers all of whom have worked for the Prison Service in various capacities. The editorial board considers all articles submitted and decides the outline and composition of each edition, although the editor retains an over-riding discretion in deciding which articles are published and their precise length and language.

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