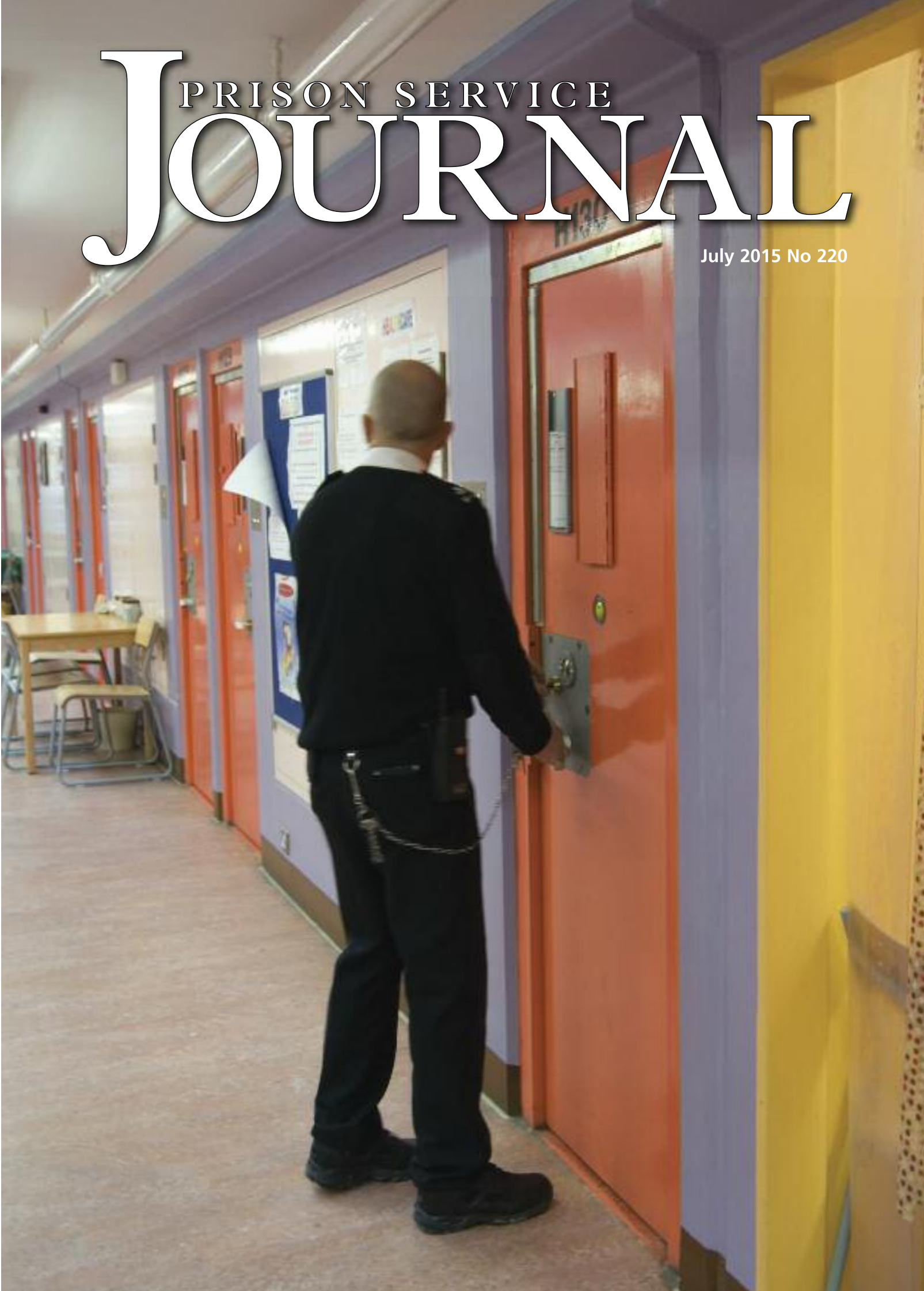


PRISON SERVICE JOURNAL

July 2015 No 220



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The Editorial Board wishes to make clear that the views expressed by contributors are their own and do not necessarily reflect the official views or policies of the Prison Service.

Printed at HMP Leyhill on 115 gsm and 200 gsm Galerie Art Satin

Set in 10 on 13 pt Frutiger Light

Circulation approx 6,000

ISSN 0300-3558

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Editorial Comment

This edition of *Prison Service Journal* offers an eclectic mix of articles revealing something of the penal spectrum as it touches upon prisons, youth imprisonment, the experience of state care, immigration detention and community punishment.

The opening article by Dr. Victoria Knight from De Montfort University, Leicester, offers an overview of technology in prisons. In the words of Yvonne Jewkes and Helen Johnston, prisoners have been represented as 'Cavemen in an era of speed-of-light technology', but Knight reveals how technology such as television, email, internet, e-learning, and digital kiosks have started to seep into prisons, altering them in sometimes significant ways. Knight draws upon international and domestic examples to illustrate the potential of technology to empower prisoners and enrich the prison experience as an opportunity to facilitate desistance from crime. In suggesting that this is an opportunity rather than a threat, Knight makes an important contribution to professional discourse.

Dr Esther van Ginneken of Liverpool Hope University contributes an article drawn from her research into the role of hope in desistance. Her work was based upon interviews with thirty prisoners. She describes 'hope' consists of three elements: *goal-oriented thoughts* (the positive things someone would like to achieve); *pathways to achievements* (plans about how these goals can be achieved); and *agency thoughts* (a motivation to achieve these goals as well as a belief in one's ability to reach them). Based upon her work, she argues that fostering and sustaining hope is part of the ways in which positive progress is sustained.

Two articles focus on the experience of young people. Dr Tricia Skuse and Jonny Matthew offer a paper based upon their work in a secure children's home. They propose a model for understanding

individual behaviour and sequencing interventions. Nina Vaswani from the University of Strathclyde draws upon data collected in 23 interviews, focussing upon the experience of loss amongst young people in prison. This has implications for understanding the pains of imprisonment and how to ameliorate them, but also in thinking about the transition from prison to the community.

The other articles in this edition look more widely than the prison. Martin Ferguson of the mental health charity MIND offers a discussion of the public identification of offenders in the community, for example through high visibility clothing. He situates this discussion with the wider values and political economy of punishment. In particular, he argues that such an approach focusses on the retributive aspects of punishment to the detriment of more reintegrative and rehabilitative aims. Dr Hilary Pickles, a medical professional explores Rule 35 (1) of the immigration detention legislation, which states that a medical practitioner must report to the Centre Manager any detainee whose health is likely to be injuriously affected by continued detention or conditions of detention. Pickles makes a close examination of the rule and its application in practice before offering recommendations for development and improvement. Subsequent to this article being drafted the Home Office have asked Sir Stephen Shaw to review the welfare in detention of vulnerable persons.

Together these articles explore a wide range of areas, including different forms of detention and punishment and different groups of people subject to incarceration. What they share is a concern with the exploring and examining the relationship between theory and practice, and they all have a concern with the values of criminal justice.

Some Observations on the Digital Landscape of Prisons Today

Dr Victoria Knight is a senior research fellow at the Community and Criminal Justice Division, De Montfort University, Leicester.

...everything is going digital so what are they going to do then? It's going to be a big problem...

(Ron, prisoner)

...there are hidden goods for having technology in prison
(digital industry interview 5)

This article¹ will provide a review of some of the developments that have taken place in prison with respect to communication digital technologies and draws upon data collated from interviews with prisoners, prison staff and also digital providers and key stakeholders from across corporate and third sectors. This article adds to a body of research conducted by Knight² relating to in-cell television in a male adult prison. This part of the research goes some way to giving voice to 'security experts with the knowledge and skills to suggest how Internet use in prisons could be managed'.³ Moreover, it reflects on the evolving nature of digital technologies and considers how prisons are managing these and the extent to which digital technologies are being embraced by prisons, here in the UK, across Europe and the USA. More broadly, this short analysis tells us much about the ways in which our prisons resist technology, how this is mirrored by public perception and the degrees to which digital technologies achieve 'luxury' status.

The introduction of in-cell television into prison was met with some anxiety and trepidation by both staff and prisoners.⁴ In similar ways, nervousness about the appearance of communication digital technologies into prisons is also evident from a range of stakeholders. There are routinely public outcries pedalled by tabloid press about prisoners having access to digital devices and services, as headlines like '19-year-old convicted killer shows off his PlayStation, TV

and hoard of snacks'⁵ attack prisoners' access to 'luxury' items. Moreover fears of prisoners' access to digital technologies also link into the fundamental features of communicative technologies. What sets communication digital technologies apart from television are that technologies like the Internet, email and interactive television (iDTV) requires user engagement which is a distinguishing and stark contrast to the one-way nature of television and other media like radio. What this fundamentally means in the context of the prison is that the prisoner can 'reach' the outside world and the world can also reach them. Very recently the press have captured video evidence from prisoners using mobile phones and 'brazenly uploading pictures of drugs, cash and even a dangerous weapon on their illegal social media accounts'.⁶ Despite these concerns for 'security', brought about by the permeability of digital technologies the prison services have been sensitive to the digital lag or gap brought about by such delays and stalling of introducing digital services across the sector. Overall provision is patchy across the estate in the UK and there is no definitive integrated ICT system as there is in countries like Belgium and in some states across the USA.

The Context:

Overall prisons are 'communication' poor environments and therefore there is no surprise that prisons are places which enhance digital poverty and strengthen the digital divide.⁷ The NOMS Digital Strategy⁸ sets out a national plan to boost and exploit digital technologies across the criminal justice sector in the UK. This is however, limited and disjointed and

1. A version of this article with appear in Knight, V. (2016) *Remote Control: Television in Prison* London, Palgrave Macmillian.
2. Knight, V. (2012) *The role of in-cell television in a male adult prison: Governing Souls with television*, PhD thesis De Montfort University Leicester 2012- <https://www.dora.dmu.ac.uk/xmlui/handle/2086/7886>
3. Jewkes, Y. (2013) Penitentiary systems in the era of Internet services, *Laboratorium: Russian Review of Social Science*, 2 <http://www.soclabo.org/index.php/laboratorium/>
4. Knight, V. (2012) *The role of in-cell television in a male adult prison: Governing Souls with television*, PhD thesis De Montfort University Leicester 2012- <https://www.dora.dmu.ac.uk/xmlui/handle/2086/7886>
5. Knight, V. (2014) A modus Vivendi –In-cell Television, *Social Relations, Emotion and Safer Custody Prison Service Journal* November 2014 No 215.
6. Daily Mail (2012) <http://www.dailymail.co.uk/news/article-2082656/Convicted-killer-Liam-Ryan-shows-PlayStation-TV-snacks-inside-young-offenders-institute-cell.html#ixzz3POSJK8Cx> 6.1.12 accessed 20.1.15.
7. Channel 4 (2015) Prisoners on Instagram reveal security crisis behind bars 29.1.15 <http://www.channel4.com/news/prisoners-on-instagram-reveal-security-crisis-behind-bars-contraband-drugs-knives> accessed 10.2.15.
8. Champion, N. & Edgar, K (2013) *Through the Gateway: How Computers Transform Rehabilitation* London, Prison Reform Trust <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Through%20the%20gateway.pdf>
8. Ministry of Justice (2012) *Digital Strategy* <https://www.gov.uk/government/publications/ministry-of-justice-digital-strategy>

makes no reference to the social uses of communication technologies with respect to prisoners and how they can use technologies to cope with everyday life. Others like Champion and Edgar⁹ have reviewed this enterprise and are collectively lobbying for a more synthesised approach to enable prisoners to learn and develop important digital skills for life. Other countries, like Belgium and USA have however demonstrated a different approach to enabling provision. In Belgium the prison services have developed a coordinated approach to providing a whole package of digital capabilities and opportunities for prisoners. However in the UK many prisons try to adapt current provision to communicate important messages to prisoners. Tony¹⁰ a Deputy Governor usefully captures the frustration of trying to use television like a computer

Here we are restricted to a PowerPoint type presentation that just flicks over; that would do my head in if I was waiting for one bit of information to come up, once they have got it, it flicks over and I have lost it and I have got to wait for another 100 pages for it to come back round. I don't think that side of it has been utilised to its full. (Tony, Deputy Governor).

This review has identified that there are several challenges that can be identified in relation to digital provision and access in prison. These include concerns about security, digital capability, cost to install and run the service, prisoners' rights and implications for staff workload. Despite these obstacles 'technology can work well in a prison if it is managed' (digital industry interview 5). Furthermore, there is a consensus across the interviews with stakeholders that digital technologies are 'a tool to look after themselves' (digital industry interview 5).¹¹ Moreover, Prison Services market formal and authorised digital provision within pedagogic and resettlement discourses. Little is said about the social and emotional uses of such technology.

This review has identified that there are several challenges that can be identified in relation to digital provision and access in prison.

Email

In 2006 HMP Guys March was the first prison to introduce *emailprisoner*. This was a service which allowed prisoners to receive an email from an approved sender instead of a letter. After a period of piloting, the provision was expanded across the prison estate in England, Wales and Scotland and now covers almost all prisons across this sector. Prisoners receive a printed version of the email that is downloaded by officers who examine incoming correspondence and censor the emails in the same way as they do letters.¹² The advantage of having an email is there is no doubt that contraband will be concealed and since the message is printed there are no difficulties in deciphering handwriting thus making it much easier for prison staff to manage. Moreover, costs are reduced for the sender

and security concerns are mitigated much more efficiently for the prison. However, like in-cell television its introduction and roll-out hasn't been seamless and a number of obstacles did slow down uptake by establishments. The next logical phase for *emailprisoner* was to introduce a prisoner reply service and so a growing, yet smaller number of prisons across the UK are using this system. Unlike conventional email where all transactions are done electronically the reply is undertaken by scanning in a handwritten letter from the

prisoner and this reply is sent via a bar code that is attached to the originating letter. As a result the full email experience is not fulfilled. However the company that now owns *emailprisoner*, Prison Technology Ltd, are supplying a number of prisons (predominantly private) with hardware such as kiosks and in-cell services linked to televisions and PC tablets which means prisoners are able to access a wider digital experience (see below), which includes sending approved and secure email replies. A NOMS evaluation of this service in 2008 pointed towards revolving concerns about ICT security¹³ but acknowledged how well its initial roll out had been received. There has been no evaluation of the service since the reply functionality has been introduced in 2010.

9. Champion, N. & Edgar, K (2013) *Through the Gateway: How Computers Transform Rehabilitation* London, Prison Reform Trust <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Through%20the%20gateway.pdf>
10. Knight, V. (2012) *The role of in-cell television in a male adult prison: Governing Souls with television*, PhD thesis De Montfort University Leicester 2012- <https://www.dora.dmu.ac.uk/xmlui/handle/2086/7886>
11. All respondents are anonymised and were given pseudonyms to protect their identity.
12. Her Majesty's Prison Service (2011) PSI 06/2011 Prisoner Communications- Correspondence.
13. NOMS (2008) Evaluation report following survey of prisoners on use of *emailprisoner.com* http://www.prison-technology-services.com/NOMS_Report.pdf p4.

In contrast, Trust Fund Limited Inmate Computer System (TRULINCS) has been providing an email service to all Bureau of Prisons (Federal State) in US prisons since 2007. This is a fee based email service and prisoners are charged to send and read emails. Unlike the *emailprisoner* the service in USA is a complete electronic service where the prisoner accesses the email online. Emails are limited to 13000 characters and they are not allowed to send or receive attachments. There is still a staff screening system. Access to the email system is not automatic. Prisoners have to have access approved and they have to provide a list of contacts which are then authorised. The prisoners' contacts are approached by the institution to check if they would like contact with the prisoner. As a result contacts can be barred from prisoners' lists of contacts if recipients do not want contact with the prisoner.

One other example includes a coordinated initiative in Belgium called *PrisonCloud*.¹⁴ The prison service in Belgium have approached digital provision in a consolidated way and have ensured that digital services are networked together. Unlike the UK and USA models this approach means that *PrisonCloud* delivers a wide range of services from one single platform. This model is currently being developed in two mixed sex adult prisons in Belgium and almost all of the prisoners there have access to basic services. A functioning and interactive email service is being developed to add to the cloud service. This will be managed under the same legislation as letters that prisoners receive and send. Prison staff can open letters to look for contraband but they are not, under statute, permitted to read the letters. As a result email is one of many services that prisoners can access with relative ease whilst in prison. This system is particularly useful for prisons to achieve control, surveillance and regulation with relative speed and accuracy and is described as being 'NATO certified' (digital industry interview 4). As a result services can tailor access to different parts of the system according to the needs of the individual and the needs of the establishment.

In the context of England and Wales most prisoners are denied the freedom to surf the Internet.

As Jewkes and Johnston¹⁵ discuss the constraining nature in which digital technologies are handled by prison services especially when prisoners are denied routine and regular access. They refer to these as 'modern' pains of incarceration which can be translated as feelings of loss. As Ron, a prisoner described,

I have got a DAB radio in my cell, so I have got a bit more access to different radio stations...but we should be moving with the times... If they don't it is like going back to the stone ages...(Ron, prisoner)

Thus Jewkes and Johnston, advocate access to 'computer-mediated communication' as part of 'normal rights of communication'¹⁶ and that limiting access is 'an example of technology being used as a strategy for social exclusion' (ibid:137). As Champion and Edgar¹⁷ suggest, a disjointed service has amplified this digital

poverty, particularly in relation to maintaining family ties. Underpinning the ethos of mechanisms like Belgium's *PrisonCloud*¹⁸ is to use digital services to bring about an 'individualised approach and is more humane' (digital industry interview 4).

Internet- The World Wide Web

In the context of England and Wales most prisoners are denied the freedom to surf the Internet. This is regulated by PSO 9010¹⁹ which states that 'prisoners must not be allowed uncontrolled access'. As Champion and Edgar²⁰ stress this may suggest that prisoners could have 'controlled' access but according to their review 'there is a blanket ban'.²¹ This is because the UK model is not sufficiently coordinated. Their research found that there is controlled and restricted access in localised pockets of the prison sector, particularly in private prisons. This kind of access is only permitted to assist with prisoners' learning, resettlement plans and healthcare. Learning platforms like *Virtual Campus* permit some prisoners to access

14. Prison Cloud <http://www.ebo-enterprises.com/en/prisoncloud> accessed 16.2.15

15. Jewkes, Y. and Johnston, H. (2009) Cavemen in an era of speed-of-light technology: historical and contemporary perspectives on communication within prisons, *Howard Journal of Criminal Justice*, 48 (2): 132-143.

16. Ibid. p135.

17. Champion, N. & Edgar, K (2013) *Through the Gateway: How Computers Transform Rehabilitation* London, Prison Reform Trust <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Through%20the%20gateway.pdf> accessed 16.2.15

18. Prison Cloud <http://www.ebo-enterprises.com/en/prisoncloud> accessed 16.2.15.

19. Her Majesty's Prison Service (2003) PSO 9010 Information technology security policy.

20. Champion, N. & Edgar, K (2013) *Through the Gateway: How Computers Transform Rehabilitation* London, Prison Reform Trust <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Through%20the%20gateway.pdf> accessed 16.2.15

21. Ibid p5.

restricted sites. However Champion and Edgar are critical of those kinds of provision as they fail to replicate the interactive features of using the Internet. They argue that there should be 'should be a clear national strategy and a Prison Service Order'²² that relates specifically to provision and access of digital technologies. Elsewhere, supporting access to on-line interaction has been challenging for services. For example *Virtual Campus* was intended to support and consolidate learning on-line, however many establishments have struggled to secure sufficient broadband speed and so services have been limited and disrupted.²³

Concerns about prisoners' access to digital technologies have been best amplified by the media reporting how some prisoners have managed to gain unauthorised access to social networking sites. The development and speed in which mobile phones have become 'smart' and Internet ready has meant that access can no longer be strictly controlled by the prison. Prisoners' access to illicit mobile phones has seen the emergence of serving prisoners now developing their online profiles through sites like Twitter and Facebook some of which have gained a large following. On such example is The Lifer @Prison_Diaries who claims to tweet from a prison in the UK.²⁴ Other prisoners use third parties to set up websites on behalf of them. Charlie Bronson, a violent criminal who has famously spent long periods of time in segregation and secure hospitals, has his own website to promote his artwork.²⁵ Moreover, in the USA there are a number of websites which supports a pen pal service. In these cases prisoners send their details (including a photo) to the provider. In these cases prisoners are using third parties to set up on-line identities. In the USA, it has been argued that denying prisoners access to these kinds of sites is an infringement of their rights to 'freedom of expression'.²⁶ Provision in Belgium is geared towards providing a digital experience which is as close to the real world as possible and so 'normalization is huge without losing security is a priority' (digital industry interview 4).

Video Conferencing

At present the use of video conferencing or virtual face-to-face contact across the UK is limited to court appearances and for meetings with their legal representatives.²⁷ It was also noted that some prisons use this for foreign national prisoners to see their family and friends. There is a desire, as outlined by Champion and Edgar, for this to be extended to prison visits. Furthermore some prisoners and their families have made the decision not to allow their children to visit them whilst in prison,

I have a 3 year old son and I've asked not to bring him here so much. I want to see him, but I worry how it is affecting him. We need to maintain a bond, but I worry about him growing up and that it is damaging him. It is about balancing it. (Leon, prisoner)

In overcoming some of these tensions, video conferencing is being developed to nurture family contact in Ireland and support for prisoners in the Netherlands.²⁸ These aspirations are a reality in the USA. Imprisonment can mean that many prisoners find themselves large distances away from their homes and family and therefore the logistics of family members travelling to encounter a face-to-face visit can be resource intensive, in terms of time and cost. Real time video conferencing in prison was first introduced in the USA in the 1990s and a few years later this was extended for visiting arrangements. Phillips²⁹ review outlined that the cost of using this service varied across the prison estate. In some prisons they permitted two 25 minute video conferences at no cost to the prisoner or family member. Whereas in other prisons there was a charge of \$15 for a 30 minute conference. Reviews by Phillips³⁰ and Doyle et al³¹ outline that video conferencing helps assist more communication with families than if they just relied on face-to-face visits. Doyle et al calculated that the return on investment for this service would be approximately 6 months since its

22. Ibid p3.

23. Turley, C., & Webster, S. (2010). Implementation and delivery of the Test Beds Virtual Campus Case Study. National Centre for Social Research https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32322/11-827-implementation-of-test-beds-virtual-campus.pdf accessed 20.1.15

24. The Lifer (2015) @Prison_Diaries, Twitter, 20.1.15. https://twitter.com/Prison_Diaries 20.1.15.

25. Charlie Bronson www.charliebronsonart.co.uk (2014) accessed 20.1.15.

26. Holtz, T. A. (2001) Reaching out from behind bars: The constitutionality of laws barring prisoners from the internet *Brook. L. Rev.*, 67, 855.

27. Champion, N. & Edgar, K (2013) *Through the Gateway: How Computers Transform Rehabilitation* London, Prison Reform Trust <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Through%20the%20gateway.pdf> accessed 16.2.15

28. Europris (2013) ICT Expert Group Meeting 12-13 December 2013 Europris Netherlands http://www.europris.org/resources_package/summary-report-ict-expert-group-meeting-12-13-december-2013/ accessed 20.1.15.

29. Phillips, S. (2012) Video Visits for Children Whose Parents Are Incarcerated: In Whose Best Interest? Washington D.C The Sentencing Project http://sentencingproject.org/doc/publications/cc_Video_Visitation_White_Paper.pdf

30. Ibid.

31. Doyle, P., Fordy, C. & Haight, A. (2011) Prison Video Conferencing The University of Vermont <http://www.uvm.edu/~vlrs/CriminalJusticeandCorrections/prison%20video%20conferencing.pdf> accessed 20.1.15.

introduction.³² Virtual visits do enhance communicative opportunities by facilitating 'more meaningful relationships' between parents and their children.³³ The *PrisonCloud*³⁴ model in Belgium is also developing this facility within prisoners cells, so instead of making a phone call they can make a video call. This is not intended to replace face-to-face visits but to enhance the quality of those interactions. Legislation in Belgium means that phone calls and also video calls cannot be recorded by the prison establishment for screening purposes as they are in the UK and USA.

e-learning and t-learning

Within the UK context there has been significant investment in the service Virtual Campus. This is a secure web-based environment managed by NOMS and Department of Business Innovation and Skills. This provides a through-the-gate capacity so learners can continue to use this facility during their resettlement back into the community. Like other initiatives its roll out was phased. The introduction of e-learning is considered a natural progression to assist education with prison settings and forms part of the 'normalising' of learning for prisoners.³⁵ Historically, supporting learning within the confines of prison, has meant prisoners have always had a limited educative experience, as Fong³⁶ argues accessing materials, such as books and articles to support learning has been limited. Hence, learning can be compromised regularly by the prison regime and security. Compounding these issues, a significant proportion of prisoners have poor basic skills³⁷ and learning disabilities;³⁸ and thus come to education neither ready, supported nor motivated.

Within the UK context there has been significant investment in the service Virtual Campus.

Morgan and Kett³⁹ found for example that many prisoners have a negative view of education, whilst the curriculum on offer within establishments may not be attractive.⁴⁰ Prison teachers are also acutely sensitive to these challenges.⁴¹ The development of any new system to enhance educative experiences needed 'to ensure that prisoners themselves take ownership of their education'.⁴² One interviewee remarked how some ICT lessons talked about the Internet and even showed videos of what it does and how it works, yet prison learners were denied the opportunity to try it out. This interviewee argued that 'it doesn't really take the prisoner as a responsible person' (digital industry interview 4). Thus the digital agendas proposed by national strategies are limited.

With these issues in mind a full e-learning solution could have assisted in improving the prison education experience for both learners and teachers. Yet digital gateways like *Virtual Campus* are not without its constraints and capability still remains a problem. Birmingham City University conducted a review of the *Virtual Campus* network across the West Midlands in 2011 and found that most of the problems were considered organisational and technical.⁴³ For example connectivity to the web was reported widely and learners often found themselves frozen from their accounts due to log-in difficulties. There is no doubt that most research into this topic identifies that e-learning is an important tool for enriching learning. Here in the UK Adams and Pike⁴⁴ promote the concept that e-learning has transformative potential — enabling prisoners to reinvent themselves. Knight and Hine⁴⁵ argue that e-learning and t-learning (learning using television rather than a computer) could boost the amount of time prisoners can learn in their

32. Ibid p5.

33. Welsh, D. (2008). Virtual parents: How virtual visitation legislation is shaping the future of custody law. *JL & Fam. Stud.*, 11, p214.

34. Prison Cloud <http://www.ebo-enterprises.com/en/prisoncloud> accessed 16.2.15.

35. Turley, C., & Webster, S. (2010). Implementation and delivery of the Test Beds Virtual Campus Case Study.

36. Fong, J. (2008). Facilitating Education in Prisons. In *Advances in Blended Learning* (pp. 1-15). Springer Berlin Heidelberg.

37. Sparkes, R. (1999) *Schools, Education and Social Exclusion* Centre for Analysis of Social Exclusion, London School of Economics, London.

38. Loucks, N. (2007). No One Knows: offenders with learning difficulties and learning disabilities—review of prevalence and associated needs. *Prison Reform Trust, London*.

39. Morgan, M., & Kett, M. (2003). The prison adult literacy survey. *Results and implications*. Irish Prison Service http://www.iprt.ie/files/adult_literacy_survey.pdf accessed 20.1.15.

40. Hughes, E. (2005). Free to Learn?: Prisoner-students' Views on Distance Learning. Prisoners' Education Trust.

41. Irwin, T. (2008). The 'inside'story: Practitioner perspectives on teaching in prison. *The Howard Journal of Criminal Justice*, 47(5), 512-528.

42. House of Commons (2005) Select Committee on Education and Skills: Seventh Report 31.3.05 p27

<http://www.publications.parliament.uk/pa/cm200405/cmselect/cmmeduski/114/11407.htm> accessed 20.1.15

43. Birmingham City University (2011) Working with the Prison Virtual Campus — End of project report p6 <http://archive.excellencegateway.org.uk/page.aspx?o=> accessed 16.2.15.

44. Adams, A., & Pike, A. (2008). Evaluating empowerment and control of HE e-learning in a secure environment. Open University <http://oro.open.ac.uk/24174/> accessed 20.1.15

45. Knight, V. and Hine, J. (2009) Learning their Lesson: T-Learning as a vehicle for in-cell learning by prisoners. *The International Journal of Learning*, 16 (10), p51-64.

own time, especially inside their cells. The prevalence of boredom is also significant to prisoners' desire to learn and find stimulating activities, especially inside their cells during periods of bang up; as one prisoner explained,

I like crosswords to keep my brain active. How can I say you could become 'cabbaged' here with the boredom and depression, doing something stupid you could snap and yes I have been there. (Stuart, prisoner)

Belgium's *PrisonCloud*⁴⁶ is one example where the transition from the classroom to the prison cell is seamless and achievable. Here learners can continue their learning in the cell with support from content that can be accessed via their in-cell television. In the USA Gorgol and Sponsler⁴⁷ advocate a move towards an IT mind-set across prison services. Slow progress in this direction means that prison authorities are blocking educative progress of prisoners.⁴⁸ Europris's ICT Expert Group is one such initiative that is trying to support ICT capability across prisons in Europe. In Sweden they are developing a distance learning package for prisoners to ensure that they can access their teacher irrespective of location.⁴⁹ Here digital solutions are helping to overcome barriers to learning.

Digital kiosks, handheld devices and in-cell communications

Developments are always evolving but as outlined in this section the speed in which introducing digital technologies takes place is slow. There are a number of prisoners across the UK estate that are benefiting from electronic interactive services. Private prisons especially are moving at a much faster speed than state prisons. Digital industry experts explain that private prisons 'are more open' to installing these kinds of services as they want to ensure that their contracts offer a number of

Digital industry experts explain that private prisons 'are more open' to installing these kinds of services as they want to ensure that their contracts offer a number of 'selling points' . . .

'selling points' (digital industry interview 5). As a result kiosks, handheld devices, interactive televisions and in-cell telephones are becoming a feature of prison life for some prisoners. With this kind of hardware establishments across the UK are beginning to pull together a number of services which resemble the *PrisonCloud* model currently available in Belgium. What this means for prison services is that 'having advancements in technology does open avenues for education bodies and health bodies too' (digital industry interview 5) and thus services can be directed and channelled to individual prisoners depending on their needs and profile. For example a prisoner who smokes can be exposed to advice about quitting through their digital accounts. As a result this technology can assist services to ensure prisoners are being targeted with the right support and interventions. Moreover the availability of digital platforms outside the traditional learning environments such as classrooms means that availability and usage encourage wider use. Currently just over twenty prisons have implemented these devices and two prisons are currently trialling in-cell provision (one based in London and one based in the North of England). Belgium's *PrisonCloud*⁵⁰ provides a valuable portal which also attracts use by prisoners. Here prisoners can access details about the prison regime and have their own

personalised timetable, get judicial advice, access their own judicial files and send requests across the prison to make applications for appointments and apply for jobs both inside and outside (in preparation for release) prison. A move towards a paperless environment is claimed to enhance transparency and allow prisoners to take control and 'get their life back' (digital industry interview 4).

Kiosks operate using a touch screen function and prisoners access their accounts using pins or biometrics. From here prisoners can access and directly manage a wealth of detail including their own money, order their meals, email approved contacts, make appointments to

46. Prison Cloud <http://www.ebo-enterprises.com/en/prisoncloud> accessed 16.2.15.

47. Gorgol, L. & Spogler, B. (2011) Unlocking Potential: Results of a National Survey of Postsecondary Education in State Prisons Washington, IHEP http://www.ihep.org/sites/default/files/uploads/docs/pubs/unlocking_potential-psce_final_report_may_2011.pdf

48. All-Party Parliamentary Group on Penal Affairs(2009) Prisoners' Education: Are we doing enough? <http://www.open.ac.uk/cetl-workspace/cetlcontent/documents/4a8293cab678c.pdf>

49. Europris (2013) ICT Expert Group Meeting 12-13 December 2013 Europris Netherlands http://www.europris.org/resources_package/summary-report-ict-expert-group-meeting-12-13-december-2013/ accessed 20.1.15.

50. Prison Cloud <http://www.ebo-enterprises.com/en/prisoncloud> accessed 16.2.15.

see healthcare, apply for prison jobs and access their learning portfolios. Currently these kiosks appear in landings and public spaces across the prison. One digital provider confirmed that there are '8 million transactions on kiosks in a year' (digital industry interview 5) and thus are well used by those prisoners who have access to them. This kind of usage data can help unlock knowledge about the behaviour of users in this environment. Instead of challenging security, industry experts believe it can tighten security controls. Surveillance data on the use of digital prisoner accounts can provide important data on aspects relating to safer custody such as bullying, data to support purposeful activity and spotting opportunities for family contact. Moreover, setting up electronic systems for prisoners' pay and finances, ordering their canteen and meals is claimed to assist with efficiency. In Northern Ireland digital technologies are assisting in prison work with developments to move towards a tablet platform to help officers keep up with paperwork. Moreover surveillance systems like cell cameras and microphones activating when officers approach the cell are also being developed. There is some anxiety amongst staff that these kinds of systems could mean staffing levels are cut. Currently this is a reality and since 2010 many prisons have seen in some cases a 40 per cent reduction in staffing.⁵¹ Fears of machines taking over the work and input of people are not new, but in the light of current sector reviews the introduction of digital services which reduce workloads can arouse resistance and suspicion especially from staff.

In-cell digital provision is revolutionary and is a far cry from the old and decaying cells that once had no in-cell sanitation and in-cell electrics. However not all cells are digitally ready, but where they are these prisoners can, if prisons have invested, enjoy digital access to their prison accounts via their in-cell television. This is supported by not only a remote control, but also a keyboard. This kind of hardware is claimed to be tamper proof and there are no back-doors to gaining access to the Internet. Additional services include in-cell telephone, where in the same way telephone is used on the prison landing instead phone calls can be made in

the privacy of their own cells. Calls are monitored by the establishment in exactly the same ways. In Belgium the in-cell provision is advancing and in the same ways the *PrisonCloud*⁵² platform is accessible via the television. Significant investment is being made to ensure cells are digitally capable. However a move to more mobile devices like tablets means that services might not need to wire up cells as they are currently doing. In Belgium the service is exploring the use of 4G in place of WiFi to ensure there is a secure bandwidth. Other discussions include some solution to develop a social networking site that provides prisoners with a sense of community, albeit located only within the prison setting. Other considerations include designing a system which is suitable for people with learning disabilities and also for different languages. *PrisonCloud* are developing a translator application to ensure all of its population can access information. Countries like Norway, Sweden and Netherlands are keen to move towards the *PrisonCloud* model and investment in digital solutions are now an important development.

This in-cell provision will have some important effects, still yet to be observed and evaluated. Current research into in-cell television can highlight some anticipated outcomes. In particular the withdrawal of prisoners from the public landscape of the prisoners will undoubtedly see a decline in situated activity and a rise in mediated activity. This means prisoners will disappear from view and remain comforted, albeit in limited way, inside their cells.⁵³ The attractiveness of these facilities means again the use of the cell becomes normalised and thus can assist with current government drives to reduce costs. Whilst prisoners are 'busy' in their cells-there is no need to invest in staff costs and emphasis on prisoner-staff relationships may slip from the agenda altogether. However the enriching benefits of prisoners taking control of their own lives, however small can nourish the social and emotional responses to modern imprisonment. Exploring and evaluating these kinds of impacts are necessary in order to fully understand the psychosocial dimensions on the experience of incarceration and marry the aims of imprisonment with resettlement and desistance.

51. <http://www.howardleague.org/prison-officer-numbers/> accessed 21.10.14.

52. Prison Cloud <http://www.ebo-enterprises.com/en/prisoncloud> accessed 16.2.15.

53. Knight, V. (2012) The role of in-cell television in a male adult prison: Governing Souls with television , PhD thesis De Montfort University Leicester 2012- <https://www.dora.dmu.ac.uk/xmlui/handle/2086/7886>

The role of hope in preparation for release from prison

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Introduction

Release from prison can be an exciting and daunting prospect. Prisoners will be tasked with, for example, making arrangements for accommodation, employment, childcare and benefits. Both long and short prison sentences are very disruptive and the process of adjustment after release is not to be underestimated. Circumstances and support outside of prison will influence how smoothly people are able to transition back into society. Thus, while prisoners have various challenges in common, their individual situation can make the process substantially easier or more difficult. This is reflected in people's expectations about release and has an impact on their psychological well-being; an optimistic outlook on the future was associated with better psychological adjustment in my study of prisoners who were close to their release. In this article I will unpick the concept of 'hope', offer thoughts on the extent to which it is beneficial and the differences in expressions of hope among prisoners.

Case study of Max

First, I will introduce Max, who had high hopes for the future, despite his extensive prison history. His hopeful narrative shows many characteristics that are considered important in the process of moving towards a crime-free life (i.e. desistance). This highlights the potential implications of a person's subjective mindset in prison for life after release.

Max was in his late thirties and had recently become a grandfather. He described himself as institutionalized and found it easier to be in prison than outside. However, he said he had reached the point in his life where he was done with the life of crime. This time around, he had found it much more difficult to be

separated from his family and wanted to be out of prison.

Max: *It is a lot easier in here than outside, but this time around I wanna get out, I don't wanna be in here. It's the point in my life where I actually want out of jail. (...) Before it didn't bother me, but just lately, I want out of jail so, so much. It's the hardest sentence I've done so far. I just want to be home with my kids, my son, my daughter, granddaughter and my missus. Be back at work, be on a proper life.*

While one may doubt Max's ability to stay out of prison, he had a typical desistance narrative. First, he had positive and concrete goals for the future: He wanted to be out of prison, work and see his granddaughter grow up. He felt like he was missing too much while in prison and wanted to be there for her. His desire for 'normality', including legitimate employment and family life, is illustrative of what has been described as a 'positive possible self'.¹ Secondly, Max saw himself as a changed man; and this new identity was reinforced by people around him. He was behaving well in prison (apparently he used to be known as a bit of a trouble maker) and people had said to him that they believed he would not be returning to prison. This gave him confidence that he would be able to maintain his good behaviour after release.²

Esther: *How do you think you're gonna go straight this time?*

Max: *I know I am... Everybody's just saying to me... Officers who I've known for years, 'cause this is my city, there's officers in there that I've gone to school with and they've seen me getting kicked out of school, going to*

1. Paternoster, R. and Bushway, S. (2009) Desistance and the 'feared self': Toward an identity theory of criminal desistance. *The Journal of Criminal Law & Criminology*, 99(4): 1103–1156.
2. The importance of the belief from others in a person's ability to desist has been described by Maruna, S., LeBel, T. P., Mitchell, N. and Naples, M. (2004) Pygmalion in the reintegration process: Desistance from crime through the looking glass. *Psychology, Crime & Law*, 10(3): 271–281.

jail... and they say 'but [Max], you're coming back no more, when you get out this time you ain't coming back'. Everyone's noticed it. They've seen a big change in me. I don't do crime, I can't be bothered with it no more. I'd rather work, pay for my living.

Thirdly, he felt in control of his life. He said he had an extensive history of drug abuse, but that he had managed to overcome it. He emphasised that he was responsible for this change, not the prison. This showed a sense of agency and self-efficacy.

Max: *Just stopped, just had enough. They put me on methadone this time around, I stopped it all. Stopped everything. Don't want it. Clean. Don't wanna do anything. This is my decision, something I've done, you know what I mean. I'm not gonna let the system have the credit for something they have not done.*

Max's desire for normality, the affirmation of his identity change by others and his sense of agency contributed to his positive outlook on the future. He was hopeful that he could stay away from crime and out of prison, because he believed in his own ability to make changes. The definition and different components of hope will be discussed in detail below, after a brief outline of the study's methodology.

Methodology

Max was one of the thirty prisoners (fifteen men and fifteen women) I interviewed for my research project on psychological adjustment in prison. These interviews lasted an average of one hour and covered the following topics: current and previous prison experiences, release expectations, health, coping and support. In addition to semi-structured interviews, I also administered questionnaires related to psychological well-being. The study was conducted in HMP Peterborough (local, Cat B, private), which holds male and female prisoners. Participants were serving

determinate sentences between five months and five-and-a-half years. Most prisoners were within two months of their release, so they could reflect on the time they had spent in prison, as well as on their expectations for life after release. In my analysis of the interviews, I aimed to describe participants' subjective experience and to interpret how participants make sense of their experience.³

What is hope?

From the interviews it appeared that a positive outlook on the future was one of the elements that set apart prisoners who were 'doing well' from those who were 'just doing time'.⁴ While prisoners in the last group were surviving in prison, they were pessimistic about their ability to desist. They were going through the motions of everyday-prison-life, but their subjective well-being was low; they lived in quiet desperation. Prisoners who were doing well, on the other hand, had seemingly found purpose in prison life and were more actively preparing for release. Crucially, 'hope' was more than just a wish for a good future — something which is arguably shared by all prisoners. Hope among the prisoners who were doing well consisted of three components: *goal-oriented thoughts* (the positive things someone would

From the interviews it appeared that a positive outlook on the future was one of the elements that set apart prisoners who were 'doing well' from those who were 'just doing time'.

like to achieve); *pathways to achievements* (plans about how these goals can be achieved); and *agency thoughts* (a motivation to achieve these goals as well as a belief in one's ability to reach them). This is in line with Snyder's Hope Theory.⁵ Below I will elaborate on each of these elements and illustrate them with examples from the interviews, but first I will address the importance of hope and its relationship with desistance.

Is hope beneficial?

Hope has been linked to a wide variety of positive outcomes, including academic and athletic performance, physical health and psychological adjustment.⁶ Similarly, optimism (positive expectations,

3. For more information about Interpretative Phenomenological Analysis, see Smith, J. A., Flowers, P. and Larkin, M. (2009) *Interpretative phenomenological analysis: Theory, method and research*. London, England: SAGE.
4. See also Van Ginnekin, E.F.J.C. (2015) Doing well or just doing time? A qualitative study of patterns of psychological adjustment in prison. *The Howard Journal of Criminal Justice* (advance online publication).
5. Snyder, C. R. (2002) Hope theory: Rainbows in the mind. *Psychological Inquiry*, 13(4): 249–275.
6. Cheavens, J. S., Michael, S. T. and Snyder, C. R. (2005) The correlates of hope: Psychological and physiological benefits. In J. A. Elliott (Ed.), *Interdisciplinary perspectives on hope* (pp. 119–132). Hauppauge, NY: Nova Science Publishers.

including confidence that goals can be attained) appears to protect one from distress.⁷ The mechanism that may account for the benefits of hope and optimism is persistence in trying to achieve one's goals, even in the face of adversity. In contrast, pessimists may be more likely to avoid problems and even give up trying. In the face of negative outcomes that cannot be changed, optimists are more likely than pessimists to reframe the experience positively, accept it, or use humour as a coping strategy. This is considered more beneficial for well-being and goal attainment than the pessimist's typical approach of denial.⁸

The extent to which hope is helpful in the process of desistance is under-researched. Most desistance research is retrospective, so any identified differences in optimism and agency are likely to be a consequence of desistance, rather than a precursor to it. Nonetheless, there is tentative evidence that shows that confidence in one's ability to go straight and a strong intention to desist predict actual desistance.⁹ It is worth exploring this further, in order to better understand how people make the transition from active offending to desistance.

Goal-oriented thoughts

The longing for normality after prison was a recurring theme in the narratives of prisoners. Normality encompassed the 'English dream': having such things as a job, a family and a home.¹⁰

Tony: *I'd like to see my future, as in, you know, working with the St. Giles Trust, my own place, in a relationship, or at least have a dog. I just [want to] be content and normal, instead of before, always trying to be-, you know, trying to have everything.*

Shapland and Bottoms found that most of the young adult recidivists in their study had similarly conventional aspirations.¹¹ Feeling satisfied with living a normal life was characteristic of desisting lifers in

Appleton's study.¹² Those who had settled for 'a life more ordinary ... had developed a strong social-psychological commitment not to return to crime'.¹³

Of course, it may be difficult for prisoners to achieve such desistance-facilitating aspects of normality (e.g. having a partner and a job).¹⁴ To illustrate: Peter said he was doing alright, had managed to stay out of prison for longer than he ever had before, until he lost his job. Following this setback, he started using drugs again, which he funded with shoplifting.

Esther: *When you were released previous times, what did you find most difficult about being outside again?*

Peter: *Just getting back to normality innit. The main thing is just getting a job. I don't really care about anything else.*

Sex offenders also tend to face more challenges in living a normal life, due to the additional stigma that society attaches to their offences. Appleton describes how the small group of desisting sex offenders in her sample of lifers 'often faced a menial and lonely existence'.¹⁵ The two prisoners convicted of sex offences in the current study were also lonely and had little hope for a good life after release. On top of uncertainties about accommodation, they had poor physical health, which would make it difficult for them to take care of themselves and engage in enjoyable activities.

Some prisoners had more ambitions than simply leading an ordinary life. Desisting offenders tend to feel a need 'to be productive and give something back to society'.¹⁶ This desire to help others was also a recurring theme in the interviews. Peter, for example, aspired to a job caring for other people.

Peter: *I would be a nice, like, carer. But... I know, because of my drug use, because of my criminal past and that, I'm never gonna be able to do that. I wanna, like, I wanna do something for others, like, I wanna be a bit of a mentor.*

7. Carver, C. S., Scheier, M. F., Miller, C. J. and Fulford, D. (2009) Optimism. In S.J. Lopez and C.R. Snyder (eds.) *The Oxford Handbook of Positive Psychology* (2nd. Ed.) (pp. 303-311). Oxford: Oxford University Press.
8. Ibid.
9. See Burnett, R. and Maruna, S. (2004) So 'prison works', does it? The criminal careers of 130 men released from prison under Home Secretary, Michael Howard. *The Howard Journal of Criminal Justice*, 43(4): 390-404. And also: Shapland, J. and Bottoms, A. (2011) Reflections on social values, offending and desistance among young adult recidivists. *Punishment & Society*, 13(3): 256-282.
10. Bottoms, A., Shapland, J., Costello, A., Holmes, D. and Muir, G. (2004) Towards desistance: Theoretical underpinnings for an empirical study. *The Howard Journal of Criminal Justice*, 43(4): 368-389.
11. Shapland, J. and Bottoms, A. (2011) op. cit.
12. Appleton, C. A. (2010) *Life after life imprisonment*. Oxford: Oxford University Press.
13. Ibid. p. 166.
14. Laub, J. H. and Sampson, R. J. (2003) *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press.
15. Appleton, C. A. (2010) op.cit. p. 167.
16. Maruna, S. (2001) *Making good: How ex-convicts reform and rebuild their lives*. Washington, DC: American Psychological Association: p. 88.

Peter saw this desire as part of his identity; illustrating what Maruna considers part of a redemption script:¹⁷

Peter: *I just wanna help others, innit. That's what I've always wanted to do is-, Really, I've always wanted to help older people and that, 'cause I've got a lot of respect for-, I respect my olders and that. It's just the way I am.*

This concern for other people can give a sense of meaning and purpose to life and lend credibility to claims of reform;¹⁸ although, some prisoners rightly noted that prison and a criminal history may pose obstacles in achieving a job caring for other people. Nevertheless, a few participants had already acted on their wish to 'make good' while in prison, for example through working as a peer supporter in prison or as a volunteer outside of prison (facilitated by release on temporary license). This facilitated positive goal-oriented thoughts for life after release, with the simultaneous benefit of giving meaning to the experience of imprisonment.

Pathways to achievements

Pathways-oriented thinking involves making concrete plans for life after release. Prisoners who showed evidence of pathways-oriented thinking had plans about where they were going to live, how they would stay away from crime, the support they were going to use and what they would do if specific plans did not come to fruition (i.e. they generated multiple pathways and made contingency plans). LeBel and colleagues found some evidence for the hypothesis that one's subjective mindset influences one's experience of social problems upon release; which in turn has a significant impact on reconviction and re-imprisonment.¹⁹ In effect, this may mean that a positive mindset leads people to create and seek out opportunities to improve their situation, and an improved situation reduces the chance that they will commit crime.

Katie, for instance, made arrangements for her children to stay with her mother after release, so that she could focus on creating a stable life for herself first. She had anticipated that taking care of her children would add stress to her situation and found a pathway to reduce this stress.

Esther: *What will happen [with your children] when you get out?*

Katie: *They'll still live with my mom for a bit, until I get myself up on my feet and... be fully recovered. And then I'll think about taking them back.*

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commit crime.

Other prisoners had made preparations for accommodation and employment after release.

It should be noted that the ability to create opportunities and avoid problems is likely related to a person's social capital — that is, to the resources and relationships that are available to them for achieving their goals in social interactions. For example, prisoners can only ask family members for help if they have a relationship with them in the first place. Unfortunately, a substantial number of prisoners are in a situation where they do not have contacts outside of prison who are in a position to provide support. In these cases, there is an important task for

agencies to provide a support system (initially) and help individuals to build their own.

Agency thoughts

The final important component of hope is a sense of personal agency, which was found in expressions about feeling able to make changes and being in control of life, even in the face of difficulties. In addition to the perceived ability to carry out an action, agency also encompasses the motivation or intention to do so. There is conceptual overlap between agency and self-efficacy, but the former is regarded as more global and

17. Ibid.

18. Aresti, A., Eatough, V. and Brooks-Gordon, B. (2010) Doing time after time: An interpretative phenomenological analysis of reformed ex-prisoners' experiences of self-change, identity and career opportunities. *Psychology, Crime & Law*, 16(3): 169–190. See also: Maruna, S., LeBel, T. P. and Lanier, C. S. (2004) Generativity behind bars: Some 'redemptive truth' about prison society. In E. de St. Aubin, D. P. McAdams, & T.-C. Kim (Eds.), *The generative society: Caring for future generations* (pp. 131–152). Washington, DC: American Psychological Association.

19. LeBel, T. P., Burnett, R., Maruna, S. and Bushway, S. (2008) The 'chicken and egg' of subjective and social factors in desistance from crime. *European Journal of Criminology*, 5(2): 131–159.

trait-like, and the latter as specific to particular goal objectives.²⁰

Vicky was serving her first prison sentence, during which she had successfully detoxed from drugs. She wanted to stay away from drugs and crime after prison, and expressed a desire to 'try and live life normal, whatever normal may be'. She appeared motivated and confident in her ability to achieve this:

Vicky: *Now I know I can do it, yeah, I'm quite motivated, I'm positive that I'm not gonna return back to drugs, definitely. No. It's in the past, I've just always thought 'oh God, I can't do it, I can't put myself through that', you know... But luckily it weren't as bad as I thought it was gonna be and I've done it and, you know, I've done all that hard work, so it'd be a bit stupid to throw it all down the drain again and come back to jail.*

Typically, hope also involved assertions about being the agent of change, that is taking responsibility for positive changes and recognising that future success also depends on personal action.

Most prisoners have goal-oriented thoughts; they differ in planning and agency. It may be that these components are essential for understanding why some prisoners manage to desist and others not, because they help prisoners prepare for the difficulties they will face after release. For example, although Tommie wanted to achieve positive change, he was pessimistic about his ability to do so. He felt that his life was determined by chance and ruled by bad luck. Because of this attitude, he had stopped making plans.

Tommie: *I ain't in control... If I was in control of my life, I wouldn't be here. I just probably tend to take the easy way out of things all the time. 'Cause obviously, like, getting your life sorted out is gonna be hard, but it can be done. It's not something that can't be done, but it's gotta be me that wants it. When I get out, I think to myself 'I got the best intentions'. And then when I get out and see how things are, I just think to myself 'fuck', you know, go do drugs.*

Most prisoners have goal-oriented thoughts; they differ in planning and agency.

Previous research, such as Maruna's Liverpool Desistance Study, suggests that expressions of agency and self-efficacy distinguish desisters from non-desisters.²¹ Liem and Richardson's recent study with released lifers confirmed this, but they also found that there was no distinguishable difference between the groups in terms of their perceptions of themselves.²² Both desisters and non-desisters saw themselves as essentially good people, but they differed in terms of the extent to which they felt in control of their lives — although it is not clear whether a sense of agency developed after successful desistance rather than being a necessary precursor to it. In my study, however, all participants were at the same stage, with the same prospect of release and subject to similar probable difficulties upon release. The main reason for why hope may predict desistance is that it can motivate people to keep trying to find pathways, even in the face of difficulties. By continuously acting upon their circumstances, they are more likely to achieve change.

Optimism as a trait has been found to predict positive outcomes in many different situations, including serious illness and is related to more adaptive ways of coping; that is, reducing or eliminating stressors and negative emotions rather than avoiding them.²³ An optimistic disposition will probably make it more likely that someone has hope during imprisonment and succeeds after release.

False hope?

It is important to consider whether *unrealistic* optimism, or false hope, can have negative outcomes. For instance, Natasha described a previous release experience where she was very optimistic but not realistic, and ended up back in prison. However, her optimism in that case appeared not to have involved any planning — so lacked an essential component of what I have described as hope.

Natasha: *I thought it was gonna be like a fairy tale. I had a fairy tale sort of idea in my head and it hit me fucking hard that it wasn't like that. I wanted normality so much, I wasn't prepared for being realistic, what reality really*

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20. Rand, K.L. & Cheavens, J.S. (2009). Hope theory. In S.J. Lopez & C.R. Snyder (eds.), *The Oxford Handbook of Positive Psychology* (pp. 323-333). Oxford: Oxford University Press.
21. Maruna, S. (2001) op. cit.
22. Liem, M. and Richardson, N. J. (2014) The role of transformation narratives in desistance among released lifers. *Criminal Justice and Behavior*, 41(6): 692-712.
23. Solberg Nes, L. and Segerstrom, S.C. (2006) Dispositional optimism and coping: A meta-analytic review. *Personality and Social Psychology Review*, 10(3): 235-251.

is. I had, like, the fantasy in my head. This time I'm prepared, I know what to expect. [...] I thought that I could do it all, so I didn't take no offers up for any help. And, like I say, it hit me hard. This time I took different measures to what I'm gonna do; I took advice on what benefits I should do and things like that. I took budgeting thing I done in here, but there's one I'm gonna do on the out as well.

This is similar to findings from Soyer's recent study with young offenders, who all had aspirational, positive narratives, but many of them failed to desist after their release.²⁴ These narratives were not realistic in the sense that they lacked pathways-oriented thinking. Thus, prisoners should not only be encouraged to set positive goals and imagine a non-offender identity, they should also be given assistance to realise these goals and put support networks in place. Importantly, this support should be easily accessible after release, when the hard work really begins. Prisoners should be made aware that they will face challenges in the process of resettlement, but that persistence is the key to success.

There is some disagreement in the literature about the extent to which false hope is potentially harmful.²⁵ Arguably, some degree (slight to moderate) of positive illusion is adaptive, as long as it does not involve denial or repression of reality. Furthermore, high-hope people tend to set more ambitious goals, but they are also

more likely to achieve these than low-hope people. This may be partly attributable to an ability to sustain effort, endure setbacks and think flexibly.

Conclusion

This article has applied Snyder's Hope Theory to the narratives of prisoners preparing for release. Hopeful thinking is more than wishful thinking, because it also encompasses planning and a sense of agency. Most prisoners have positive goals for the future and want to stay out of prison. However, they do not all feel confident in their ability to achieve these goals, nor do they all have concrete plans for how to achieve them. Arguably, prisoners with positive goals, high agency and multiple pathways are more likely to make positive changes (including desistance) after release. This is supported by retrospective studies of desistance, which have shown differences in agency between desisters and non-desisters. The implication is that offenders might benefit from support with outlining the pathways (and potential obstacles) towards their goals, identifying or creating opportunities, and tapping into resources. It needs to be considered how this support can reach especially those who are difficult to engage, without further restricting their sense of agency. This is particularly important in a prison environment, where any sense of autonomy (and therefore agency) is already severely limited.

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24. Soyer, M. (2014) The imagination of desistance: A juxtaposition of the construction of incarceration as a turning point and the reality of recidivism. *British Journal of Criminology*, 54(1): 91–108.
25. See for an overview and rebuttal Snyder, C.R. et al. (2002) 'False' hope. *Journal of Clinical Psychology*, 58(9): 1003–1022.

The Trauma Recovery Model:

Sequencing Youth Justice Interventions For

Young People With Complex Needs

Dr Tricia Skuse Independent Clinical Child and Adolescent Psychologist and **Jonny Matthew** Consultant Social Worker and Criminologist.¹

'These are particularly challenging times for researchers and practitioners who seek to work with offenders in ways that will assist them to live better lives.'²

Introduction

This paper deals with serious young offenders in a secure children's home. It lays out a theoretical model for drawing together thinking from the criminological, psychological and child development fields to posit a way of understanding the aetiology and treatment resistance of serious youth crime. We then suggest that interventions, rather than addressing offence-related topics, should first be sequenced to take account of young people's history and development. This model was developed in practice and the paper reflects this emphasis.

Offender treatment is a crucial part of the efforts of state to protect the public through the reduction of re-offending. To this end, best use must be made of time spent in custody by the most serious offenders. Arguably, this is particularly the case in times of financial austerity, when state funds spent on managing young people who offend-estimated at £1 billion in 2011-are subject to additional scrutiny in the drive to achieve value for money.³ The public needs

protection and successful offender rehabilitation of those in custody offers a key means of achieving this. With a youth custody population of 1,177 the potential for reoffending on release back into the community is significant. Youth Justice Board statistics for 2012-2013 state a reoffending rate of 69.3 per cent for young people released from custody.⁴ This being so, it would appear that current intervention programmes are not delivering a sufficient reduction in recidivism.⁵

Successful treatment programmes are premised on the notion that offenders are engaged with them and will complete the course, though this is not always the case in reality. McMurren and Theodosi⁶ found non-completion among community samples were as high as 50 per cent. Whilst, perhaps unsurprisingly, the non-completion rate is lower in custodial settings, 9 per cent for adults and 14 per cent for young people⁷ community non completion rates represent a substantial waste of resources. Indeed, McMurren and Theodosi⁸ have questioned whether offenders are being appropriately selected for treatment, whether the programmes are relevant to the needs of individual offenders and how well the treatments are organised and delivered. So, there is some evidence to suggest that re-offending rates are higher for those who failed to complete treatment than for those who never entered it.⁹ Whilst this may not be the case for all offenders and all programmes, ensuring the completion

1. We would like to thank everyone who has encouraged us with this project, not least the young people from our local secure children's home and the committed staff who serve them. Our gratitude also goes to Professor Mike Maguire and Dr Jonathan Evans from the University of South Wales for their helpful critiques of earlier versions of this paper.
2. Day, A.; Casey, S.; Ward, T.; Howells, K. & Vess, J. (Eds)(2010) *Transitions to Better Lives: Offender Readiness and Rehabilitation*, Collumpton, Willan p.3.
3. National Audit Office, (2011) *The Cost Of A Cohort Of Young Offenders To The Criminal Justice System*. Technical Paper – June 2011 p.25.
4. Youth Justice Board (2014) Youth Justice Board/Ministry of Justice, Youth Custody Report – March 2014. Downloaded on 13 May 2014 from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/309665/youth-custody-report-march-2014.xls p.53
5. Karnik, N. & Steiner, H. (2007) Evidence for Intervention for Young Offenders. *Child and Adolescent Mental Health* 12, 4. 154-159.
6. McMurren, M. & Theodosi, E. (2007) Is Treatment Non-completion Associated with Increased Reconviction Over No Treatment? *Psychology Crime and Law* 13: 333-354.
7. Cann, J., Falshaw, L., Nugent, F., & Friendship, C. (2003) Understanding What Works: Accredited cognitive skills programmes for adult men and young offenders. Findings, No. 226. London: Home Office.
8. McMurren & Theodosi (2007) see n.6.
9. Ibid.

of treatment wherever possible is nevertheless a salient issue for the reduction of re-offending.

In practice, readiness to engage in the treatment process has not always been recognised as important; however, readiness to change is now considered to be a necessary prerequisite of successful outcomes for the offender.¹⁰

The constituents of readiness are therefore key to ensuring that resources are targeted and applied appropriately. According to developmental psychology children's cognitive abilities undergo significant change during adolescence. Given that Youth Justice Board for England and Wales covers children and young people between 10 and 17 years of age, interventions should be developed with an eye to child development and the range of young people's cognitive abilities.

Piaget's theory holds that formal operational thought does not appear until the age of 15 or 16.¹¹ The achievement of these cognitive skills brings the ability to manipulate logical concepts simultaneously; predict the impact of time upon events and relationships; logically think through the consequences of actions; identify inconsistencies in arguments; and identify how situational factors may influence the self and others.¹²

Whilst there is a continuing debate about exactly when young people acquire the ability to think hypothetically, adolescence is clearly a period of significant change and development in cognitive functioning. Recent advances in neuroimaging techniques have allowed researchers to have a much clearer understanding of neurological changes during the adolescent period.¹³ These changes have a marked impact on individual behaviour, functional abilities and the development of relationships with others. Importantly, even when a young person has acquired formal operational thought and, with it, an appreciation of risk and probable outcome, their ability to apply these skills is often unsophisticated and inconsistent.¹⁴ If interventions are to be effective, it is

If interventions are to be effective, it is vital that not only are programmes matched to the cognitive abilities of this population but they are flexible enough to adapt to the changing needs.

vital that not only are programmes matched to the cognitive abilities of this population but they are flexible enough to adapt to the changing needs. The fact that the necessary skills to think abstractly may not yet have developed for many young people, raises questions about the suitability of many offender intervention programmes which often rely heavily on these skills.

Intervention programmes with young offenders have focused on the criminal status rather than either the chronological or the functional age of the individual involved. This has resulted in interventions being drawn from those in place with adult offenders, rather than from those serving children and young people.

Programmes for young offenders commonly focus on behaviour management/regulation rather than the roots of the behaviour itself. For example, anger management, consequential thinking and victim empathy programmes are frequently recommended and used. Implicit in this is the assumption that changing offenders' thinking about the effect of their behaviour on others will reduce future offending behaviour. As Lamb and Sim¹⁵ point out, neurobiological research indicates that the executive functioning skills needed for these tasks do not reach maturity until around 20 years of age, making such interventions beyond the reach of

the majority of young people involved in the criminal justice system. Moreover, such programmes are often designed to address behaviour rather than the underlying developmental and psychological drivers. Thus, the therapeutic needs of young offenders, particularly those in custody for serious offences, often remain unaddressed.

When therapeutic interventions are available they are often based on cognitive behaviour therapy (CBT)¹⁶ and 'thinking about thinking' and are aimed at challenging automatic negative cognitions. Whilst CBT is widely used within mainstream therapeutic contexts

10. Day, Casey, Ward, Howells & Vess (2010) see n.2.

11. Steinberg, L. (1993) *Adolescence*, 3rd edn. London. McGraw-Hill; Elkind, D. (1967) Egocentrism in Adolescence. *Child Development*, 38, 1025-1034.

12. Carr, A. (1999) *The Handbook of Child and Adolescent Clinical Psychology: A contextual approach*. Hove. Brunner-Routledge;

13. Delmage, E. (2013) The Minimum Age of Criminal Responsibility: A Micro-Legal Perspective. *Youth Justice* 13, 2, 102-110.

14. Lamb, M.E. & Sim, M.P.Y. (2013) Developmental Factors Affecting Children in Legal Contexts. *Youth Justice* 13(2), 131-144.

15. Ibid.

16. Feilzer, M., Appleton, C., Roberts, C. & Hoyle, C. (2004) *The National Evaluation of the Youth Justice Board's Cognitive Behaviour Projects*. Youth Justice Board & Centre for Criminological Research, University of Oxford.

with children¹⁷ and is an intervention approach recommended by NICE (National Institute for Health and Care Excellence), its delivery is amended and edited according to the specific abilities of the young people involved. It is not a straightforward translation between the adult and adolescent contexts: CBT with adults requires abstract thinking and logical analysis and the teaching of general principles so that the client can transfer these to a range of situations. CBT with children and adolescents has tended to use a wider and more diverse range of techniques,¹⁸ and interventions often have limited the cognitive component to focusing on one specific problem or the use of one specific technique, such as self-talk, to help amend behaviour.¹⁹

Anger management and victim empathy programmes require the ability to analyse, explain, reframe and regulate difficult or new feelings. Therefore, such approaches are premised on the notion that clients can think through and can verbally express and analyse their experiences with another individual. Those who haven't attained a normative level of cognitive development are necessarily disadvantaged in their efforts to benefit from such treatment modalities. Indeed, the likelihood of completing treatment may well be compromised, bringing with it a heightened potential for drop-out and recidivism. To be successful therefore, treatment approaches need to take account of clients' progress through cognitive development if they are to minimise drop-out, maximise completion

An understanding of cognitive age is essential to any clinical intervention to ensure that the focus of intervention is matched to the individual's cognitive development.

rates and reduce reoffending. Moreover, an increased recognition of the complexity of young people's lives, particularly those who have experienced impaired or traumatic development, is necessary if interventions are to move beyond the superficial.²⁰

Not only is there a need to use more child-orientated adaptations within criminal justice settings, but rehabilitative efforts need to be more tailored to the specific needs of children and young people. An understanding of cognitive age is essential to any clinical intervention to ensure that the focus of intervention is matched to the individual's cognitive development. For example, it is likely to be unhelpful and dispiriting to employ strategies that rely heavily on the ability to generate and derive guiding principles when the young person is not yet capable of abstract thought. Other clinical considerations include the need to match the intervention techniques to young person's dominant psychosocial developmental tasks. That is, during early adolescence a key task is to move from the external regulation of behaviour (by parents and teachers) to self-regulation. This naturally occurs as the individual develops introspective skills and cognitive and social maturity.

Mental Health

The link between poor mental health and serious offending has been well established. Kroll et al²¹

17. Graham, P. (1998) *Cognitive Behaviour Therapy for Children and Families*. Cambridge. Cambridge University Press; Graham, P.J. (2005) Introduction. In P.J. Graham (Ed.) *Cognitive Behaviour Therapy for Children and Families*. 2nd edn., (pp.1-8.) Cambridge. Cambridge University Press; Nelson, W.M. & Finch, A.J. (2000) Managing Anger in Youth: A cognitive-behavioural intervention approach. In P.C. Kendall (Ed.) *Child and Adolescent Therapy: Cognitive-Behavioral Procedures*, 2nd edn, pp.129-170. New York. Guilford Press; Roth, A. & Fonagy, P. (2005) *What Works for Whom? A critical review of psychotherapy research*, 2nd ed. London. Guilford Press; Spence, S. & Reinecke, M. (2004) Cognitive approaches to understanding, preventing, and treating child and adolescent depression. In M. Reinecke & D. Clark (Eds.) *Cognitive Therapy Across the Lifespan: Evidence and Practice* (pp.358-395). Cambridge. Cambridge University Press; Stallard, P. (2002) Cognitive Behaviour Therapy with Children and Young People: A selective review of key issues. *Behavioural and Cognitive Psychotherapy*, 30, 297-309; Stallard, P. (2005a) Cognitive behaviour therapy with prepubertal children. In P.J. Graham (Ed.) *Cognitive Behaviour Therapy for Children and Families*, 2nd edn., pp.121-135. Cambridge. Cambridge University Press; Stallard, P. (2005b) *A Clinicians Guide to Think Good, Feel Good: Using CBT with children and young people*. London. Wiley.
18. Graham (2005) see n.17.
19. Ronen, T. (1998) Linking developmental and emotional elements into child and family cognitive-behavioural therapy. In P. Graham (Ed.) *Cognitive Behaviour Therapy for Children and Families* (pp.1-17). Cambridge. Cambridge University Press; Stallard (2002) see n.17.
20. Perry, B.D. (2013) The Neurosequential Model of Therapeutics: Application of a Developmentally Sensitive and Neurobiology-Informed Approach to Clinical Problem-Solving in Maltreated Children. In Brandt, K et al (Eds) (2013) *Infant and Early Childhood Mental Health: Core Concepts and Clinical Practice, Chapter 2*, American Psychiatric Press Inc. Washington D.C. pp. 21-50; Greenwald, R. (2000) A Trauma Focused Individual Therapy Approach for Adolescents with Conduct Disorder. *International Journal of Offender Therapy and Comparative Criminology*. 44; 146-163.
21. Kroll, L., Rothwell, J., Bradley, D., Shah, P., Bailey, S. & Harrington, R.C. (2002) Mental Health Needs of Boys in Secure Care for Serious and Persistent Offending: A Prospective, Longitudinal Study. *The Lancet* 359, 1975-79. www.thelancet.com

reviewed a sample of 97 boys admitted to secure care and found that at the point of admission 22 per cent were assessed as having major depression and 17 per cent presented with generalised anxiety disorder. Moreover, interventions to ameliorate these conditions were limited or absent. Harrington et al²² note that in their 2 year follow up of these boys the mental health condition had commonly persisted or worsened. 39 per cent (32/81) were rated at follow up as having a poorly assessed or treated mental health problem (depression, anxiety, post-traumatic stress, obsessional and hyperactive problems). Kurtz, Thornes and Bailey reported that,

*...factors that are strongly associated with mental health problems, such as childhood trauma in the form of abuse, and/or loss and frequently both, were found in 91 per cent of Section 53 [young] offenders...*²³

Similar high rates of mental health problems among incarcerated offending young people have also been noted in The Netherlands, Germany, Greece and the USA.²⁴

Of particular concern are those who are incarcerated whilst displaying symptoms of PTSD. Harrington, Kroll, Rothewell, McCarthy, Bradley and Bailey²⁵ reported that 9 per cent of their sample of young men in secure care demonstrated symptoms of PTS. There are some indications that for young women the rates are even higher. In Dixon et al's²⁶ sample of 100 female juvenile offenders in Australia, 37 per cent met the criteria for a diagnosis of PTSD. Golzari, Hunt and Anoshiravani²⁷ review article

report a higher prevalence of mental health problems among incarcerated young women across the board, when compared to young men.

The impact of developmental trauma

In recent years another major contraindication for the automatic transfer of adult models of intervention has emerged from the literature. With advancements in technology and brain imaging there has been a burgeoning of information about the impact of trauma on neurobiological development. Prolonged exposure to stress hormones and the neuro-toxicity of repeated and chronic experiences of threat and harm, alters the morphology and functioning of the brain over time, and the individual's adaptive responses are shaped accordingly.²⁸

Researchers generally conclude that trauma in early development and impairment in the attachment relationship between child and caregiver, often results in deficiencies in executive functioning (attention, concentration, anticipation, planning, abstract reasoning, cognitive flexibility, impulse control); verbal IQ; verbal memory and expressive and receptive language skills.²⁹ These factors have significant implications for how to work and intervene with young people with

Studies have suggested that a range of disorders find their root in these early developmental experiences.

histories of trauma and of poor attachment to caregivers.

Studies have suggested that a range of disorders find their root in these early developmental experiences. Whether such responses are focussed inwardly (anxiety, depression, suicidal ideation, PTSD, dissociative states,

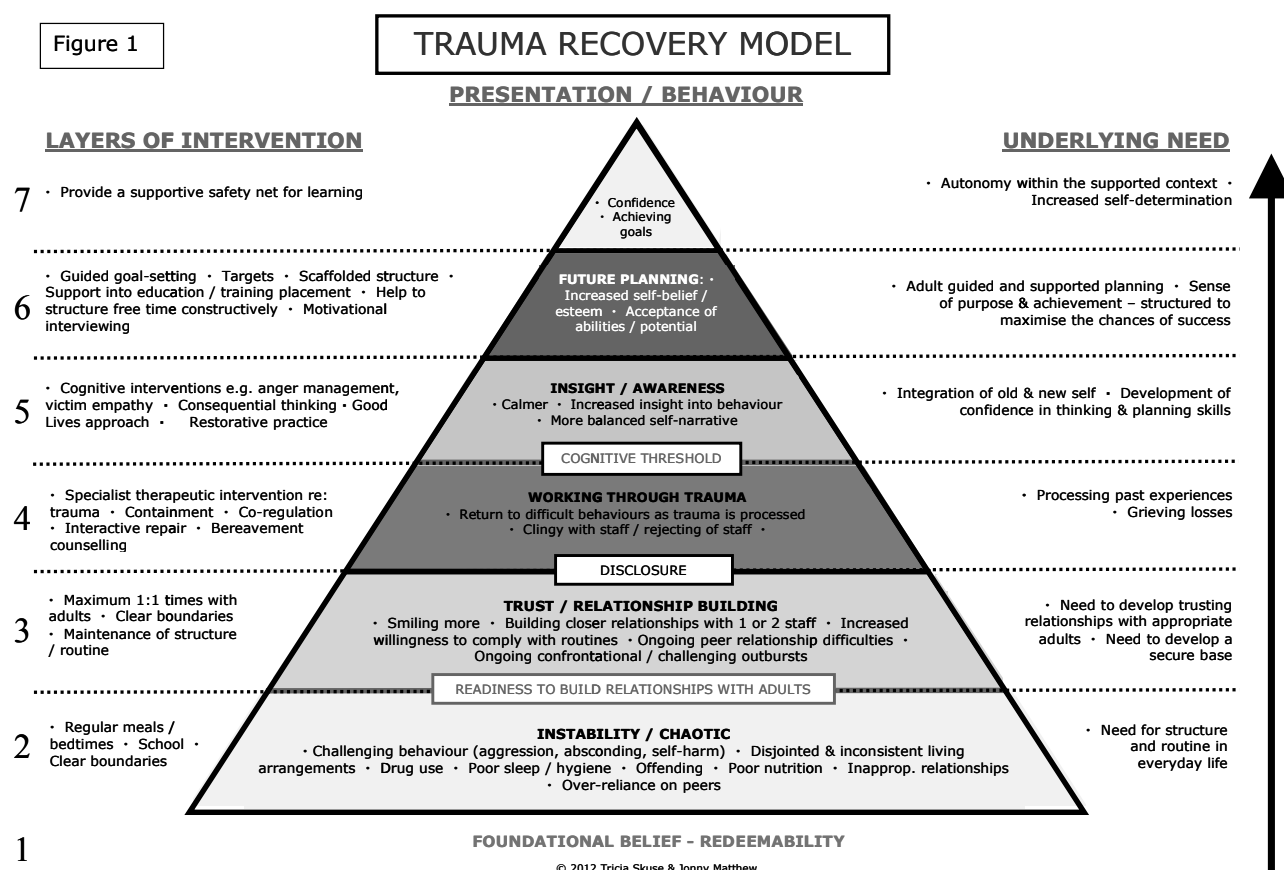
22. Harrington, R.C.; Kroll, L.; Rothwell, J.; McCarthy, K.; Bradley, D. & Bailey, S. (2005) Psychosocial needs of boys in secure care for serious or persistent offending. *Journal of Child Psychology and Psychiatry*. 46:8, 859-866.
23. Kurtz, Z., Thornes, R. & Bailey, S. (1998) Children in the Criminal Justice and Secure Care Systems: How Their Mental Health Needs Are Met *Journal of Adolescence* 21, Issue 5, 543-553. doi: 0140-1971/98/050543+11/\$30.00/0 p.543
24. Teplin, L.A., Abram, K.M., McClelland, G.M., Dulcan, M.K. & Mericle, A.A. (2002) Psychiatric disorders in youth in juvenile detention. *Arch Gen Psychiatry*. 2002 Dec;59(12):1133-43; Maniadaki, K. & Kakouros, E. (2008) Social and Mental Health Profiles of Young Males in Detention in Greece. *Criminal Behaviour and Mental Health* 18, 207-215. doi: 10.1002/cbm.698; Kohler, D., Heinzen, H., Henrichs, G., & Huchzermeier, C. (2009) The Prevalence of Mental Disorders in a German Sample of Male Incarcerated Juvenile Offenders. *International Journal of Offender Therapy and Comparative Criminology*, Vol. 53, No. 2, pp211-227 doi:10.1177/0306624X07312950
25. Harrington, Kroll, Rothewell, McCarthy, Bradley & Bailey (2005) see n.22.
26. Dixon, A.; Howie, P. & Starling J. (2004) Psychopathology in female juvenile offenders. *Journal of Child Psychology & Psychiatry*. 45: 6. 1150-1158.
27. Golzari, M., Hunt, S.J. & Anoshiravani, A. (2006) The Health Status of Youth In Juvenile Detention Facilities. *Journal of Adolescence* 38, 6, 776-782. doi: 10. 1016/j.jadolph.2005.06.08
28. Perry, B.D. (2001) The Neuro-developmental Impact of Violence in Childhood. In Schetky, D. & Benedek, E.P. (2001) *Textbook of Child and Adolescent Forensic Psychiatry, Chapter 18, American Psychiatric Press Inc. Washington D.C. pp. 221-238.*
29. Teicher, M. (2000) Wounds That Won't Heal, *Cerebrum*, Vol. 2, No. 4, pp50-67; Creeden K. (2004) The Neurodevelopmental Impact of Early Trauma and Insecure Attachment: Re:Thinking Our Understanding and Treatment of Sexual Behaviour Problems. *Sexual Addiction and Compulsivity* 11, 223-247.

For such young people, successful treatment and rehabilitation programmes must address the source of the maladaptive behaviour, if the behaviour itself is to be mediated successfully.³¹

The understanding of serious young offenders outlined above draws on a range of psychological and criminological approaches, however there is no overarching model which knits these together and applies them in practice. The Trauma Recovery Model (TRM) is an attempt to do this. It has evolved from working with young offenders in a secure children's

The TRM presents a series of layers of intervention that are sequenced according to developmental and mental health need. It indicates that the focus should be on relational therapy to mediate the impact of trauma before cognitive interventions can be fully effective. There are three aspects to the interpretation of the model. The central feature (contained within the triangle of the model, see Figure 1) relates to the behavioural presentation of the young person concerned. The model also highlights the underlying developmental need and the type of intervention best suited to address the need within the residential setting.

The key belief upon which the TRM is built is an assumption that young people involved in the criminal justice system are redeemable and that they can positively reintegrate back into the community and desist from offending. It has long been known that most offenders desist from crime by the age of 30.³²



32. Farrington, D. P. (1995) The Development of Offending and Antisocial behaviour from Childhood: Key findings from the Cambridge Study in Delinquent Development. *Journal of Child Psychiatry and Psychology*, 36, 929-964; Giordano, P.C., Cernovitch, S. A, Rudolph, J.L. (2002) Gender, Crime, and Desistance: Towards a Theory of Cognitive Transformation. *American Journal of Sociology*, 107,4, 990-1064.

However, whilst maturation is a helpful factor, agencies need other inputs if the desistance process is to speed up. Research indicates that optimism about offenders' redeemability can influence their ability to transform their lives;³³ such optimism is a foundational belief underpinning the TRM.

The lower levels of the model draw on Maslow's hierarchy of needs³⁴ which posits that healthy psychological growth can only occur where basic physiological and safety needs have been met. Such have not been a feature of the early life histories of many of the offending young people we have encountered,³⁵ particularly those in secure children's homes. Thus, the first layer of intervention would be to facilitate structures that provide for these needs. At the basic level this would be safe accommodation with regular meals and other structures that might be commonly regarded as normal routine parenting behaviour; for example regular bedtimes; personal hygiene; educational routine; consistent boundaries and expectations of behaviour. There may be other needs that are specific to individual young people such as drug and alcohol detox and regular medication where prescribed. The focus on routine and structure effectively puts the brake on the often disorganised lifestyles that children experience prior to a period in secure accommodation.

At the point of admission young people can often be angry, confrontational and aggressive. Our experience suggests that for a majority of young people, this period of initial stabilisation can take a number of weeks. At that point their behaviour becomes more settled, less problematic and therefore more easily managed, although problems associated with peer relationships sometimes persist. Once the young person becomes more settled and attuned to the living environment they begin to develop an emotional readiness for relationships with adults.

The second layer of intervention would build on the structure and routine of the previous stage but

places greater emphasis on containment and relationship building between the young person and staff. Commonly, young people will begin to appear more cheerful, demonstrate an increased willingness to comply with boundaries and routines, and begin to orientate themselves towards building relationships with one or two key members of staff. However, previous adaptive responses continue to be present in the form of confrontational behaviours and challenging outbursts. Young people's underlying need for a secure base remains although the ability to develop more appropriate and trusting relationships with adults has begun to emerge.

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As these relationships of trust begin, the process of dealing with strong emotions and previous negative coping adaptations can take place. The focus of the intervention work at this stage is on intersubjectivity (attunement, shared attention and shared goals) and interactive repair.³⁶ Interactive repair is a way of reconnecting with a young person after a relationship has been 'broken' or interrupted following, for example, his being disciplined. The overall aim is to help the individual to successfully 'connect-break-reconnect', and to give the child experiences of attuned and responsive parenting that they missed. If this process is repeated often and consistently, new neural pathways and

associated psychological functioning can develop. This in turn challenges the young person's internal working model (IWM) and promotes the establishment of alternative templates of interaction with adults.

Human beings are not born with the ability to regulate their own emotions.³⁷ In infants this process is learned through co-regulation of affect offered via the relationship with a parent or caregiver:

A dyadic regulatory system evolves where the infant's signals of moment to moment changes in his state are understood and responded to by the caregiver, thereby achieving regulation. The infant learns that

33. Maruna, S. (2001) Making Good: How ex-convicts reform and rebuild their lives. Washington, DC. American Psychological Association; Maruna, S.; LeBel, T.P.; Naples, M. & Mitchell, N. (2009) Looking-Glass Identity Transformation: Pygmalion and Golem in the Rehabilitation Process. In Veysey, B.M.; Christian, J. & Martinez, D.J. (Eds) How Offenders Transform Their Lives. Cullompton: Willan Publishing.
34. Maslow, A.H. (1943) A Theory of Human Motivation. *Psychological Review*, 50, 370-396.
35. Golding, K. & Hughes, D. (2012) Creating Loving Attachments. London. Jessica Kingsley.
36. Golding & Hughes (2009) *ibid*.
37. Fonagy, P. Gergely, G. Jurist E. & Target M. (2002) *Affect Regulation, Mentalisation and the Development of the Self*. New York. Other Press.

*the arousal in the presence of the caregiver will not lead to disorganisation beyond his coping capabilities. The caregiver will be there to re-establish equilibrium.*³⁸

Children who find themselves in a secure children's home have typically missed out on this process to a greater or lesser degree. Their relationships with trusted adult staff provide an opportunity to undergo this learning. The challenge for staff is to help adolescents undergo a process that is usually learned in infancy. It is not a simple translation of using the same skills to soothe an adolescent as one would an infant. Challenging outbursts provide an opportunity for interactive repair and co-regulation, but doing so in a way that takes account of young people's chronological age is demanding and requires high levels of flexibility, emotional literacy and attunement from staff.

This is a highly complex set of skills, as in order to do this effectively staff must be simultaneously aware of the behavioural presentation and the risks posed therein, be attuned to the underlying emotional need behind the behaviour, suppress their own emotional responses to any distress or aggression posed and respond in a way that co-regulates the young person's emotional affect. This level of skill might be normally expected of experienced therapeutic staff but may not be so familiar to an often therapeutically unqualified workforce. Therefore, high quality training of staff and matching staff skills to young people's needs is essential. It also requires the organisation to free up keywork staff to spend time on a one-to-one basis with young people wherever possible. The nature of the activities undertaken during such time is not the principal issue; rather staff are free to engage in whatever they feel the young person is most positively disposed towards (e.g. computer games, listening to music, sport and fitness, arts and crafts or simply watching television together).

Over time—sometimes a very protracted period—this yields opportunities to talk in more depth, to discuss pertinent issues that arise and to revisit difficult life experiences. It is not until young people have successfully negotiated the first two layers of the model

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that they feel safe enough, perhaps for the first time, to begin to think about and articulate what has happened to them in the past. The sorts of disclosures that typically emerge include complex bereavement, abuse, neglect, maltreatment, exploitation, incest and domestic violence.

Specialist therapeutic intervention can often be required to work through traumatic experiences and losses. Importantly, therapy can take place within the context of safe and supportive relationships with staff (e.g. a keyworker), rather than expecting the young person to singlehandedly translate insights gained in therapy to their everyday lives. Crucially, young people are not left alone in dealing with their feelings. Rather the processing of past experiences that goes on *in between* therapy sessions is contained and understood, allowing the young person to feel as emotionally safe as possible and subsequently maximising the beneficial effects of therapy. The ongoing co-regulation of affect with trusted staff is crucial in this continuing process, as individuals will have a tendency to revert back to old coping strategies when processing distressing material.

Cognitive readiness threshold

In our view, until young people have transcended the first three stages of the Trauma Recovery Model they are not yet cognitively able to embrace their current situation, their behaviour or to address the impact or implications of their offences. Expecting a young person to use consequential thinking skills, have empathy for the victim/s and be able to plan and act differently when they are still in a state of trauma and survival is unrealistic and unattainable.

The first three stages of the Trauma Recovery Model facilitate the emotional stabilisation of the young person and provide a basis upon which improved functioning can begin to occur; they also support cognitive maturation. Many young offenders have become adapted to life in a traumagenic environment. This has necessarily given rise to neurological adaptations that are attuned to threat and danger. The first three layers of the Trauma Recovery Model allow time for them to adjust to a non-threatening environment and begin to process

38. Ibid p.37.

trauma. With continued exposure to relational interventions alternative response habits are developed which in turn influence emotional and cognitive functioning. Over time hypervigilance/sensitivity dissipates, behaviour calms and space is provided for improved cognitive behaviour. We have observed that young people tend to be calmer, less emotionally driven, and demonstrate greater insight into their own behaviour following this period of stability and relational intervention. Therapeutic interventions at this stage can then focus on the integration of an individual's personal history with a revised self-concept and understanding of relationships. One could argue that this represents, to some extent, a remapping of the internal working model. It is not until this point that cognitive interventions such as anger management, victim empathy, offence specific programmes, restorative justice, enhanced thinking skills, etc. can be used in anything other than a psychoeducative/information-giving way. In order for a young person to be able to use the cognitive components of such interventions as a practical tool to alter their subsequent behaviour, there must be a sufficient level of emotional regulation in place to allow for a higher level of cognitive functioning to occur. Interestingly, we have often observed that young people demonstrate greater insight and awareness, often reflecting on their offence without prompting or assistance from staff. Supporting a young person to get themselves to a point where they naturally reflect on their offence will undoubtedly have a more lasting impact on a young person's behaviour than any number of prematurely provided worksheets and offence related courses/programmes. Strategies from the Good Lives approach³⁹ lend themselves to this phase of the TRM as they involve a re-examination of underlying needs (*Primary Goods*) and more functional ways of meeting them in future.⁴⁰ The Good Lives approach is aspirational and has its roots in positive psychology which fits with young people's cognitive functioning at this level of the TRM.

By the penultimate layer of the Trauma Recovery Model young people have developed an increased sense of self-belief and a greater acceptance of their abilities and potential.

By the penultimate layer of the Trauma Recovery Model young people have developed an increased sense of self-belief and a greater acceptance of their abilities and potential. Nevertheless, it is important to remember that this is still in its fledgling state and young people require a significant amount of support in the form of guided goal setting, support into education and a scaffolded approach to structuring free time and community living in order to maximise the chances of sustained success. The desistance literature suggests that many ex-offenders cease to offend as a result of maturation and/or other significant life events, what Giordano et al refer to as *Hooks for Change*.⁴¹ Non-offending lifestyles within the community and the opportunities to adopt them are more likely to be available and attainable to young people who have processed some of their own experiences and who have an ongoing supportive relationship with an adult or agency who can guide them.

With time, practice and support, especially through mistakes, young people are then able to move onto the final layer of the model which sees them achieve more socially acceptable goals. This can still be a challenging time for young people as they are returning to a level of autonomy that was previously difficult for them. Old adaptive patterns may recur, triggered

by the anxiety of new situations and a new sense of freedom, responsibility and self-determination. A supportive safety net remains key to maintaining a forward trajectory and a successful rehabilitation.

Many of the young people who are placed within secure settings come to the end of their sentences before they attain the higher levels of the Trauma Recovery Model. Indeed one could argue that the upper stages of the model are best negotiated in the community in the context of 'real life' situations. However, the more dynamic and changeable nature of community life may mean that the scaffolded structure and support, whilst available, are less easily and consistently managed and available than they would be in custody.

39. Ward, T. (2002) Good Lives and the Rehabilitation of Offenders: Promises and Problems. *Aggression and Violent Behaviour*. 7, 513-528

40. Print, B. (2013) *The Good Lives Model for Adolescents Who Sexually Harm*. Brandon, Vermont; Safe Society Press; Ward, T. & Marshall W.L. (2004) Good Lives, aetiology and the rehabilitation of sex offenders; a bridging theory. *Journal of Sexual Aggression*. 10, 2. 153-169; Ward, T. & Stewart, C.A. (2003) Good Lives and the Rehabilitation of Sex Offenders. In T. Ward; D.R. Laws & S.M. Hudson (eds) *Sexual Deviance: Issues and Controversies* (pp 21-24). Thousand Oaks, CA: Sage.

41. Giordano, Cernkovich & Rudolph (2002) see n.32.

Discussion

There is increasing agreement that attachment difficulties lie behind many of the behaviours presented by some of society's most troubled children and across offender sub-types.⁴² Interventions that work towards repairing young people's relatedness to others are necessarily crucial to the way forward. It is interesting to note that although developed in isolation the TRM mirrors the similar models developed by authors in other settings.⁴³

The appetite for improved outcomes for incarcerated young people is high. The Youth Justice Board and Ministry of Justice strategy document, *Developing the Secure Estate for Children and Young People in England and Wales. Plans until 2015*,⁴⁴ lays an emphasis upon the rehabilitation of young offenders and the long term reduction in offending rates. The 2012 Wales Green paper, *Proposals to improve services in Wales to better meet the needs of children and young people who are at risk of entering, or are already in, the Youth Justice System*,⁴⁵ has a similar focus.

In our setting (Wales) where the UN Convention on the Rights of the Child is enshrined in law, there is now a legal obligation to give due regard to the needs of young people who have been the subject of abuse, maltreatment or neglect. The balance between public protection and rights of the child will require creative efforts to improve interventions.

With falling numbers of young people in the criminal justice system⁴⁶ those that do make it into

custody come with very complex needs. For example, there is increasing awareness of neurodisability in young people who offend.⁴⁷ Similarly, there is a growing acknowledgement that many young people who offend have complex emotional and mental health needs that cannot be addressed with manualised interventions alone. Similarly as more and more girls enter the criminal justice system, at an increasingly young age⁴⁸ intervention strategies are needed to address the consequences of histories often characterised by abuse.⁴⁹ The Trauma Recovery Model is an attempt to provide a theoretical framework upon which practical interventions can be tailored to the individual and sequentially applied. Many of the ideas discussed in this article are not new. However, there continues to be a failing within services

for young people who offend to bring together current thinking on child development and attachment with a model that can be practically applied in a secure setting. We believe the Trauma Recovery Model helps to address this.

What this approach to intervention with troubled young people offers, is a model of working that is grounded in psychological theories of attachment and child development. This means that,

rather than intervention being a scatter-gun of short term efforts to address different symptoms, including offending, we strive to understand the causes of behaviour and target these in a coordinated way. If interventions are sequenced appropriately, this can ensure the most efficient and effective use of available resources, as well as maximising the opportunities for young people to succeed in the longer term.⁵⁰

Interventions that
work towards
repairing young
people's relatedness
to others are
necessarily crucial
to the way forward.

42. Smallbone, S.W. & Dadds, M.R. (2000) Attachment and Coercive Sexual Behavior. *Sexual Abuse: A Journal of Research and Treatment*, Vol. 12, No. 1, 2000; Johnson, R.M.; Kotch, J.B.; Catellier, D.J.; Winsor, J.R.; Dufort, V.; Hunter, W. & Amaya-Jackson, L. (2002) Adverse Behavioral and Emotional Outcomes From Child Abuse and Witnessed Violence. *CHILD MALTREATMENT*, Vol. 7, No. 3, August 2002 179-186; Stirpe, T.; Abracen, J.; Stermac, L. & Wilson, R. (2006) Sexual Offenders' State-of-Mind Regarding Childhood Attachment: A Controlled Investigation. *Sex Abuse* (2006) 18:289-302; Creeden, K. (2013) Taking a Developmental Approach to Treating Juvenile Sexual Behaviour Problems. *International Journal of Behavioural Consultation and Therapy*, Vol.8, No.3-4.
43. Perry (2013) see n.20; Golding & Hughes (2012) see n.35; Creeden (2013) see n.42; Ryan, T. & Mitchell, P. (2011) A collaborative approach to meeting the needs of adolescent offenders with complex needs in custodial settings: An 18-month cohort study. *The Journal of Forensic Psychiatry & Psychology*, Vol. 22, No. 3, June 2011, 437-454.
44. Available at <http://yjbpublications.justice.gov.uk/en-gb/scripts/prodView.asp?idproduct=502&eP=>
45. Available at <http://gov.wales/docs/dsjlg/consultation/120918youthjusticeen.pdf>
46. Youth Justice Board (2014) Youth Justice Board/Ministry of Justice Statistics Bulletin 2012/13. London. Ministry of Justice.
47. BPS (2015) Position Paper: Children and Young People with Neuro-Disabilities in the Criminal Justice System. Leicester. British Psychological Society; Hughes, N., Williams, H., Chitsabesan, P., Davies, R. & Mounce, L. (2012) Nobody Made the Connection: The Prevalence of Neurodisability in Young People who Offend. Children's Commissioner for England.
48. Youth Justice Board (2009) Girls and Offending – Patterns, Perceptions and Interventions. YJB for England & Wales.
49. Austin, A. (2003) Does Forced Sexual Contact have Criminological Effects? An empirical test of derailment theory. *Journal of Aggression, Maltreatment and Trauma* 8: 4, 1-66.
50. Greenwald (2000) see n.20; Perry, B.D. (2006) The Neurosequential Model of Therapeutics: Applying Principles of Neuroscience to Clinical Work with Traumatized and Maltreated Children. In Webb, N.B. (Ed.) (2006) *Working with Traumatized Youth in Child Welfare*. New York: Guildford. pp27-52; Perry, B., & Hambrick, E. (2008). The Neurosequential Model of Therapeutics. *Reclaiming Children and Youth*, 17(3), 38-43.

Most young people do not become involved with youth justice services. For those that do, most will move away from offending as they mature.⁵¹ The TRM offers a theoretical model about how best to intervene during their period of involvement with the youth justice system and aims to address underlying causes for their offending behaviour, supporting them to be able to make a more positive contribution to society.

Implementation of the TRM is not without its challenges. It requires a unified approach from staff and support from senior management and a willingness to refer back to the model when young people's behaviour becomes challenging, rather than resort to behavioural approaches used historically. This

has necessitated the provision of an ongoing training programme for staff about attachment as well as training in the model itself. However, early anecdotal evidence of effectiveness is encouraging. The model has logical appeal to staff as it puts child welfare at the heart of interventions with complex cases. Briggs⁵² argues that despite the increasing focus upon risk in the youth justice agenda, many practitioners maintain an essentially welfare-based orientation to their work with young offenders. We believe that the sequential approach to intervention offered in the TRM provides a theoretical framework that balances the welfare needs of young people with due consideration to risk.

51. Giordano et al (2002) see n.32.

52. Briggs, D.B. (2013) Conceptualising Risk and Need: The Rise of Actuarialism and the Death of Welfare? Practitioner Assessment and Intervention in the Youth Offending Service. *Youth Justice* 13(1) 17-30.

A catalogue of losses:

Implications for the care and reintegration of young men in custody

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Introduction

Although loss and grief are universal human experiences, vulnerable young people, such as those involved in offending or those who have been in care, are more likely to have experienced higher rates of loss than the general population, and to have suffered especially traumatic losses. This paper summarises the research literature in relation to loss among vulnerable young people in prison and draws on the narratives of 23 young men in a Young Offenders Institution about their experiences. Loss was identified as a significant theme across these narratives. Applying the learning gained from these stories to the literature, the paper organises these losses into an overarching typology, incorporating: loss of future (due to lost opportunities or the barriers posed by criminal convictions); loss of relationships (including the pain caused by separation); loss of status (in particular the loss of power and agency that can arise from the need to assimilate in to prison culture) and loss of stability (often due to a disrupted and troubled childhood). Classifying losses in this way is useful as it can provide practitioners with a framework to ensure that loss is considered, along with other psychosocial factors, as an issue that can affect how young people cope with incarceration. Through identifying and understanding loss it will be possible to enhance the care provided to young people in prison and to better support their

transition back into the community, as without this depth of understanding young people will not have their needs fully met.

Loss in young people

In its simplest sense, loss has been defined as 'the affectual state that an individual experiences when something significant is withdrawn' and grief as 'the process through which one passes in order to deal with loss'.¹ While the concept of loss is frequently applied to bereaved individuals, John Bowlby, in his work on attachment and separation, acknowledged that the majority of losses in society do not arise as a result of death.² Certainly loss in young people can take many forms and be triggered by many circumstances, including: divorce;³ separation through migration;⁴ death of a pet; moving house or school;⁵ parental imprisonment;⁶ being taken in to care;⁷ separation that might not necessarily be 'physical', such as that caused by parental addiction, mental ill-health,⁸ disability or serious illness,⁹ as well as bereavement.

Loss through bereavement is, by virtue of its permanence, the ultimate loss and the range of painful emotions experienced following the death of a loved one is well documented.¹⁰ However, while death is final, it is a universal experience and is therefore acknowledged in all cultures and frequently accompanied by rituals and social support for the bereaved to help them in their time of grief.¹¹ While studies do show that bereaved young people feel that their bereavement marks them out as 'different' from

1. Courtney, A. (2000). Loss and grief in adoption: the impact of contact. *Adoption & Fostering*, 24(2), 33-44: p.33.
2. Bowlby, J. (1980) *Attachment and Loss (Vol. III): Loss, Sadness and Depression*. London: Hogarth Press.
3. Mooney, A., Oliver, C. and Smith, M. (2009). *Impact of Family Breakdown on Children's Well-Being*. London: University of London.
4. Suárez-Orozco, C., Todorova, I.L.G. and Louie, J. (2002). Making up for lost time: The experience of separation and reunification among immigrant families. *Family Process*, 41(4), 625-643.
5. Graham, A. (2012). Life is like the seasons. *Childhood Education*, 80(6), 317-321.
6. Bockneck, E.L., Sanderson, J. and Britner, P.A. (2009). Ambiguous loss and posttraumatic stress in school-age children of prisoners. *Journal of Child and Family Studies*, 18, 323-333.
7. Brodzinsky, D. (2009) *The experience of sibling loss in the adjustment of foster and adopted children*. In Silverstein, D.N. and Livingston Smith, S. (Eds.) *Siblings in Adoption and Foster Care*, 43-56, Connecticut: Praeger Publishers.
8. Darbyshire, P., Oster, C. and Carrig, H. (2001). The experience of pervasive loss; children and young people living in a family where parental gambling is a problem. *Journal of Gambling Studies*, 17(1), 23-45.
9. Graham, 2012.
10. Worden, J.W. (1996). *Children and Grief*. New York: Guilford Press.
11. Viboch, M. (2005). *Childhood loss and behavioural problems: loosening the links*. New York: Vera Institute.

their peers,¹² this universality can also mean that bereavements are less stigmatising than other losses such as parental imprisonment.¹³

For example, divorce, another common but not universal experience, has often been likened to bereavement as both can be experienced as traumatic and often result in the process of mourning.¹⁴ However, it is also reported that children in families affected by divorce experience poorer outcomes than those whose families have been disrupted through bereavement.³ Graham⁵ suggests that as the loss is not irreversible the grieving process can be obstructed, for example by fantasies of reunion as well as conflicts of loyalty between the separating parents. The effects of parental imprisonment are similar to the death of a parent, and it is clear that temporary separation can be as equally traumatic as a permanent loss, especially when the loss is characterised by uncertainty and misinformation.¹³ Similarly, loss through being taken into care can be confusing when the duration of, or reasons for, the separation from family are unknown, and may be complicated by conflicting emotions about the loss if the family relationship had been ambivalent or even abusive.¹⁵ These factors have led Courtney¹⁶ to conclude that the task of adjusting to adoption can be more challenging than that of adjusting to bereavement. For young people with numerous placement moves these losses are multiplied and are endured repeatedly and indefinitely.¹⁷

In developing the concept of 'ambiguous loss', Boss¹⁸ acknowledges that it is precisely these

uncertainties that can complicate the response to loss, as without knowing if the loss is permanent or temporary it can be difficult to resolve and move on. Ambiguity disrupts effective coping strategies.⁶ Furthermore, losses that are less well recognised may not result in the same levels of understanding or support from society as a bereavement^{18,11}. Ambiguous losses are therefore rarely '...openly acknowledged, publicly mourned or socially supported' and can result in what has been termed *disenfranchised grief*.¹⁹ The

very nature of disenfranchised grief means that young people often have to face their losses alone, a concern when even ostensibly small losses can be experienced as traumatic and can have an accumulative effect on young people, but may be missed or underestimated by the adults around them.²⁰

The complexity of loss in prison

Typical responses to loss and trauma include *physical* symptoms such as headaches, stomach aches, palpitations, loss of appetite or sleep problems, and emotional reactions such as anxiety, grief, self-blame, anger, rumination or numbness. In a non-problematic scenario, where young people are supported through their losses and have

sufficient resilience, these symptoms are short-term and tend to subside over a few months.²¹ However, when ambiguous losses and disenfranchised grief mean that young people do not receive the intervention they need, these emotions and stress responses can manifest as challenging behaviours. Loss and trauma in childhood can therefore be linked to a range of risk-taking behaviours in adolescence and adulthood, with

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12. Schultz, L. E. (2006). The influence of maternal loss on young women's experience of identity development in emerging adulthood. *Death Studies*, 31(1), 17-43.
13. Loureiro, T. (2010). *Perspectives of children and young people with a parent in prison*. Edinburgh: Scotland's Commissioner for Children and Young People.
14. Bagnoli, A. (2003). Imagining the lost other: The experience of loss and the process of identity construction in young people. *Journal of Youth Studies*, 6(2), 203-217.
15. NACAC. (2009). *Ambiguous loss haunts foster and adopted children*. <http://www.nacac.org/adoptalk/ambigloss.html>
16. Courtney, 2000.
17. Samuels, G.M. (2009). Ambiguous loss of home: The experience of familial (im)permanence among young adults with foster care backgrounds. *Children and Youth Services Review*, 31, 1229-1239.
18. Boss, P. (2006). *Loss, trauma and resilience: therapeutic work with ambiguous loss*. New York: W.W. Norton and Company Inc.
19. Doka, K.J. (2009). Disenfranchised grief. *Bereavement Care*, 18(3), 37-39, p37.
20. Dutton, P. (2007). *Trauma in children and young people*. Counselling Children and Young People. http://www.cyp.co.uk/journal_pdf/ccyp_autumn07a.pdf
21. Bonnano, G.A. (2004). Loss, trauma and human resilience. *American Psychologist*, 59(1), 20-28.

the risks increasing with greater exposure to adverse life events.²² Behavioural responses to loss and trauma such as substance misuse,²³ risky sexual-behaviour, suicide²² and reduced awareness of danger are common.²⁴

Given this association between loss, trauma and behaviour it is therefore unsurprising that it has been observed that around 90 per cent of young people resident in a YOI (aged 16-20) had experienced at least one bereavement.²³ They are also more likely to have suffered traumatic and multiple bereavements than the general population,^{25,23} and have often grown up in chaotic, transitory and difficult circumstances, situations that are likely to lead to an environment ripe for loss. Family breakdown, abuse and neglect, and periods in placements away from home are more common among young people involved in offending,²⁶ and each of these can be experienced as a devastating loss. Furthermore, reception in to prison itself can be seen as triggering a process that results in loss,²⁷ severing existing ties and social supports. Many young people in prison therefore carry with them the burden of multiple losses throughout their journey to prison and experience these even more acutely whilst inside prison.

Traumatic and multiple losses, particularly those with an element of ambiguity can complicate the grieving process,²⁸ increase the likelihood of unresolved grief²⁹ and result in poorer emotional and mental health outcomes.³⁰ The high rate of these types of losses in the YOI population has important implications for behaviour management in the prison, and for successful reintegration back into the community. Understanding the losses that accompany and shape these young men is therefore crucial for rehabilitation, yet most studies of loss tend to focus predominantly on loss through death³¹ rather than these more ambiguous losses. Moreover, males are less likely to seek help for issues that cause them distress³² and therefore not only

leave themselves open to prolonged suffering, but as a result also tend to be underrepresented in the research literature that does exist.³³ This paper will begin to contribute to our understanding of this issue among males by documenting the range and nature of losses that young men in custody have experienced and to provide a foundation from which practice and interventions can develop.

Method

Ethical Considerations

This paper stems from a wider study exploring the pathways of young men both in and out of a young offenders institution.^{34,35} The research was given approval by the University of Strathclyde Ethics Committee which endeavours to protect the integrity, security and well-being of participants and researchers in sensitive research settings such as prisons.

Participants

Participants were 23 young men in a YOI, aged between 16 and 20, who typically were serving a short sentence (on average less than two years).

Procedure

Interviews were conducted by the research team within the YOI with young men who had consented to be involved in the research. Each participant was interviewed using a topic guide designed to help each young man provide a narrative about their journey to prison; their experience in the YOI and their plans for reintegration back in to the community. Specific prompts relating to the original study questions were used to elicit further information about supports received; educational experiences; and understanding of the justice process.

It is useful to state at this point that bereavement, loss and grief were not directly addressed in the

22. Felitti, V.J., Anda, R.F., Nordenberg, D., Williamson, D.F., Spitz, A.M., Edwards, V., Koss, M.P. and Marks, J.H. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: the adverse childhood experiences (ACE) study. *American Journal of Preventative Medicine*, 14(4), 245-258.
23. Vaswani, N. (2014). The ripples of death: exploring the bereavement experiences and mental health of young men in custody. *The Howard Journal of Criminal Justice*, 53(4), 341-359.
24. Wright, S. and Liddle, M. (2014). *Young offenders and trauma: experience and impact*. www.beyondyouthcustody.net
25. Finlay, I.G. and Jones, N.K. Unresolved grief in young offenders in prison. *British Journal of General Practice*, 50(456), 569-570.
26. NACRO. (2002). *Persistent young offenders. Research on individual backgrounds and life experiences*. Research Briefing 1. www.nacro.org.uk/data/files/nacro-2004120103-409.pdf
27. Jewkes, Y. (2005). *Loss, liminality and the life sentence: managing identity through a disrupted lifecourse*. In (Eds.) A. Liebling and S. Maruna. The effects of imprisonment. Devon: Willan Publishing.
28. Dowdney, L. (2000) Annotation: Childhood bereavement following parental death. *Journal of Child Psychology and Psychiatry*, 41, 819-830.
29. Shear, K. and Shair, H. (2005). Attachment, loss and complicated grief. *Developmental Psychobiology*, 47, 253-267.
30. Harrison, L. and Harrington, R. (2001). Adolescents' bereavement experiences. Prevalence, association with depressive symptoms, and use of services. *Journal of Adolescence*, 24, 159-169.
31. Ribbens McCarthy, J. (2006). *Young people's experiences of loss and bereavement*. Berkshire: Open University Press.
32. Möller-Leimkühler, A.M. (2002). Barriers to help-seeking by men: A review of sociocultural and clinical literature with particular reference to depression. *Journal of Affective Disorders*, 71, 1-9.
33. Mitchell, A.M., Kim, Y., Prigerson, H.G. and Mortimer-Stephens, M. (2004). Complicated grief in survivors of suicide. *Crisis*, 25, 12-18.
34. Smith, S., Dyer, F. and Connelly, G. (2014a). *Supporting Fife and Forth Valley: A report on the pathways into prison and the supports available to young people from Fife and Forth Valley*. Glasgow: Centre for Youth and Criminal Justice
35. Smith, S., Connelly, G. and Dyer, F. (2014b). *Young men in custody*. Glasgow: Centre for Youth and Criminal Justice.

interview topic guide, which presents both benefits and limitations to this paper. Firstly, research that explores bereavement and loss as part of a general study is often undertaken outside of any preconceived theoretical framework.³¹ Certainly the expressions of loss by these young men were spontaneous and not sought or directed in any way. In addition, qualitative research about loss and bereavement with young people is often reliant on a self-selecting sample who are willing and able to talk about their thoughts and experiences with a relatively unknown researcher. When the subject is as challenging and potentially as distressing as loss and grief it can be assumed that many young people, especially males, choose not to participate. Instead, viewing the young people's stories through the lens of loss, and drawing learning from more general discussions is a more inclusive approach that allows the young person some control about the nature and extent of their losses they choose to share. However, taking such an approach has obvious limitations, not least that the true scale and nature of losses may be underestimated. Furthermore, without the opportunity to reflect and elaborate on their losses young people were not able to tell their whole story, and a level of richness and detail about their losses is clearly lacking.

Analysis

With the consent of participants, each interview was audio-recorded, transcribed verbatim and analysed using NVivo Version 10. Each individual interview underwent two cycles of coding to first identify expressions of loss, and then a cross-case analysis was undertaken to identify and categorise shared themes throughout the sample. Themes were then reviewed and refined into four overarching classifications: loss of future and opportunities; loss of relationships and

connections; loss of status and power; and loss of stability and security.

Findings

Across all 23 young men, a total of eight different losses were identified in the sample. Through the analysis these were organised into an overarching typology comprised of four broad classifications, as outlined in **Table 1** below.

Loss of future

All of the young men, in one way or another, spoke of the loss of their future opportunities and prospects, either directly or indirectly as a result of their behaviour or their imprisonment. The pervasiveness of this loss throughout every story poses both practical and perceptual obstacles to successful reintegration and the attainment of positive outcomes later in life. The initial catalyst for this loss was a disrupted education, often commencing during the primary school years due to transitory families, behavioural problems and exclusions.

Well from a young age I wasn't really in school, I used to get kicked out a lot, I used to cause trouble for the teachers and stuff like that. The only place I've really done is nursery. (YP15)

I said to them I was sorry, it was a moment of madness, I want to come back and they said 'no' and I got kicked out. (YP21)

Importantly, the young men in this study entered custody during late adolescence (between the ages of 16 and 20), a crucial time when all young people are

Table 1: Classification of losses (n=23)

Loss Classification	No. in sample reporting loss	% of sample reporting loss
1. Loss of future a. Loss of prospects b. Loss of education	23 23 15	100%
2. Loss of relationships a. Loss of relationships (as a result of prison) b. Loss of relationships (prior to prison)	18 14 12	78%
3. Loss of status a. Loss of freedom b. Loss of power	16 15 6	70%
4. Loss of stability a. Loss of stability b. Loss of childhood	12 12 3	52%

undertaking the key developmental task of cultivating and understanding their own identity and self-concept.^{14,12} Self-concept is significantly influenced by the family environment³⁶ and many of the participants spoke of parents, siblings, cousins, friends who were in prison and alluded to communities where experiences of crime and custody were commonplace. It was clear that, for some of the young men, their experiences meant that a sense of being predestined for prison was embedded in their self-concept from a young age, signalling a chronic loss of hope and ambition for the future.

[From] 14 or 15 I thought that [I would be in prison] because my two brothers were already in. (YP2)

I knew I would end up back in here...I've always thought that since I was a wee guy because of my family background and stuff. (YP19)

In addition, for other young men, the very nature of imprisonment had a direct and catastrophic impact on the plans that they had held for the future.

I'm hoping but the only thing is my criminal record getting in the way. (YP7)

I've not got a plan in my head because I know what I wanted to be, I wanted to be a mechanic, but sometimes it works out different. (YP3)

Furthermore, the demands of remaining on the straight and narrow despite returning to the same difficult family and community environments, often while needing to remain compliant with strict licence conditions, meant that the young men were fearful that any opportunities that still remained would be soon be withdrawn from them.

The only thing is if I breach that licence because I know for a fact I'll breach it within the first week of being out. (YP14)

My only worry is that if I go back to stay with my Mum, my friends could be trouble and that, and I get back in with that. (YP4)

The concept of 'possible selves' as '...the ideal selves that we would very much like to become'³⁷ has a resonance here. The very real loss of opportunities created

by a prison sentence can result in the loss of a future 'possible self' and, in studies of adult males serving lengthy or life sentences, this can be '...experienced as a kind of bereavement for oneself; the loss involving lost worlds, lost futures and lost identities'.³⁸ While the majority of young men in this study were serving short sentences (less than two years), the revolving door of prison means that for many of these young men a substantial proportion of their young lives has been spent in prison or other institutions. Furthermore, the young age of these participants means that they have had little chance to learn a trade, gain skills or to develop a work identity. Gaining employment upon release is a key factor in successful reintegration,³⁹ and considering that what Žukov et al.⁴⁰ term 'prisonisation' can

cause a loss of knowledge, skills and habits that have already been firmly established in adult prisoners, it is clear that this loss of a possible self has very real implications among young people who have not yet had the chance to develop a positive work identity and have lost hope for their future.

Loss of relationships

The most obvious loss, that of loss through bereavement, was rarely mentioned, with only one young man mentioning this type of loss. However, our understanding of this population suggests that an absence of bereavement in their stories may not necessarily indicate an absence of bereavement in these

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36. Henderson, C.E., Dakof, G.A., Schwartz, S.J., & Liddle, H.A. (2006). Family functioning, self-concept, and severity of adolescent externalizing problems. *Journal of Child and Family Studies*, 15(6), 719-729.

37. Markus, H. and Nurius, P. (1986). Possible selves. *American Psychologist*, 41(9), 954-969: p.954.

38. Jewkes, 2005: p.370.

39. Ministry of Justice. (2013). *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*. London: Ministry of Justice.

40. Žukov, I., Fischer, S., Ptáček, R., Raboch, J. (2009). Imprisonment and its influence on psychobiological needs. *Prague Medical Report*, 110(3), 201-213.

young men's lives. As outlined earlier this may simply be an artefact of the methodology, in that the young men were not asked specifically about the losses that they had experienced, and may also reflect a personal or cultural reluctance to discuss potentially sensitive and taboo subjects, especially without explicit 'permission' to do so.

Despite this, the stories that the young men shared portrayed a past characterised by disrupted relationships and broken bonds, a pattern that commenced in childhood, but continued apace following entry in to custody, often as a result of their incarceration. Losses prior to custody included dysfunctional and disrupted families, and frequently the system's response to these issues (such as taking the young person into care). Even when the parent is *physically* present, studies of young people in foster care have indicated that factors such as substance misuse or emotional unavailability can mean that this distance is experienced as a loss⁴¹ and this was also reflected in these young men's experiences.

Obviously my father's been in prison for nearly five years and I've got nobody to follow by, no role model so I had nobody...I've got a Mum but I don't class her as a mum because I don't feel like I've had a mum. (YP4)

The first four or five months [in residential school] were difficult, I was only young, 11, 12 and I was away from my family, 100-odd miles. (YP21)

The breakup of families through fostering, adoption and residential care extends much more widely than the loss of the immediate caregivers,^{7,17} and some of the young men reported broken relationships with siblings as well as extended family as a result of their placements. These types of losses can be more difficult to resolve because of their ambiguity, with unanswered questions about the length of separation or the nature of the loss complicating the grieving process^{6,7}. Furthermore, multiple moves, and separation that is interpreted as voluntary abandonment, are often especially traumatic,^{14,11} and these were key features of the young men's lives.

I know my family...it's like all they've done is give birth to me then forgot about me, that's all they've done. (YP15)

These losses were exacerbated in prison, as the loss of outside relationships has been suggested to be one of the most painful aspects of incarceration.⁴²

When you're locked up at night you actually realise 'I miss my family, that's where I want to be'. That's where it just hits you. (YP16)

The sense of loss and hopelessness experienced by the families of those in prison⁴² was also acknowledged by the young men, and they expressed concern that the loss they felt was no easier for those that they had left

on the outside. In addition to the pain caused by the physical distance of their imprisonment, the barriers of shame and stigma on both sides of the relationship also proved challenging, and could disrupt even previously solid relationships, let alone already fragile ones. Some young men did not want their families to see them in prison, others were rejected by their families because of their behaviour.

I did have a girlfriend but I think she was just finding it too hard me being in here. (YP15)

My Mum doesn't talk to me. My Dad talks to me but my Mum, Gran and sister don't talk to me. (YP23)

The young men's stories hint at the anger and frustration they felt at the failure of their caregivers to provide the love and support that they needed. As a result, these young men clearly had complicated attachments and difficult family relationships, yet these were the very relationships that were so often expected to facilitate their transition to the community. This loss of a support network, that many other young people their own age can rely on, often made the young men anxious about their future, especially when accompanied by simultaneous transitions in their professional support networks.

These losses were exacerbated in prison, as the loss of outside relationships has been suggested to be one of the most painful aspects of incarceration.

41. Samuels, G.M. and Pryce, J.M. (2008). 'What doesn't kill you makes you stronger': Survivalist self-reliance as resilience and risk among young adults aging out of foster care. *Children and Youth Services Review*, 30, 1198-1210.

42. Murray, J. (2005). *The effects of imprisonment on families and children of prisoners*. In (Eds.) A. Liebling and S. Maruna. The effects of imprisonment. Devon: Willan Publishing: 442-473.

I can't stay with my mum or anything... There's nowhere else really to go. I don't talk to my other family. (YP19)

I've had the same social worker for three years now, but he finishes working with me when I'm 18 I think. He's been the only person that I can actually speak to and actually understands me. (YP15)

These disruptions and disconnections in their relationships, support networks and emotional investments have clear implications for the transition to adulthood⁴¹ and for successful reintegration back in to the community, as positive social ties are associated with reduced offending and engagement with employment upon release.⁴³

Loss of status

Another common loss was that of loss of status, which occurs when an individual loses position or power in society, such as through the stigma of being in care,⁷ or unemployment.⁴⁴ Imprisonment most clearly results in a loss of freedom, which was experienced with difficulty by many of the young men. This loss of freedom also results in a loss of agency to exert power and control over one's own destiny, with this lack of capacity becoming more entrenched the longer that is spent in prison,⁴⁵ even among adults whose status in society is more firmly established.²⁷ For young people who are already disempowered and afforded lower status in society due to their age, it becomes difficult to see how the decision-making and problem-solving skills required for successful transition to the community will be easily mastered.

I've been locked up for most of my life so I'm used to being locked up. Jail doesn't bother me, I'm in that routine now... (YP14)

Another common loss was that of loss of status, which occurs when an individual loses position or power in society, such as through the stigma of being in care, or unemployment.

It's going to feel weird when I get out because I'll have been in for maybe two-and-a-bit to three years... To be able to go places myself at any time I want. It'll be weird because I'm used to working with their times, not my times. (YP1)

Loss of autonomy is identified by Sykes⁴⁶ as one of the key pains of imprisonment, and this was reflected in this study as the concept of personal agency was seen as an important human right and one that young people felt frustrated about having to give up. The young men felt that the loss of freedom should be sufficient, and that the loss of other rights was unnecessary and unfair.

We're in here to do our time, we're in here to get punished by taking away our freedom, and we're not in here to get punished by the staff members. (YP1)

Furthermore, the power imbalance between the young men and some of their peers or YOI staff, as well as the stigma or community consequences caused by their offences caused the young men to feel that they had lost 'respect' in society.

They've got the upper hand. They think because they've got more power over us they're better... (YP3)

I don't even want to put my face into the community, I was ashamed of myself. I still am to this day. (YP16)

This loss of power and agency is not only deskilling, but can affect the development or utilisation of effective coping strategies for dealing with loss and grief, such as going for a walk or listening to music.²³ Even maladaptive strategies such as self-medication provide relief, at least in the short-term, but are not accessible to young men in prison. Furthermore, the

43. Berg, M.T. and Huebner, B.M. (2010). Reentry and the ties that bind: An examination of social ties, employment and recidivism. *Justice Quarterly*, 28(2), 382-410.

44. Atkinson, T., Liem, R., and Liem, J.H. (1986). The social costs of unemployment: Implications for social support. *Journal of Health and Social Behavior*, 27(4), 317-331.

45. Irwin, J. and Owen, B. (2005). *Harm and the contemporary prison*. In (Eds.) A. Liebling and S. Maruna. The effects of imprisonment. Devon: Willan Publishing.

46. Sykes, G.M. (2007). *The society of captives*, 2nd ed. Oxford: Princeton University Press.

reality of prison routines means that there is either a lack of space for privacy and reflection,⁴⁵ or alternatively that there is *too much* space for unstructured reflection, and not enough freedom to employ distraction techniques.²³ Of relevance is Stroebe and Schut's Dual Process Model of bereavement,⁴⁷ which depicts the process of coping with loss and grief as an oscillation between loss-oriented activities (akin to the more traditional 'grief work' tasks of earlier bereavement theories) and restoration-oriented activities such as distracting oneself from grieving (engrossing oneself in a movie, for example). Stroebe and Schut⁴⁸ assert that '...oscillation is necessary for optimal adjustment over time' with the individual choosing to take time out from grief or to actively focus on processing aspects of the loss. Spending too much time in one activity or the other is viewed as detrimental to both mental and physical well-being.⁴⁷ This is clearly problematic for young men coping with loss and grief in prison as, due to the restrictions, monotony and power imbalances inherent in the prison regime, they have little opportunity to take control of their grief.

Loss of stability

The final classification of loss relates to what has been termed here the 'loss of stability'. Young men described disruptions and loss of stability in their backgrounds, often resulting from their disconnected relationships or inconsistent school histories. This is a key characteristic of disadvantaged young people, especially those with long care histories⁷, and can leave young people to suffer from enduring insecurities that make the transition to adulthood more difficult.⁴¹ In addition, a lack of a stable base, such as family and home instability, has been associated with an increase in problematic behaviours and poorer academic outcomes.⁴⁹ Of concern is that if this instability remains a feature of the young person's life upon release from custody then the likelihood of successful reintegration is reduced, as a stable accommodation base is linked to more positive outcomes such as training or employment.⁵⁰

So I got kicked out and ended up sofa surfing and just robbed all sorts of stuff. I've never had the chance to have a stable place to stay, get the tag and show them that I can work. (YP21)

Another emerging loss in this classification could be best described as 'loss of childhood'. Of course, the transition through adolescence to adulthood can be viewed as a universal process of leaving the innocence of childhood behind.³¹ However, the additional challenges or sheer trauma that these young men have had to face makes this loss of childhood, frequently at a very young age, quite often a defining moment for them. Young people experiencing bereavements and

loss of relationships often have to take on new roles and responsibilities¹⁴ and this was also true of the more ambiguous losses among the young men in this study. As a result, family roles and relationships were often reversed, confused or inappropriate and young people frequently described having nowhere to turn.

Young men described disruptions and loss of stability in their backgrounds, often resulting from their disconnected relationships or inconsistent school histories.

My Dad's outside but he's got back into drugs and that. He doesn't support me at all...I phone him and talk to him but he treats me like a pal. (YP12)

I've had a really bad upbringing, I've not had the support that normal children should have from the minute they're born to the minute they leave the house. (YP15)

Discussion and Implications

It is clear that young men in custody have experienced a catalogue of losses since childhood, and that these losses are compounded by entry to prison, including disruption to relationships and social support networks. In addition, there are unique aspects of loss associated with incarceration, such as loss of status and agency. Sykes,⁴⁶ in his classic 1958 text, *The Society of Captives*, outlined five key pains of imprisonment including deprivation of relationships, deprivation of

47. Stroebe, M. and Schut, H. (1999). The Dual Process Model of coping with bereavement: Rationale and description. *Death Studies*, 23(3), 197-224.

48. Stroebe and Schut, 1999:p.216.

49. Sandstrom, H. and Huerta, S. (2013). *The negative effects of instability on child development: A research synthesis*. Washington: Urban Institute.

50. Batemen, T., Hazel, N. and Wright, S. (2013). *Resettlement of young people leaving custody*. London: Beyond Youth Custody.

security, and deprivation of autonomy. However, it is clear from this study that these pains are not simply limited to imprisonment, but in fact occur repeatedly in the backgrounds of these vulnerable young men, and are exacerbated by incarceration. Furthermore, the very real societal stigma that is associated with a prison sentence and the identity of 'offender' simply amplifies, or even creates, many of these losses. This is particularly evident in the severing of positive social ties and relationships; in the removal of a young person's status in society and thereby lowering self-respect and self-esteem; and, perhaps most tragically, by withdrawing opportunities that result in the loss of a 'future possible self', leading to a chronic lack of ambition and hope for the future.

In response, this paper has provided an early and developing typology of these losses to better support practitioners to identify and address the range of losses that are experienced in the YOI population. It is important that practitioners, and society as a whole, understand that loss does not have to be outwardly huge, nor devastatingly permanent, to have a long-lasting effect on young people. Small-scale and temporary losses, especially as they accumulate, can be equally traumatic and manifest as externalising and challenging behaviours or complicated attachment relationships.⁵⁰ The anger and frustration that young men feel about these losses, from abandonment by family to the forfeiture of opportunities and prospects, can affect coping strategies and potentially lead to an ongoing cycle of challenging behaviour and imprisonment.

For prison and throughcare services, acknowledging and supporting these losses will be crucial in helping young men cope with loss and grief in their lives and disrupting this cycle, as losses that remain unresolved can cause problems for behaviour management in institutions and more importantly for successful reintegration to the community.⁵¹ Nonetheless, the fact that many of these losses were incurred *prior* to prison also emphasises the need for social work, education and other services to address a range of losses in vulnerable child populations at a much earlier stage, long before the prison gates are reached.

. . . while entry into prison may have been the culmination of a background of losses, and represented yet another major loss for these young men, there were also gains to be had.

Yet while there may be similarities between bereavement and other forms of loss, not enough is known at this point about how young people respond to these different types of losses, and therefore what interventions and approaches may help practitioners to meet their needs. Are existing bereavement interventions effective with other types of loss? Do loss and grief education programmes, such as Seasons for Growth⁵, help people cope with more ambiguous losses? This study was naturally limited in its scope, as taking a general approach that was focused on pathways into and out of prison meant that it did not delve more deeply into how young men experienced and responded to these losses and therefore cannot

provide the answers to these questions. While the merits of such an approach, in opening up loss and grief research to a potentially reluctant group of young men, have already been discussed, it remains true that this approach sacrificed richer narratives for inclusiveness and is likely to represent an underestimation of the scale of the issue. Further research that explores how people respond to, and learn to cope with, these wider losses especially within restricted environments such as prison, as well as research that supports young people to voice their own experiences in greater detail, is required to refine knowledge and understanding

of this issue. Creative methodologies that empower young people to actively generate and define their own evidence, rather than simply have it passively 'gathered' from them may be of benefit here.

Lastly, it should be acknowledged that while entry into prison may have been the culmination of a background of losses, and represented yet another major loss for these young men, there were also gains to be had. With loss of stability such a key feature of these young men's childhoods, entry in to custody at times provided some much needed stability and support, even despite the associated loss of freedom.

I'm not just saying this but there is actually a lot of support in here for people. There's nothing you can't get in here, if you need support you can get it. (YP1)

51. Young-Junior, V. (2003). Helping females inmates cope with loss and grief. *Corrections*, 65(3), 76-79.

Similarly, some of the young men described what they saw as very real opportunities of being in custody.

It was like Maths and English, the big subjects I missed out on...I love it, I used to go everyday. I put my name down for Italian. I don't even know the slightest thing about Italy, I put my name down for that as well, to try and learn new things. (YP15)

Neither the positive nature of these opportunities, nor the joy that some young men expressed at being able to access these experiences, should be dismissed. However, that prison can represent an exciting

opportunity for these vulnerable young men only serves to highlight the true extent of the losses that they had faced on their journey to custody. Of course it is impressive that these young men are receiving the support that they need, finding positives in adversity and demonstrating considerable resilience. However, that fact that we have prisons providing what should be a part of a normal childhood is a sad reminder of how we could be doing so much more to support some of the most vulnerable members of society at the earliest possible stage. Understanding their responses to a wide range of loss and grief will be an important part of that process.



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Public Identification During Community Sentence — Good or Bad?

Martin Ferguson Mental Health Advocate, MIND.

The question of whether offenders should be publicly identified while performing an unpaid work order, as part of a community sentence in England and Wales, requires consideration of both legal acceptability and social desirability. The desire to separate the criminal community from the rest of society has deeply rooted historic origins, the dichotomy being a traditional hallmark of the penal system. To call for public identification of those subjected to unpaid work orders as wrongdoers is a modern manifestation of this desire. Yet the contemporary social desirability and legal acceptability of such public identification is less straightforward. Using an analysis of the historical relevance of public identification to inform this discussion I will argue that the demand that ‘These people getting community sentences ... be shown to the public as having done something wrong, as a deterrent’¹ is a demand that lacks the benefit of adequately informed historical perspective as well as contemporary social and legal insight. Rather, public identification will be shown to undermine the contemporary aims and objectives of sentencing, act counterproductively to the interests of general society as a victim, and step dangerously in the direction of exceeding what is acceptable within the current understanding of offenders’ rights.

Community sentences and public identification — the historical backdrop

Before discussing the historical backdrop it should be noted that ‘community sentence’ is a term subject to varying definitions. It is a dynamic rather than static concept. Scull opts to incorporate ‘a wide spectrum of approaches...almost anything which so much as sounds as though it involves increasing the community responsibility for the control of crime’.² If the approach

becomes too broad, and the terminology interchanged too loosely, it is hard to see what would fail to be classified as a community sentence. Bearing this caution in mind, if Scull’s direction is taken community sentences can specifically be defined as alternatives to ‘the treatment of...deviance in institutions providing a large measure of segregation — both physical and symbolic — from the surrounding community’.³ A framework is thus provided within which community sentences and public identification can be granted a historical perspective.

Pursuing this, the corporal and even capital punishments which featured prominently in the sentencing repertoire up until the early 19th century are classic examples of community sentences. Although Foucault does not use the specific terminology of ‘community punishment’ in the opening section of *Discipline and Punish*, Garland observes that the very ‘public spectacle’ of the regicide depicted typified the reigning penal style of maximising public identification of the wrongdoer.⁴ This, as Cohen notes, exploited the boundaries of shame through use of public stocks, whipping and, ultimately, the threat of the gallows.⁵ Clearly the impact of the spectating *community* was paramount. Public identification went to the nature and form of the sanction. These were community sentences, even within a cautious adoption of Scull’s approach.

This analysis unearths the parallel between the historical punishment of public affliction\humiliation and the demand for public identification of those subject to unpaid work orders. Both fall within the ambit of community sentences and, importantly, offer scope for the *public* furtherance of the criminal community/rest of society dichotomy. Thus, in order to evaluate the desirability and acceptability of public identification, the fate of historical public identification through community sentences must be discussed.

Immediately the legal acceptability of historical community sentences is unearthed as lacking

1. ‘Have Your Say’ questionnaire, quoted in L Casey, *Engaging Communities in Fighting Crime* (The Cabinet Office, London 2008) 53.
2. A Scull, ‘Community Corrections: Panacea, Progress or Pretence?’ in D Garland and P Young (eds), *The Power to Punish* (Gower 1989) 146.
3. Ibid 147.
4. D Garland, *Punishment and Modern Society* (Clarendon Press 1990) 135.
5. S Cohen, *Visions of Social Control* (Polity Press 1985) 19.

justification. Ignatieff describes how the degree of legal arbitrariness exhibited by sentencers reinforced pressure from the religious reformers of the enlightenment period who called for review, which culminated by 1850 in the curtailment of hanging, the abolition of branding and the stocks.⁶ The lack of substantive justification and procedural propriety was compounded by a shift in social attitude. Cohen depicts the social shift as, and attributes the force of the reform to, the 'victory of humanitarianism over barbarity, of scientific knowledge over prejudice and irrationality', describing early forms of public community punishment as being 'based on vengeance, cruelty and ignorance'.⁷ Attempts to attribute these rejections purely to the corporal nature of the punishment would preclude any meaningful relevance to the issue of public identification in the context of today's unpaid work order. Yet such attempts would be short sighted. Braithwaite emphasises that public visibility of the pillory, flogging and executions was a major factor in their rejection, as prevailing social desirability welcomed the 'systematic uncoupling of punishment and public shaming'.⁸ Public identification as both the nature and form of punishment was no longer desirable nor acceptable, given the moral pressure and calls for knowledge-based sentencing. Desire had shifted from seeking to avenge the crime through public shaming to pursuing transformation of the criminal who stood behind it.⁹ Garland comments that for Foucault this signified a 'deeper change in the character of justice itself', the carceral shift incorporating a focus on the circumstances of the individual criminal and thus carrying additional reformatory ideals.¹⁰

The days of the Criminal Justice System (CJS) serving the limited purpose of deterrence through public shaming were incompatible with the social shift

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towards knowledge as power¹¹ and what Rothman's account describes as the emerging link between rehabilitative ideals and incarceration.¹² The public nature and form of early community sentences was 'stigmatizing rather than reintegrative',¹³ and Von Hippel noted that this 'expelled from the community of decent people' those publicised, while simultaneously failing to fulfil the limited aim of deterrence.¹⁴ Pike draws attention to the fact that the public identification simply precluded offenders from pursuing their 'livelihood in any honest and lawful way' rendering them all the more desperate.¹⁵ On account of this and the overall failure of public identification, its combination with community sentences was deemed an intellectually deprived, socially backwards practice of the past.

Clearly, a discussion of the historical counterparts to the modern community sentences reveals that they served the desire for a divide between the criminal community and rest of society. Yet more poignantly, the discussion reveals that public identification as a vehicle to that end lacked legal acceptability, legal justification, while failing to serve its limited purpose of deterrence. The degree of arbitrariness involved in the sentencing, largely due to the lack of knowledge-based objectives, compounded the legal unacceptability. In Foucault's

terms, the successful rise of the carceral system was down to the fact that it made 'the power to punish natural and legitimate'.¹⁶ In contrast to arbitrary public identification in community sentences, it utilises the 'legal register of justice', filling the gap in legal acceptability by giving a 'legal sanction to the disciplinary mechanisms'.¹⁷ Moreover, the social desirability of public identification waned in light of the negatively charged voyeuristic connotations it carried. The desire for dichotomy remained, but social norms

6. M Ignatieff, 'State, Civil Society and Total Institutions' in S Cohen and A Scull (eds), *Social Control and the State* (Blackwell 1983) 75.

7. S Cohen, *Visions of Social Control* (n 5) 18.

8. J Braithwaite, *Crime, Shame and Reintegration* (CUP 1989) 59.

9. D Garland, *Punishment and Modern Society* (n 4) 136.

10. Ibid.

11. See generally Foucault's depiction of knowledge as the power behind self-justifying structural change in M Foucault, *Discipline and Punish: The Birth of the Prison* (Second Vintage Books edn, A Sheridan tr, Vintage 1991).

12. S Cohen, *Visions of Social Control* (n 5) 19.

13. J Braithwaite, *Crime, Shame and Reintegration* (n 8) 59.

14. R von Hippel, *Deutsches Strafrecht* (Berlin, 1925) 158 as cited in J Braithwaite, *Crime, Shame and Reintegration* (n 8) 59.

15. L Pike, *A History of Crime in England*, vol II (Smith Elder and Co 1876) 280-1 as cited in J Braithwaite, *Crime, Shame and Reintegration* (n 8) 60.

16. M Foucault, *Discipline and Punish: The Birth of the Prison* (n 11) 301.

17. Ibid 301, 302.

and moral conscience had progressed so that public stigmatisation was no longer acceptable. In moving with the rise of knowledge-based power, which Foucault deemed to rely on the carceral system as its basic instrument,¹⁸ public identification was rendered socially undesirable, an ill-informed historic failure.

Considering the current call for public identification, it would be foolish to ignore the lessons that can be learned from the rejection of public identification on the grounds noted above. Importantly, the desire for knowledge and the increasing public conscience broadened the aims and objectives of punishment and it is to them that I turn.

Aims and Objectives

In Ignatieff's language, conscience had served as the motor of institutional change, fuelling 'the widespread adoption of the penitentiary as the punishment of first resort'.¹⁹ Yet humanitarian considerations also prompted Frederic Rainer and his contemporaries to promote the foundations of the probation service,²⁰ which in turn has paved the way for the most recent formulation of 'community sentence' under the Criminal Justice Act (CJA) 2003.²¹ The recurring influence of humanitarianism demonstrates that public conscience, be it deprived and barbaric or developed and rehabilitative, is the driving force behind the aims and objectives of sentencing. Whether public identification in the context of unpaid work is desirable or acceptable is therefore a debate which has at its core the reigning sentencing objectives. In today's context this includes the purpose(s) of shifting back towards community sentences. Hence, I will turn to discuss the aims and objectives of the penal shift to the modern community sentence.

'Emile Durkheim, Thurmond Arnold, Sir James Stephen and many others have pointed out that the

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legal process serves as a highly dramatic method of affirming collective sentiments concerning the wrongness of criminal behaviour'.²² Further, as Sykes writes, the norms these sentiments result in require replenishment in order to thrive and 'punishment of the offender symbolizes anew the immorality of the deviant act'.²³ So, historically, the public desired a dichotomy, initially reinforced through the arena of public corporal punishment and then through the private segregation of the prison. Yet the complexity of modern society's range of overlapping aims and objectives of sentencing raises doubts as to the social desirability not simply of expressing the dichotomy through 'a social organisation — the prison — which stands interposed between the law-abiding community and the offender',²⁴ but, more

importantly, doubts as to whether the dichotomy is socially desirable at all. I will illustrate how the current aims and objectives of sentencing point to this and, therefore, as public identification is the modern avenue for maintaining the dichotomy, why the debate on social desirability points away from publicly identifying those subjected to an unpaid work order.

The resurgence of community sentences throughout the 20th century is a clear example of politically charged penal policy. Evidence of this includes, inter alia, Labour's modernising programme of the late 1960s and the Conservative's regime from 1979, which was 'ostensibly devoid of liberal leanings on penal matters' at a time when the prison population had reached critical levels.²⁵ Indeed, the steadily soaring prison population from the end of the Second World War onwards has proved to be an intense point of political scrutiny and party tactics.²⁶ As Morgan and Clarkson note, 'The use of custody is always an expensive penal option and the expense is called into question if the incapacitative, deterrent, and rehabilitative benefits are doubtful'.²⁷ So,

18. Ibid 304.

19. M Ignatieff, 'State, Civil Society and Total Institutions' (n 6) 75.

20. M Vanstone, *Supervising Offenders in the Community* (Ashgate Publishing, 2004) 1.

21. See Criminal Justice Act 2003, s 147.

22. G Sykes, *The Society of Captives* (Princeton University Press 1958) 38.

23. Ibid.

24. Ibid 38.

25. M Nellis, 'Community penalties in historical perspective' in A Bottoms, L Gelsthorpe and S Rex (eds) *Community Penalties: Changes and Challenges* (Willan Publishing 2001) 20-24.

26. For a chart of the increasing prison population see G Berman, *Prison Population Statistics* (HC Library, SN/SG/4334, 23 February 2012) 2, (chart 1).

27. R Morgan and C Clarkson, 'The Politics of Sentencing Reform' in C Clarkson and R Morgan, *The Politics of Sentencing Reform* (OUP 1995) 6.

clearly political interests feature prominently in penal policy, and considering the actual and predicted²⁸ rise in the prison population its reduction has become a recurring official aim with a view to finding effective alternatives.²⁹ Yet to become too absorbed in notions of the political monopoly over penal policy is to risk losing sight of that which informs, manipulates and, I submit, *controls* the political choices made. This controlling force is public opinion, equally accurately termed 'social desirability'. It is the social desire to find effective alternatives that has fuelled the steady increase in community sentence options and, as Cavadino and Dignan note, led to an 'unprecedented transformation' in the modalities of community punishment since the turn of the millennium.³⁰ The dominant egalitarian tendencies for just deserts in sentencing during the mid 1980s to mid-to-late 1990s remains, yet has become subsumed within the social bent on increasing individual rights (to which I will return) and 'restorative justice values, which emphasise individualism in restorative event outcomes, inclusiveness in bringing people together to talk, and the idea that offenders ... should be reintegrated as far as possible into the community'.³¹ As 'politicians are increasingly referring to what they call 'public opinion' to justify or buttress' shifts in penal policy,³² it is discernable that above the cloud of politics it is the social desire to stem the rise in ineffective and expensive imprisonment and to strive for reintegrative, rehabilitative and restorative justice measures that has progressed the range of community sentences available, including the unpaid work order.

Clearly, the previously persistent desire to maintain a dichotomy between the criminal community — served by public identification and humiliation before the carceral age, and then in the very physical sense by the geographical segregation from society during the

dominance of the carceral age — must seriously be doubted as being socially desirable in view of the recent social shift in sentencing aims. If the desire for the dichotomy is unsustainable then, in the context of unpaid work in the community, the central avenue for pursuing that dichotomy — public identification — is also unsustainable.

The call for public identification as a means of deterring crime is understandable, as is the issue of how 'legitimate workers' may feel. Yet, as I have demonstrated, the social desire for reintegration and rehabilitation greatly influenced the CJA 2003, and if these aims are truly to be achieved through the avenue of unpaid work, if this community sentence is to be a

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progression in penal policy rather than a regression to the failures of historic community sentences, the feelings of legitimate workers cannot take priority. Deterrence must be subsumed within the broader range of objectives. McIvor notes that unpaid work comes closest to realising its rehabilitative potential when it is of a higher quality and that recidivism is reduced when placements are rewarding.³³ Similarly, studies show that 'offenders who perceived their sentence as fair had lower than expected reconviction rates'.³⁴ Thus, as crime is reduced by fair, rewarding, quality placements, to call for public identification is juxtaposed to a broader picture of what is socially desirable —

the ultimate aim of lower crime rates. Indeed, if the aim is penal effectiveness rather than penal posturing the 'focus (should be) on the reintegrative and rehabilitative aspects of the penalty instead of being punitive for its own sake'.³⁵

As true as the above may be, the desire for reintegration that points away from public identification begs the question, 'Reintegration into what?' At some level the answer must be society in general. Yet general society is itself a victim, and thus a

28. Ministry of Justice, *Prison Population Projections 2011-2017: England and Wales* (Ministry of Justice Statistics Bulletin 27 October 2011) ch 2, and see ch 6 on the impact of the August 2011 Public Disorder.

29. M Nellis, 'Community penalties in historical perspective' (n 25) 24.

30. M Cavadino and J Dignan, *The Penal System* (Sage Publications 2007) 132.

31. J Shapland, G Robinson and A Sorsby, *Restorative Justice in Practice* (Routledge 2011) 15.

32. Ibid.

33. G McIvor, 'Pro-social Modelling and Legitimacy: Lessons from a Study of Community Service' in *Pro-social Modelling and Legitimacy: The Clarke Hall Day Conference* (University of Cambridge 1998) as cited by M Cavadino and J Dignan, *The Penal System* (n 30) 152.

34. M Killias, M Aebi and D Ribeaud, 'Does Community Service Rehabilitate Better than Short-term Imprisonment? Results of a Controlled Experiment' (2000) 39(1) *Howard Journal of Criminal Justice* 40 as cited by M Cavadino and J Dignan, *The Penal System* (n 30) 152.

35. M Cavadino and J Dignan, *The Penal System* (n 30) 152.

reintegrative focus necessitates a discussion of the 'suffering' victim(s) and community.

General Society and Victims

Casey's report reveals that the move to 'privatised'³⁶ justice has generated a consensus among the public that the 'Criminal Justice System (is) a distant, sealed-off entity, unaccountable and unanswerable to them'.³⁷ Evidence from an April 2008 survey reveals that 90 per cent of people thought that punishment should involve payback to the community, 92 per cent being in favour of work as the most important requirement and 77 per cent agreeing that the public 'should be informed about when and where it would be carried out'.³⁸ Thus, there is a strong argument that social desirability demands that those performing unpaid work orders be publicly identified in order to break this consensus.

Yet despite what appear to be convincing survey reports, despite what *prima facie* observations might point towards as being socially desirable, a closer analysis reveals a different perspective. It must be borne in mind that community sentences such as unpaid work are located in a particular area of the CJS. Irrespective of their intentional, theoretical purpose as alternatives to imprisonment,³⁹ the increasing prison population is testimony to the fact that Foucault's pessimistic vision⁴⁰ — society as a 'giant carceral archipelago in which the discipline which characterized prisons is reproduced by sanctions implemented in the community'⁴¹ — is still a long way off. Rather, in reality the unpaid work order and community sentences in general are sentencing options which have conformed to Morris and Tonry's characterisation as 'intermediate punishments', occupying a 'place between imprisonment on the one hand and minor

penalties...on the other',⁴² doing little to alleviate the fear and actuality of net-widening.⁴³ This is compounded by the CJA 2003 setting a custody threshold that expressly refers to custody as a punishment for crimes so serious that a community sentence is not justifiable,⁴⁴ thus going against the notion of unpaid work as an alternative to custody. So it is clear that someone sentenced to an unpaid work order is a particular type of relatively low-key offender, yet one that remains at risk of recidivism. With this in mind, claiming that public identification remains desirable becomes a less forceful argument.

Combining my earlier discussion, which revealed that public identification is juxtaposed to successful, rehabilitative, reintegrative community sentences, with an understanding of the type of offender involved it becomes clear that public identification is an ill-suited

means by which to engage the victim and reverse the lack of the public accountability in the CJS. Moreover, public awareness of community sentences, let alone even basic penal understanding, is largely absent.⁴⁵ This reveals the call for public identification during unpaid work orders to be an ill-educated demand. A Howard League report of 2011 stressed that the unpaid work order is only truly effective and at its strongest in fighting recidivism when the aims are restorative,

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with a retributive and punitive focus genuinely endangering 'the restorative work that represents the best of community payback'.⁴⁶ Casey notes that the public agree with the aims and principles of the community sentences.⁴⁷ With the social desire for effective community sentences and the public agreeing with the rehabilitative, restorative and reintegrative aims of unpaid work orders, the demand for public identification is further revealed to be myopic.

Were it to become widely publicised that effective unpaid work orders cost about £3000 per offender in

36. I use the term 'privatised' in this sense to refer to the removal from the public eye rather than private sector involvement.

37. L Casey, *Engaging Communities in Fighting Crime* (n 1) 53.

38. Public Survey, April 2008 quoted in L Casey, *Engaging Communities in Fighting Crime* (n 1) 52.

39. D van Zyl Smit, 'Legal Standards and the Limits of Community Sanctions' (1993) 1(4) *European Journal of Crime, Criminal Law and Criminal Justice* 309, 309.

40. See generally M Foucault, *Discipline and Punish: The Birth of the Prison* (n 11).

41. D van Zyl Smit, 'Legal Standards and the Limits of Community Sanctions' (n 39) 310 citing S Cohen, 'The Punitive City: Notes on the dispersal of Social Control' (1979) 3 *Contemporary Crisis* 339.

42. D van Zyl Smit, 'Legal Standards and the Limits of Community Sanctions' (n 39) 309.

43. N Morris and M Tonry, *Between Prison and Probation. Intermediate Punishments in a Rational Sentencing System* (OUP 1990) 151, 159.

44. Criminal Justice Act 2003, s 152(2).

45. L Casey, *Engaging Communities in Fighting Crime* (n 1) 52, 53.

46. The Howard League for Penal Reform, *Response to Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* (The Howard League 2011) 1.16-1.18.

47. L Casey, *Engaging Communities in Fighting Crime* (n 1) 53.

comparison to approximately £45000 for one year in prison,⁴⁸ I submit that the social desirability for effective, restorative, rather than punitive, retributive placements would soar. Additionally, a nuanced reading of the figures from the Casey report reveals that of the 90 per cent of the respondents in favour of payback to the community only 52 per cent wanted those working to be publicly identified by their clothing, in contrast to the 77 per cent who simply wanted to be *informed* about when and where the work would be carried out.⁴⁹ Considering that the desire for community payback was a long way short of being matched by the call for public identification, even before the public is educated as to its ineffectiveness, I submit that the real social desire strongly points towards education of the public rather than public identification. Hall is correct in saying that a victim-centred criminal justice model is still a distant vision, fraught with political and financial complications.⁵⁰ Yet such a model can only become a reality if the true social desire for a greater insight and understanding of the CJS provokes an analysis which pushes beyond the emotive, rash response to criminals.

The discussion has tended to adopt an external perspective on the process of the sentenced offender. Yet, in Gelsthorpe's words, when considering victims' and the public's rights in comparison to offenders' rights 'it would be a mistake to think that the former are everything and the latter are but nothing'.⁵¹ Rather, Dworkin stresses that as both 'sets of view and needs are 'rights'', then they are the same category of thing and must be held in careful balance'.⁵² Even before the Human Rights Act (HRA) 1998 it was indisputable that there were certain legal standards that community sanctions had to adhere to and that a 'rights culture' was growing.⁵³ The historical

shift from *Becker v Home Office*⁵⁴ to *Raymond v Honey*,⁵⁵ whereby an offender now 'retains all of his civil rights, other than those expressly or impliedly taken from him by law'⁵⁶ is evidence of this. As numerous international instruments⁵⁷ and post HRA law combine to illustrate, Packer's behavioural view of the criminal process — which predominantly focuses on the notion that the primary function of criminal law should be to modify behaviour, in other words to rehabilitate and reintegrate the offender⁵⁸ — has great contemporary relevance. In light of this modern focus on rights and rehabilitation as integral, mutually informing components of the CJS, I will turn to argue that the legal acceptability of publicly identifying those performing an unpaid work order is seriously questionable.

Offenders' Rights

Van Zyl Smit describes how the progressive acknowledgement of the punitive aspect of community sentences incorporates an unavoidable recognition of the presence of proportionality in sentencing.⁵⁹ In doing so the rehabilitative origins of the community sentence are highlighted, attention being drawn to a fact raised above: that, in practice, community sentences are appropriate when

... I will turn to argue that the legal acceptability of publicly identifying those performing an unpaid work order is seriously questionable.

custody is not justified. In turn the unpaid work order must only be viewed as appropriate for relatively minor offences, yet a sentence that the Sentencing Guidelines Council views as governed by the organising principle of proportionality,⁶⁰ with 'fairness at the heart of sentencing decisions'.⁶¹ The spotlight on proportionality is joined by a focus on the sentencing purpose of rehabilitation. According to s 142(2) CJA 2003, rehabilitation is only one of a number of purposes that

48. HC Deb 3 March 2010, vol 506, col 1251W.

49. L Casey, *Engaging Communities in Fighting Crime* (n 1) 53.

50. M Hall, 'Victims of Crime in Policy Making: Local Governance, Local Responsibility?' (2009) 48(3) *The Howard Journal* 267, 277.

51. L Gelsthorpe, 'Probation values and human rights' in L Gelsthorpe and R Morgan (eds), *Handbook of Probation* (Willan Publishing 2007) 505.

52. Ibid citing R Dworkin, *A Matter of Principle* (Clarendon Press 1986).

53. For a detailed overview see D van Zyl Smit, 'Legal Standards and the Limits of Community Sanctions' (n 38) 313-331.

54. *Becker v Home Office* [1972] 2 QB 407 (CA) 416-20 (Lord Denning).

55. *Raymond v Honey* [1981] QB 874.

56. Ibid (QB) 879 (Webster J) citing *Solosky v The Queen* (1980) 105 DLR (3d) 745, 760 (Dickson J).

57. Including, inter alia, the Standard Minimum Rules for the Implementation of Non-Custodial Measures involving the Restriction of Liberty (Groningen Rules) 1988, the United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules) 1990, the European Rules on Community Sanctions and Measures 1992.

58. H Packer, *The Limits of the Criminal Sanction* (Stanford University Press 1968) 12.

59. D van Zyl Smit, 'Legal Standards and the Limits of Community Sanctions' (n 39) 322.

60. Sentencing Guidelines Council: *Overarching Principles: Seriousness* (SGC Secretariat 2004) 1.30-1.37.

61. J Jacobson and M Hough, *Unjust Deserts: imprisonment for public protection* (Prison Reform Trust 2010) 31.

a court must have regard to. However, when the rehabilitative origins of the community sentence are considered and the detrimental effect on rehabilitation that the punitive aspects of punishment entail, rehabilitation takes on a pronounced position.

The combination of the rehabilitative focus with the prominence of proportionality creates a situation in which the legal acceptability of publicly identifying those subject unpaid work orders becomes seriously questionable. Van Zyl Smit states that 'specific sanctions have a definite penal content and once this content has been specified there is a prohibition on deliberately adding to it'.⁶² Regarding the unpaid work order, recognition of the punitive aspect pushes the focus onto 'the element of labour',⁶³ thus Ashworth stresses that it is the number of hours to be performed that constitutes the penal content.⁶⁴ If public identification and the pains it incorporates are added, the limit of acceptable penal content becomes a concern. Contemplating the maxim that offenders are sent to prison as punishment, not for punishment, supports this reasoning. As the unpaid work order is intended to be an alternative to custody the maxim must transfer into the sphere of community sentences. Thus, the hours to be performed constitute the punishment and any additional punitive element of public identification is unacceptable.

Moreover, Rex emphasises that emotional and psychological effects of community sentences may cause some individuals to suffer more than others.⁶⁵ In discussing the modern pains of imprisonment Crewe places specific emphasis on the pains of uncertainty and psychological oppressiveness,⁶⁶ these pains being of particular relevance to the notion of being identified as a criminal in public. When the parts of this argument are drawn together it is difficult to see

how the unpaid work order could include public identification and remain a sanction that von Hirsch would approve of as being endurable 'with self-possession by person of reasonable fortitude'.⁶⁷ A scenario emerges whereby the imprecise penal content of public identification is augmented by the uncertain effect it has on individuals, and the fact that any additional element of punishment it carries is potentially beyond the boundaries of acceptable penal content. When this is joined with the earlier discussion on the legal arbitrariness and lack of justification of historical public identification, legal acceptability comes under serious scrutiny and the right not to be subjected to inhuman or degrading treatment or punishment also gains increased relevance.⁶⁸ For these

reasons I submit that the legal acceptability of public identification of those doing unpaid work as part of a community sentence is open to challenge.

Conclusion

A broad perspective thus inclines away from public identification. Yet this is only fully understood when the historical origins of the community sentence are considered as a comparison, as well as the reasons behind the shift to, and the progressive move away from, the carceral

age. Further, the conflict between broader social desires and the narrow, retributive demands of the public will not be bridged unless the public are educated in the realities of penology. It is only when the legal unacceptability is fully appreciated, and when society becomes aware that its own conscience has led to the penal shifts, that the desire for a dichotomy will be reserved and the call for public identification dropped in favour of fulfilling broader social desires.

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62. D van Zyl Smit, 'Legal Standards and the Limits of Community Sanctions' (n 39) 320.

63. Ibid.

64. A Ashworth, *Sentencing and Criminal Justice* (CUP 1992) 267-269 and note that s 199 CJA 2003 has extended the maximum number of hours which a person can be required to work from 240 to 300, further highlighting that it is the number of hours which constitute the penal content.

65. S Rex, *Reforming Community Penalties* (Willan Publishing 2005) 68.

66. B Crewe, 'Depth, weight, tightness: Revisiting the pains of imprisonment' (2011) 13(5) *Punishment and Society* 509, 513-515 and 520-523.

67. A von Hirsch, 'The Ethics of Community-Based Sanctions' (1990) 36(1) *Crime and Delinquency* 162, 167.

68. Human Rights Act 1998, sch 1, art 3.

Fitness to detain in those held under immigration Powers in the UK and rule 35(1)

Dr Hilary Pickles is a retired Director of Public Health with an interest in healthcare of immigration detainees.

Those detained under immigration powers in the UK are held in administrative detention, not within the criminal justice system. The expected safeguards against inappropriate use of administrative powers include the presumption against detention for those whose mental or physical well-being is likely to be adversely affected by detention. Judgements about the fitness to detain are expected to be made by their GPs for those within immigration removal centres but the system for reporting and acting on such concerns appears largely ineffective. A new approach is needed.

There are currently around 4000 immigration detainees held in immigration removal centres (IRCs), short term holding facilities (STHFs) and for some who have completed criminal sentences, also in prisons. They are held without time limit under executive powers administered by officials from Home Office Immigration Enforcement. The detention under immigration powers is expected to be used sparingly and only when it can be justified, with national policy being a presumption of liberty with detention as a measure of last resort. The position is thus different from that of convicted prisoners or those suspected of serious crime and held on remand. Assessments on fitness to detain in immigration detainees need to recognise that detention itself is optional in all but exceptional circumstances.

Who should not be detained

Whether in IRCs or in prisons, there are some groups of people considered suitable for detention in only very exceptional circumstances.¹ These include:

- ❑ The elderly, especially where significant or constant supervision is required which cannot be satisfactorily managed within detention
- ❑ Pregnant women, unless there is the clear prospect of early removal and medical advice suggests no question of confinement prior to this
- ❑ Those suffering from serious medical conditions which cannot be satisfactorily managed within detention
- ❑ Those suffering from serious mental illness which cannot be satisfactorily managed within detention.² In exceptional cases detention at a removal centre may be necessary while individuals are waiting to be assessed, or are waiting transfer under the Mental Health Act
- ❑ People with serious disabilities which cannot be satisfactorily managed within detention [also others such as the under 18s, those where there has been independent evidence of torture, and victims of trafficking].

Identification and reporting of those who are unfit to be detained

This paper considers those serious medical or mental conditions which cannot be satisfactorily managed within detention, and the elderly and disabled. Those held in IRCs (but not those in prisons or STHFs) are covered by rule 35 which says: 'R 35 The medical practitioner shall report to the manager on the case of any detained person

1. whose health is likely to be injuriously affected by continued detention or conditions of detention.....'³

The purpose of Rule 35 is 'to ensure that particularly vulnerable detainees are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention. The information contained in the report needs to be considered in deciding whether continued detention is appropriate in each case'. In particular, the requirement

1. Home Office Immigration Enforcement Instructions and Guidance. 55.10 Persons considered unsuitable for detention (rule 35) on https://www.gov.uk/government/uploads/system/uploads/attachment_data/file400022/chapter55_external_v
2. Changed in August 2010 from 'the mentally ill', which has been challenged, and made subject to a consultation in Jan-Mar 2014 under the Equality Act.
3. Home Office DSO/17/12 Application of detention centre rule 35 on <https://www.gov.uk/government/publications/application-of-detention-centre-rule-35>

to make reports under Rule 35 provides a mechanism by which IRC doctors can alert Home Office caseworkers to concerns about a detainee's health (35(1)), suicide risk (35(2)) or torture history (35(3)). This paper concerns rule 35(1), ie that is general fitness to detain. The specific issues with pregnant detainees have been covered elsewhere.⁴

The regulations require every immigration detainee to have a physical and mental assessment by a doctor within 24 hours of admission to an IRC. This requirement is normally met by a health professional carrying out such an assessment within 2 hours of arrival in detention, with an appointment with a GP available within 24 hours. As well as the assessment at induction, it is expected that the GP prepares and submits a report under Rule 35(1) if at any time it is concluded that a person's health is likely to be injuriously affected by continued detention.

The health of those in immigration detention

Those entering immigration detention are mostly male, often young and vulnerable, with the sorts of clinical conditions that might be expected for their ethnicity and life history to date. Some have been years in the UK, like many of the over-stayers or those detained after serving a criminal sentence. Compared to prisoners, there is a much lower rate of alcoholism or drug misuse. Mental ill health, AIDS, and TB are all found more commonly than in those of similar age settled in the community. Very many of the female detainees, perhaps the majority, will have experienced rape or sexual abuse. Even though under rule 35(3) those who have been subject to torture should not be being detained, in practice many detainees report such experiences.⁵

Mental health is often poor on entry to detention, and unlike with prisoners, all the evidence suggests that mental health deteriorates whilst in immigration detention, not helped by the indefinite nature of detention.⁶ Expert advice is that certain conditions cannot be satisfactorily managed in detention and patients with conditions such as post traumatic stress disorder (PTSD) should not be being detained.⁷ Nevertheless, this is still happens commonly.

Factors to be considered in satisfactory management in detention

There is no explicit clinical guidance to help IRC doctors. There is an official position on those who should not be being detained (eg those whose serious mental or physical condition cannot be satisfactorily managed within detention) and another on the reporting by GPs about health being injuriously affected by continued detention. But there is no definition of how poor attempted management has to be to fail to be satisfactory. Health may deteriorate and be adversely affected by detention in spite of excellent attempts at managing it. Whilst this may become apparent to experienced medical staff who witness such deterioration in patients with whom they are familiar, detainees may be moved around the detention estate every few weeks and there is considerable churn among medical staff in IRCs anyway, many of whom are currently locums.

The situation is likely to be dynamic, so there would also need to be clinical judgement about the prognosis, bearing in mind the discretionary nature of immigration detention. In general, IRC healthcare staff are expected to consider the range of healthcare needs that should be provided according to 'NHS equivalence' and the ability to provide them in the detention

setting, including access to external healthcare services. There may be shortfalls in clinical expertise or in equipment, such as disability equipment. With some conditions such as advanced cancer both the disease and the likely prognosis mean that it can be difficult for the patient to be satisfactorily managed within detention, as well as pointless for detention to continue.

The most problematic area has proven to be mental illness, which unfortunately is so very common in detention. Some aspects were resolved in the test case of 'Das' at the Court of Appeal where general points included: the threshold for the policy to apply (ie for detention to be inappropriate) is that the mental illness must be serious enough to mean it cannot be satisfactorily managed in detention. In assessing this, matters such as the medication the person is taking,

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4. Expecting change: the case for ending the detention of pregnant women Medical Justice 2013 on www.medicaljustice.org.uk
5. Tsangarides N The second torture: the Immigration detention of torture survivors 2012 www.medicaljustice.org.uk
6. Mental Health in Immigration Detention Action Group interim report Dec 2013 on www.medicaljustice.org.uk
7. Royal College of Psychiatrists (2013) Position statement on detention of people with mental disorders in Immigration Removal Centres www.rcpsych.ac.uk/policyandparliamentary/projects/live/asylumseekers.aspx

whether or not their demonstrated needs at the time are such that they cannot be provided in detention, and the expected period of detention...should be taken into account.⁸

Decisions on continued detention

Decisions whether to continue detention are made by an immigration case worker from the paperwork and they will not themselves have interviewed or seen the detainee.⁹ Whilst release from detention might be expected for those where the removal process is not progressing as initially expected, any decision on release has to be made at a more senior level. For some types of detainee, like fluid and food refusers, that decision may need to be made at strategic director level. The net effect of this is that, although detention is expected to be used as a last resort, once in detention the path of least resistance for immigration case workers is to continue that detention until the immigration aspects are resolved. Any release on medical grounds requires a detailed justification to be provided by them up the line. This generates more work and, where there has been a report under rule 35, the detail may not seem sufficient, yet going back to the GP for more information may not be productive either.

In any event whatever the clinical advice, detention can be continued in spite of clinical deterioration if the circumstances are very exceptional. In theory, everyone held in detention should be exceptional in some way, though this is hardly the case in practice and especially not for those who enter the fast-track with little prior vetting. Currently around 50 per cent of detainees go from detention to the community, rather than being removed or deported.

The usual grounds that have been articulated for exceptionality in those cases made public are the risk to the public and the risk of absconding. Not all of these detainees have a history of absconding or any forensic history. Many of those that do have a criminal history may have this only for the possession of false documents, not for violence which is what the public

might interpret as presenting a potential risk for them. Evidence suggests that risk assessments made by the immigration service are more harsh than those made by others such as NOMS.¹⁰ It seems even the most determined efforts by the IRC GP may sometimes fail to get the release of an unfit detainee.¹¹

Getting it wrong: what might be the consequences?

Continued detention can be a difficult call, so it will not always be right. There are no audit data to help determine how well the whole process operates at present.

If an unfit person remains detained, the consequences for their health could be unfortunate, with suboptimal clinical outcomes right up to long-term disability or avoidable death. The actions and inactions of health professionals and others can be examined at Inquests and at other public Court proceedings, such as claims for unlawful detention, and they may be called to give evidence. However, the eventual health outcome is not known for most of those considered to be 'unfit to be detained' but continue in detention: they end up being removed or released.

Health professionals are not part of the machinery of immigration enforcement, but provide advice in good faith to those with such responsibility. If a person is released on bail because their GP considered them unfit to detain, they might abscond and so the determination of immigration status could get further delayed. In extreme circumstances they might act out that 'risk to the public'. Or they may report as expected and get their immigration claim determined in the same way that applies to the very many thousands of others without current lawful right to remain.

How it has been working in practice

Until very recently, commissioning responsibility for healthcare in IRCs has rested with the Home Office,

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8. Regina on the application of Pratima Das and Secretary of State for the Home Department and (1) Mind and (2) Medical Justice (Interveners) [2014] EWCA Civ 45 28 Jan 2014 case summary on www.iclr.co.uk

9. Home Office. Detention Rule 35 process. Updated 07/08/13 www.gov.uk/government/publication/detention-rule-35-process; and Home Office DSO/17/12 Application of detention centre rule 35 on <https://www.gov.uk/government/publications/application-of-detention-centre-rule-35>

10. Bail for Immigration Detainees 2012 The Liberty deficit: long-term detention & bail decision-making on www.biduk.org

11. Alois Dvorzac, an 84 year old Canadian with dementia, died while still in handcuffs on the 10 Feb 2013 in spite of the many efforts of his IRC GP to get him out of detention <http://www.channel4.com/news/left-to-die-in-british-detention-who-was-alois-dvorzac>

though has now transferred to the NHS. The Home Office is not known for its openness, so much is deduced indirectly. Insight into assessments on fitness to detain is provided through reports made under rule 35 (1). Only GPs employed by IRCs are permitted to make these reports and they have been doing so rarely, and for only 1 in 2 in every 1000 of those newly detained. The majority of longer term detainees are expected to have mental illness.¹² Many detainees where it has subsequently been demonstrated that health deteriorated severely in detention, including where this went as far as inhuman and degrading treatment, did not have reports made on their behalf by their IRC GPs. (see table below)

Reasons for low numbers of rule 35 reports, in spite of the widespread deterioration of health seen in longer-term detention, could include:

- ❑ The GP is ignorant of the system, maybe because a temporary locum
- ❑ There is confusion about existence and use of rule 35(1) since all the recent guidance appears to cover only rule 35 (3), ie that is torture
- ❑ The inappropriate use of other forms for reporting health concerns, eg for example IS91R Part C

- ❑ The preparation of a rule 35 report may take longer than the usual time available for a GP consultation
- ❑ difficulties about obtaining the patient's consent, especially for the more detailed justification required if the report is initially 'rejected'
- ❑ the exceptional barrier that is said to be overcome to gain release, especially for some groups like food and fluid refusers
- ❑ The very poor return rate for the effort, so this may not be seen as a good use of precious medical time¹⁸
- ❑ concern that in spite of severe disease, treatment might not be accessed were the detainee released to the community¹⁹.

As well as rule 35 reports not being provided when perhaps they should be, there are often criticisms about the quality of those reports that are written.

Even when reports have been made under rule 35(1), they appear rarely to change the decision to continue detention. This 'failure' of the rule 35 process has been a concern for some time, with criticism from many parties including parliamentarians.^{20,21} It should be noted that rule 35

Some prominent cases of unfitness to detain without rule 35(1) reports			
S	Ghanaian with severe mental illness	Adverse comment from judge on failure to produce rule 35(1) report	13
BA	Nigerian, ex foreign national prisoner, psychotic and food refusing, deteriorating in detention	Recognised as unfit for detention, but the only rule 35(1) report was very late	14
MD	Guinean woman who developed mental illness during 17 months detention	No rule 35(1) report done	15
S	Indian, psychotic with mental health deteriorating in detention	Found unfit for detention by IRC GP and psychiatrist, but no rule 35(1) reports done	16
D	Paranoid schizophrenic from Congo-Brazzaville	No rule 35(1) report.... 'mental state was not capable of being satisfactorily managed' at (either Colnbrook or Harmondsworth IRC).	17

12. Four-fifths of the respondents were classified as having depression M Bosworth & B Kellezi (2013) Developing a Measure of the Quality of Life in Detention *PSJ* 205 10-15.
13. R (S) v SSHD (2014) EWHC 50 case CO/2809/2012 28th Jan 2014.
14. R (BA) & SSHD [2011] EWHC 2748 (Admin) on www.bailii.org/ew/cases/EWHC/Admin/2011/2748.html
15. R(MD) v SSHD [2014] EWHC 2249 (Admin) case CO/8155/2012.
16. R (S) & SSHD [2011] EWHC 2120 (Admin) on www.bailii.org/ew/cases/EWHC/Admin/2011/2120.html;
17. R (D) v SSHD [2012] EWHC 2501 (Admin) on www.bailii.org/ew/cases/EWHC/Admin/2012/2501.rtf
18. Only one in 6 rule 35(1) reports were associated with release of the detainee Jan 2012 to September 2014, ie 13 released from 81 reports in 78 detainees.
19. Prisons and Probation Ombudsman Aug 2013 Investigation into the circumstances surrounding the death of a man in December 2011 at hospital while in the custody of Harmondsworth Immigration Removal Centre.
20. Home Affairs Committee 2013 'The Agency cannot plausibly claim to take Rule 35 reports very seriously when its Chief Executive does not understand his own guidance....The Agency must tell Parliament the reasons for which its caseworkers overrule the advice of medical practitioners...Further intransigence will continue to pose a risk to individuals, as mental health issues may not be properly identified' on www.publications.parliament.uk/pa/cm201223/cmselect/cmhaff/792/792.pdf
21. Medical Justice 2014 Rule 35 Safeguard in Detention. Submission to APPG on immigration detention on www.medicaljustice.org.uk

only applies within IRCs, and for the increasing number held under immigration powers in prisons there is no information at all on delivery of the expectations in EIG 55.10 on those whose medical state leads to them being or becoming unsuitable for detention. The lack of interest and priority given to rule 35 reports is exemplified by them not being specified initially in the detailed service specifications for healthcare services operated by those IRC healthcare providers newly commissioned by the NHS.

Dilemmas with rule 35(1)

Some of the practical problems include:

- ❑ Expectations from immigration case workers about clinical details to be provided by the IRC GPs, and the difficulty or unwillingness to provide that information, and the lack of reciprocal sharing of intelligence about exceptional reasons for continued detention
- ❑ Clinical information being shared with those outside the health family: consent being given on the basis this would help the patient/detainee, even though this happens very infrequently as reflected by the very rare subsequent releases from detention
- ❑ Mixed messages about whether there should be a clear clinical recommendation on fitness to detain, which GPs feel may go beyond their expected expertise as non-specialists, especially when this could be challenged in Court
- ❑ Those whose health is adversely affected are expected to be identified and reported to detention decision-makers, and yet deterioration in health is pretty universal with time
- ❑ The lack of a system for rule 35(1) reports to prevent those whose health deteriorated until needing section under the Mental Health Act from, once improved, then being returned to the setting that led to that deterioration
- ❑ For clinicians involved in IRC healthcare, expectations on them in continuing to participate in a system that leads to their professional advice

‘Freedom from executive detention is arguably the most fundamental and probably the oldest, the most hard won and the most universally recognised human right’

on damage being done to their patients to be so frequently disregarded²²

- ❑ Poor overall decision-making about fitness to detain, with mismatch between the stated official position and the practice, hence an inbuilt potential for blame-transference if/when things go wrong

The human rights aspects

‘Freedom from executive detention is arguably the most fundamental and probably the oldest, the most hard won and the most universally recognised human right’.²³ The right to be free from arbitrary detention is covered by article 5 of the Human Rights Act. There are rules and regulations which enable administrative detention to still be lawful. Those include the stipulations in EIG 55.10 about detention not being suitable in those with significant mental or physical illness. The very exceptional circumstances which might be allowed to countermand these expectations are expected to be indeed very exceptional, recently outlined as a high risk of murdering someone or being due for removal in a very short time.²⁴ Current practice falls far short of these expectations, raising questions about the lawfulness

of detention as it is currently practised in the many detainees who have physical and particularly mental health conditions which cannot and are not being satisfactorily managed in detention.

In extreme circumstances, this can lead to breaches of article 3, with inhuman and degrading treatment. There are now 6 reported cases where the Home Secretary has been found wanting in relation to article 3 in mentally ill detainees, and there are yet further cases which have been settled.

The way forward?

The current system does not work. Suggestions for improving the rule 35(1) process include:

- ❑ guidelines with greater clarity over expectations, perhaps with an amended rule 35 report template,

22. Physicians for Human Rights. Dual Loyalties: The Challenge of Providing Professional Health Care to Immigration Detainees. 2011 on www.physiciansforhumanrights.org

23. Bingham (2003) 52 ICLQ 841.

24. Regina on the application of Pratima Das and Secretary of State for the Home Department and (1) Mind and (2) Medical Justice (Interveners) [2014] EWCA Civ 45 28 Jan 2014 case summary on www.iclr.co.uk

with worked up examples of common clinical issues

- ❑ development of a structured decision-making tool to make clinical decision-making more reproducible as well as consistent with official guidelines
- ❑ training of healthcare staff on how best to assess and report on concerns about continued detention, and of immigration case owners how to respond better to these reports
- ❑ audit of clinical practice with feedback to clinicians, to supplement the current but limited audit of aspects of administrative practice
- ❑ similar standards/rules for immigration detainees in all settings (ie also for those held under immigration powers in prisons or in STHFs)

However, tinkering with minor improvements to delivery of the rule 35 policy might do little to affect the fundamentals, if the responses from immigration case workers remain basically the same. The expectation of 'hostile environments' appears to have led to a policy shift which undervalues clinical opinion and the human rights of those immigration detainees who are the most vulnerable because of illness. There are worrying parallels from overseas.²⁵ There has been an increase in the use of immigration detention, even though its cost effectiveness as a means of accelerating removals is very much in doubt.

Unless there is a willingness to see major changes, there will continue to be injustices for those who are detained. If indeed the intention is to identify and not detain those whose health is adversely affected by detention, then the period of permitted detention should be restricted, since lengthy and indeterminate detention are especially damaging to mental health. Were the expert advice from the Royal College of Psychiatrists followed, those with severe mental illness would not be detained, as indeed was the expectation when the rules were first drawn up. The circumstances for over-ruling clinical concerns should be indeed very exceptional, and subject to more public scrutiny. The

use of detention as a whole could be restricted, limited say to those ex-foreign national prisoners convicted of violent and equally serious crimes and those with removal directions, thereby making great savings for the public purse.

Those more familiar with the criminal justice system need to remind themselves of the important differences between prisoners and immigration detainees.²⁶ There is no suggestion that IRC doctors are somehow less competent than their prison colleagues in managing their patients, nor any attempt to downplay the very severe health problems found within prison settings. The facts are that immigration detention is expected to be optional, creates damaging ill-health which is avoidable and the expected safeguards to protect the most vulnerable detainees who are not fit to detain are not working.²⁷

Post-script

Fitness to detain in other circumstances and settings

This note has focussed on healthcare concerns to be considered in relation to the detention of immigration detainees. This has important differences from the fitness to detain for criminal suspects to be interviewed in police cells, for which there is guidance from the BMA and APCO. It is different yet again from assessments relating to the compassionate release of convicted prisoners, for which the threshold will be higher. It is also different from assessments on the fitness to fly, where the standard guidelines from IATA and CAA need to be considered alongside the special issues that arise from an unwilling passenger in a forced removal. The fitness to be interviewed for immigration detainees is different yet again: this requires the ability to retain and digest information which may determine their life chances, potentially without the benefit of a friend or legal advice and maybe in a foreign language too. For this, mental capacity will be highly relevant.

-
25. Australia's detention regime sets out to make asylum seekers suffer, says chief immigration psychiatrist on <http://www.theguardian.com/world/2014/aug/05/-sp-australias-detention-regime-sets-out-to-make-asylum-seekers-suffer-says-chief-immigration-psychiatrist>
26. Paper on this topic on www.medicaljustice.org.uk
27. Cutler S (2005) Fit to be detained? Challenging the detention of asylum seekers and migrants with health needs. Bail for Immigration Detainees on www.biduk.org

Reviews

Book Review

Nursing in Criminal Justice Services

By Ann Norman and Elizabeth Walsh

Publisher: MandK Publishing

ISBN 9781905539-85-7 (paperback)

Price: £25.00 (paperback)

This short book (just 180 pages including a foreword, pen portraits of the 15 contributors and an index) is written principally for those considering becoming or who are about to become nurses in the Criminal Justice System (CJS). MandK the publishers provider training and development for healthcare professionals as well as publishing books in this field. This book is the first on this field of nursing since Norman and Parrish's *Nursing in Prison* (2002). Given the changes since then, which include the transfer of responsibility for healthcare in prison to the NHS; the Bradley review (2009) of people with mental health problems or learning disabilities in the CJS; and, most recently, the organisational reforms to the NHS which the Coalition Government has brought about — this is a timely publication. Its scope is broad: it covers the role of nursing in police stations, at court, in prison and when offenders are under supervision in the community. Its coverage of custody seeks to include the different types of prison as well as Immigration Removal Centres and police cells. Inevitably, such a succinct account cannot deal in depth or explore all the issues comprehensively.

This is not to quibble: the authors, both of whom have worked in prisons, have put together a clearly written set of contributions (the design and type-setting of the book is also attractive) in two parts. In the first part, an account is provided of the 'pathway' through the CJS from arrest and initial detention in a police

station to discharge from prison back into the community, with a consideration of the nursing role in each setting. The second part of the book deals with such broader issues as governance, legal issues and professional development. It also includes a chapter on Learning Disability and another on the lessons we can learn from inquests.

Prefacing the two parts of the book is an autobiographical account of a patient/offender (John Walker, who is now a practitioner). This provides a set of references for much of the rest of the book which, because of its brevity tends to describe structures and processes and systems rather than the dynamics of their operation. However, there are revealing chapters in the book which offer insights into those dynamics. In this reviewer's opinion, the richest of these insights is provided in the chapter subtitled 'beyond rhetoric in caring and custody' by Dawn Freshwater (Professor of Mental Health at the University of Leeds and a Fellow of the Royal College of Nursing).

Without rehearsing them in detail Freshwater refers to the literature which deals with the 'caring-custody' dichotomy. She points out the fallacious distinction often drawn between 'theory' and 'practice' by emphasising the importance of thinking and reflecting about what is done as an integral part of practice. She uses this approach to consider the shortcomings in care practice uncovered at the Mid Staffordshire NHS Trust. In his 2013 Perrie lecture Nick Hardwick, the Chief Inspector of Prisons, used the failures identified by the Francis report into Mid Staffordshire as a lens through which he asked some challenging questions about prisons. While professionally different, there are parallels between

the caring role of nurses and the caring role of prison officers (and of all staff with prisoner-facing roles).

Freshwater's remark that 'the instability of health and correctional systems means that care-giving becomes fragmented and fractured...and care values may be subordinated to target-driven outcomes,' provides not only a response to the story John Walker tells but also a prompt that there is much we can learn from the nursing profession about the way we enable and support all those who work with prisoners. This approach complements and expands what we have learnt from the research at Cambridge (Leibling, Hulley and Crewe among others) into the importance of the 'staff professionalism' dimension of the 'Measuring the Quality of Prison Life' analyses. Freshwater identifies compassion, competence and the importance of relationships as key to addressing the difficulties which underlay the Mid Staffordshire shortcomings in care; and the importance of an emotional engagement in the latter too, particularly where power is a defining characteristic of the relationship. The chapter on 'Professional attitudes and behaviour' underlines the importance of recognising a nurse's emotional response to the difficulties which can be encountered in the custodial environment. Further work linking the literature and expertise on the caring profession of the nurse and the caring profession of the prison officer would, surely, be of interest?

In summary, in spite of being necessarily restricted by its length from exploring some issues in depth, this book does more than orientate the newcomer to the CJS. As well as marking the salient 'geographical' features of this complex 'delivery landscape', it has the potential to

engage its readers in some of the most profound issues which the care of prisoners and the running of prisons raise.

William Payne is a former prison governor who is currently seconded to the NHS.

Book Review

What works in therapeutic prisons: Evaluating Psychological Change in Dovegate Therapeutic Community

By Jennifer Brown, Sarah Miller, Sara Northey and Darragh O'Neill Carey
Publisher: Palgrave MacMillan (2014)

ISBN: 978-1-137-30619-7

(hardback) 978-1-137-30620-3

(paperback)

Price: £75.00 (hardback) £26.99

(paperback)

The expansion of therapeutic communities and social therapeutic approaches in forensic settings has been matched by a recent growth in academic interest. Sociological, criminological and psychological approaches have been used to offer an analysis of what and how therapeutic communities contribute to offender rehabilitation. *What Works in Therapeutic Prisons* examines in considerable detail individual and social outcomes following treatment in one democratic therapeutic community — HMP Dovegate. The book provides an in-depth analysis of therapeutic communities as a psychological intervention and an analysis of some of the organisational issues which emerge when attempting to establish an enabling social environment within the context of a prison. However, the primary aim of the book is to examine the broad range of outcomes Therapeutic Communities (TCs) aspire to achieve. The book provides an academic critique as well as an engaging narrative into some

of the tensions, challenges and difficulties experienced during the first 14 years of Dovegate's existence.

The authors observe that the goals of a TC have been wider than the arena of risk reduction and desistance and the book begins by setting out its mission to understand in what ways and with whom TCs can be most effective. It is argued that in order to capture the interpersonal, social and psychological changes TCs attempt to achieve, a range of research methods must be adopted. It is clearly evident throughout this text that the research team has been creative and innovative in this endeavour.

The book goes on to provide an in-depth summary of their underlying social and relational principles and the growth of TCs within the criminal justice system. It points to the power and potency which TCs have in affecting change and hints at one of the contradictions in TC practice; namely that the pro-social community milieu of TCs remains discrepant with the environments people will be eventually released into. This hints at some of the considerable challenges TCs face in creating an intervention which is successful in securing long-term change for their residents.

The book continues by touching on other controversial issues asking questions about whether it is possible to have a TC within the context of a prison and whether the contradictions are such that the uneasy alliance this creates is one too hard to broach. It also poses a question about the private sector and whether TCs can and should exist in this setting. This chapter concludes by identifying another significant development which has come out of the TC movement, namely that the physical environment can be key to shaping the pro-social and rehabilitative culture.

The next chapter sets out the two inter-link aims of the book. One

is to describe the process of treatment and 'following the journeys' (p46) of TC residents, the other to explore harder quantitative outcomes. The issues of the advantages, disadvantage and ultimately the possibility of conducting a randomised control trial within this environment is explored and a comprehensive overview of the TC population, research measures used and analytic procedures is given. The text focuses on the importance of measuring individual change, and rightly identifies research and analytic methods which are able to achieve this. The research design also allows for another important question to be answered: the extent to which changes in behaviour are maintained following transfer or release from Dovegate and, an analysis of the experiences of residents following their release.

The book continues by providing a useful discussion exploring the relationship between personality disorder and criminal behaviour, focussing on issues such as psychopathy and the assessment and treatment of personality disorder. While making a contentious claim that the 'TC is the only offender model which specifically targets personality disorder' (p84) it provides a helpful review of best practice in personality disorder assessment and provides a critique of the utility of relying on self-report measures for diagnosing personality disorder.

An interesting chapter on psychometric change provides support for the premise that psychological change occurs primarily in those residents who remain in treatment for at least 18 months and for the premise that short-term treatment can for some be counter-productive. A focus on individual level analysis where clinically significant and statistically reliable change is explored on an individual rather than group level demonstrates clinical improvements for those residents who remained in treatment for 18 months.

Another strength of the book is the extent to which it draws on the perspectives of residents and provides an in-depth analysis of experiences within treatment. The difficulties that residents can experience in engaging in TC treatment and how for some, the experience can be 'untherapeutic' are acutely evident. It also supports previous research, suggesting that therapeutic stages are passed through during the therapeutic journey and provides an honest critique of how community life can be either an affirming experience or one associated with hopelessness and disillusionment. This theme is continued in an invaluable chapter which explores the experiences of those people who have left the therapeutic community and highlights the essential role of the therapeutic relationship with staff as a key part of the therapeutic experience. Whilst more emphasis could have been placed on exploring what part of the therapeutic experience participants found most helpful in the change process, the chapter does offer some useful indications into what it was that participants experienced as important in desistance from crime and, in particular cites the role of family and moving in non-offending circles being central to desistance. This research also affirms the role that TCs have in helping men resolve and come to terms with abusive traumatic life experiences.

The penultimate chapter on reconviction rates acknowledges the immense difficulties in conducting a re-conviction study and accepts that without a randomised control trial or the absence of a control group, the extent to which conclusions can be drawn about the impact on reconviction is limited. Although the research provides a percentage figure of an overall reconviction rate it does not identify the reconviction rate of those who 'complete' treatment, only that the 'completed' group committed fewer offences. Whilst

there does not appear to be any significant difference between time spent in therapy and reconviction per se, more offences overall were committed by those who spend less time in treatment. Given however that no matched control group was identified (other than comparisons made with general prison samples), claims about the effect of treatment on reconviction leading to a '10 per cent reduction...which other treatment programmes have found difficult to achieve'(p220) appear hard to substantiate. This chapter does however make some useful observations about the nature of reconvictions citing that the majority of these were for breaches of licence, including absconding, and that there were no reports of reconvictions for violent and sexual offending. This chapter also observed that reduction in adjudication rates are sustained post TC.

The final chapter provides a useful summary of the answers to the questions posed by the authors early on in the text. It addresses questions such as who is likely to benefit most and least from a TC, provides a succinct summary of the process of change, identifies some of the struggles experienced in the reintegration of prisoners post-treatment and provides an overview of practice implications which stem from this in-depth body of research.

The book provides an important contribution to those who wish to understand more about forensic therapeutic communities and be more informed about the role they provide within the criminal justice system. The book not only offers an in-depth analysis of the way participants experience their time in therapy but also examines the experiences of those post TC treatment and provides an account of some of the factors crucial in supporting the desistance process. It gives an insight into what helps promote and sustain a potent therapeutic culture, and reminds us of some of the difficulties and strains

experienced by those attempting psychological change. It also offers a narrative which highlights the necessity of a critical and reflective approach to practice.

Richard Shuker is Head of Clinical Services at HMP Grendon.

In an ideal world, dangerous offenders would not exist. Unfortunately, however, reality sees a range of individuals committing both violent and sexual offences and therefore posing a great risk to the public in terms of their potential reoffending. Time has provided for a growing concern in relation to the dangers which other members of society pose; we fear the dangerous offender and the harm which they could bestow upon us. Upon examination of the statistics relating to serious crime and considering the fact that our current mainstream prison system is not actually working; it is refreshing to learn of new and alternative ways of dealing with dangerous offenders which aim to make society a better place. *What Works in Therapeutic Prisons* focuses on one such alternative: therapeutic communities.

This book is an essential read for anyone interested in deciding for themselves whether or not the missing link in reaching the ultimate goal of seriously reducing the number of dangerous offenders within society could in fact be within the system of a therapeutic community. I read this book whilst carrying out extensive research for my undergraduate dissertation and, though it predominantly focuses on Dovegate Therapeutic Community whilst my work concentrated on HMP Grendon's apparent success, it still proved to be invaluable.

The history behind the initial establishment of therapeutic communities is clearly depicted in chapter 2 of the book, *The 'What Works' Debate and the Fit of Prison-Based Democratic TCs*. It essentially

holds your hand and walks you through the aims of the therapeutic communities of the past and the problems which prompted the establishment of alternative options of punishment and reform such as these. It is a relatively modern belief that criminal behaviour can indeed be modified through the use of the wide range of programmes available today specifically designed with the aim of reforming offenders. Dovegate offers the unique method of therapy associated with therapeutic communities.

The book then goes on to examine specifically how Dovegate Therapeutic Community is run. Upon reading this; the differences between the system and running of a mainstream prison and that of a therapeutic community such as Dovegate is exceedingly recognisable. Personal insights into therapeutic community life are provided by way of quotes from residents both past and present. The general opinion and feeling gathered from such remarks is extremely positive, depicting how therapeutic community life allowed residents to really open up about their feelings and to establish very good relationships with the members of staff as well as with other residents. Available data from previous studies and research is critically analysed to provide a clear insight into the results from reliable sources and investigations. Different objectives and goals in relation to what such investigations attempted to establish are explained, suggesting that there is not one sole way of deciding whether or not Dovegate's system is successful. These include, for example, an assessment of the extent and process of psychological and behavioural change and also an assessment of residents' behaviour and experiences after release into the community. This is far more advantageous to the reader than

simply trying to establish Dovegate's success relating to reconviction rates. There are numerous different ways in which its success can be considered.

The authors also provide a detailed and eye opening explanation of the numerous theories behind the possible causes of criminality. Chapter 8, to provide one example, examines the research which has been carried out relating to sex offenders and what may cause some to commit such offences, attachment theory for example. The book's analysis of Bartholomew and Horowitz theory from 1991 proved to be very useful when analysing and classifying the different attachment styles of residents. I was very impressed with the way in which the book examines the release of residents who have spent time in the therapeutic community, providing a clear analysis of what is referred to as both premature leavers and TC graduates in addition to reintegration strategies and the changes which residents noticed as a result of their time spent at Dovegate. It marks residents as being the experts on therapeutic community life and therefore highly regards their views and opinions of the successes of such establishments. The true experts are those who have actually experienced the advantages of taking part in such a system.

Society tends to want to see criminals sentenced to some time in prison, and for those who are dangerous criminals the idea of a life sentence is extremely appealing. There is a public outcry to make criminals suffer longer sentences in the hope that they will be more protected from those who have committed crimes and pose a risk to society. However it is not the role of the criminal justice system to simply imprison everyone who breaks the law and it is pointless to simply lock offenders away without any attempt at reform. Society is quick to grasp at the dangerousness of the crime but not to understand why it was

committed and how the individual could be genuinely changed in order to prevent further crime. This is where the authors suggest the success of therapeutic communities' lies. This book is a fantastic read which makes you second guess your views on the current UK prison system, making it a must have purchase.

Lilli Grigg is a third year undergraduate student at the University of Hull.

Book Review

***Making crime television:
Producing entertaining
representations of crime for
television broadcast***

By Anita Lam

Publisher: Routledge (2014)

ISBN: 978-0-415-63288-1

(hardback)

Price: £80.00 (hardback)

It is hard to pick up a newspaper, turn on the television or visit the cinema without being assailed by images of crime. This is a subject that has always intrigued and fascinated people and been a staple of storytelling. Many such stories offer a canvas for exploring broad human themes of morality, adversity, and emotion. However, such representations are often more than just a generic backdrop but also have much to say about the specifics of crime and criminal justice. As a result, contemporary criminology has increasingly come to be concerned with media representations.

For many writers, the media plays an important role in shaping public attitudes and perceptions. As Ray Surette has described:

[P]eople use knowledge they obtain from the media to construct a picture of the world, an image of reality on which they base their actions. This process, sometimes called 'the social construction of reality', is

particularly important in the realm of crime, justice, and the media¹

In more direct terms, David Wilson has suggested that:

*'ultimately when we present an image of prison we shape the public's expectation about what prison is like, and what happens inside, of who prisoners are and what they have done'*²

The effects of this have been discussed and debated intensely. For many, the representation of crime and criminal justice is regressive, legitimising the dominant order,³ and generating fear so as to soften viewers for commercial and political exploitation.⁴ Others have challenged this view, arguing that representations of prisons offer diverse perspectives that reflect a range of criminological theories,⁵ and that popular culture offers spaces that question and resist dominant ideas and even promote reform.⁶

The analysis described above focuses on specific media products such as films, television programmes or newspaper articles, and their relationship to criminological discourse and effects of consumers. In this book, Anita Lam, an Assistant Professor of criminology at York University in Canada, argues that such approaches, by starting with the final product do not offer an adequate account of media representation. Her approach is instead to focus upon the production process. This is not a unique concern, for example David Wilson has engaged in considered reflection upon his own involvement in media production⁷ and for a decade, *Prison Service Journal* has been publishing interviews with film makers involved

in representing prisons. However, Lam does offer a more systematic, empirical approach including ethnographic observations and interviews with those involved in creating crime drama for television. She has produced an intriguing and enlightening book that makes a valuable contribution to the field.

The approach adopted by Lam is known as 'actor-network theory' (ANT). In this context the term actors does not refer to performance artists, but instead; *'ANT holds that people, institutions, ideas, texts, technologies and logics are all actors...[and] a television drama is collaboratively assembled'* (p.3, emphasis in original). Also, network does not refer to broadcast networks, but instead the concept is *'a tool for describing a series of transformations and translations made between and among actors'* (p.4). The focus is therefore upon the range of people and forces that are at play during the production process and how they intersect so as to shape, re-shape and change the programme before and as it is completed.

The chapters in the book follow the initial writing process, the various levels of approval and re-writing that take place before shooting and the decisions about location and setting. By exploring these aspects in detail the book is able to reveal the processes of power and domination that flow into mainstream production, creating products that reflect and sustain established order. For example, one fascinating chapter details how a draft of a drama series started with a representation of police corruption, but through processes of executive, legal and regulatory approval, it was transformed so that this element was

gradually minimised and then removed so that the final episode followed a more conventional narrative where the cops were good and the criminals bad.

This book offers a fascinating and important contribution to the literature on media representation of crime and punishment. The systematic focus on the production process is novel. It is also enlightening, revealing the micro-processes through which media production is entangled with power and dominant ideologies.

Dr Jamie Bennett is Governor of HMP Grendon and Springhill.

Book Review

Prisoners, solitude, and time

By Ian O'Donnell

Publisher: Oxford University Press
(2014)

ISBN: 978-0-19-968448-9

(hardback)

Price: £65.00 (hardback)

In this fascinating and unconventional book, Ian O'Donnell, Professor of Criminology at University College Dublin, takes a new look at two issues that are central to the experience of imprisonment; solitude and time. The book takes an idiosyncratic approach. Rather than reporting a specific and narrow study, it draws upon a diverse range of sources including empirical research, historical documents, philosophical treatise, literature, memoir and even photo-essays. This is the intellectual fruit of many years of close thought, reflection and analysis.

Solitary confinement has always been an issue of concern in prisons

1. Surette, R. (1997) *Media, Crime, and Criminal Justice* 2nd Edition Belmont: West/Wadsworth p.1.

2. Wilson, D. (2003) *Lights, Camera, Action in Prison* Report No. 60 p.27-9, p.28.

3. Ericson, R.V., Baranek, P.M. & Chan, J.B.L. (1991) *Representing Order: Crime, Law And Justice In The News Media* Milton Keynes: Open University Press.

4. Lee, M. (2007) *Inventing fear of crime: Criminology and the politics of anxiety* Cullompton: Willan.

5. Rafter, N. & Brown, M. (2011) *Criminology goes to the movies: Crime theory and popular culture* New York: New York University Press.

6. Wilson, D. and O'Sullivan, S. (2004) *Images of Incarceration: Representations of Prison in Film and Television Drama* Winchester: Waterside Press.

7. Wilson, D. (2011) *Looking for Laura: Public criminology and hot news* Hook, Hampshire: Waterside Press.

and particular to prison reformers. Historically, the separate and silent system was seen as a way of achieving rehabilitation through quiet contemplation and removal from the contaminating influence of the masses. However, there has been wide concern about the effects of isolation, particularly as the growth of the 'supermax' prison internationally has seen the use of solitary confinement become a more generalised aspect of prison administration.¹ Even in the UK where the 'supermax' model has been rejected, there has nevertheless been concern that the limited use of isolation is a form of 'extreme custody'.² Whilst O'Donnell accepts the potential painfulness and damaging nature of such practices, his focus is on the ways in which prisoners are able to survive, cope with and even transcend these conditions. He illustrates and elaborates the various strategies deployed that enable individuals to find some, albeit uncertain, pleasures in solitude and seek ways in which they can sustain their health and even, surprisingly, achieve personal growth.

In relation to time, O'Donnell explores another salient feature of contemporary imprisonment as sentence lengths expand and sentences themselves become increasingly indeterminate. Many face the best part of a lifetime in prison, with seemingly endless days stretching ahead of them. O'Donnell reveals the myriad of strategies deployed by prisoners to make sense of and take control of this time. Anyone working in prisons will recognise many of the behaviours described, but this book reveals the profound inner experiences and has empathy pouring from the pages.

The issues of isolation and time are both distinct and intertwined. They are also experiences that may

be relevant to specific extreme circumstances such as segregation, but are also more generalised and relevant to the experience of imprisonment more widely. From this perspective, O'Donnell has brought to attention two essential but often overlooked aspects of imprisonment. The book also walks a delicate tightrope. It recognises the painfulness and damage of isolation and time but also reveals modes of resistance, adaptation and agency. This is in no way an apologia for these practices, far from it; it is instead an attempt to draw attention to the resilience of the human spirit.

This book is a fascinating read and whilst it does not offer a manual for prison management or practice, those working in the field will find much that encourages reflection, albeit at times uncomfortable. For academics, this is an important text that offers rich material with which to make sense of the experience of contemporary imprisonment.

Dr Jamie Bennett is Governor of HMP Grendon and Springhill.

Book Review

Letters to a Lifer. The Boy 'Never to be released'.

By Cindy Sandford

Published by Waterside Press (2015)

ISBN: 978-1-909976-15-3

(paperback)

Price: £19.95 (hardback)

Letters to a Lifer is a book which documents the relationship between Cindy Sandford, a registered nurse and mother of three living in Pennsylvania, USA and a man, Ken, a prisoner in a maximum security prison. Ken was convicted at the age of 15 for his involvement in the robbery and murder of two people and was sentenced to life without

parole, even though he did not actually kill either of the two victims. In 2014, Ken was one of 500 prisoners (p. 230) in Pennsylvania who had been sentenced to life without parole for a crime which had been committed as a juvenile. While this practice has now been held to be unconstitutional by the US Supreme Court, Pennsylvania is currently refusing to apply the Supreme Court's ruling retrospectively.

I have been interested in the sentence of life without parole since 2005 when I was fortunate enough to participate in a conference held within Graterford State Correctional Institution, Pennsylvania. The conference was looking at a programme called the Lifers Inc. Public Safety Initiative¹ and consisted of 55 academics and 80 life and non-life sentenced prisoners discussing its worth. I will never forget lunch where I had a really interesting conversation with a 19 year old man, who had been convicted of a gang related murder at the age of 17 and believed that he would never be released. I couldn't at the time, and still cannot comprehend the enormity of living under such a sentence. A book which discussed this area thus sparked my interest.

Written by Cindy Sandford, the book describes how Cindy and Ken first encountered each other; Ken is an artist and Cindy ran an art co-op, and then documents the growing relationship between them. This is not a romantic relationship however, with Cindy and Keith (her husband) taking on the role of parents in Ken's life. This does not happen overnight though. Cindy, early on in the book, states how she had previously classed herself as a 'tough on crime' advocate (p.vi) and so the book covers the battles which she had with her conscience about befriending a convicted murderer, largely due to her concern for the

1. Ross J (2013) (ed) *The globalization of supermax prisons*. New Brunswick, NJ: Rutgers University Press.

2. HM Inspectorate of Prisons (2006) *Extreme custody: A thematic inspection of close supervision centres and high security segregation* London: HM Inspectorate of prisons.

victim's families. It is perhaps even more poignant then that as the book progresses you read how Ken begins to call Cindy and Keith 'Mudder' and 'Peepaw' and they regard him as another son.

The book gives readers an idea about life inside a maximum security prison, both in terms of how dreadful it can be but also how positive and generous some people are in such situations. It details for instance how Ken rescues little birds in the exercise yard and then cares for them until they are able to look after themselves; a practice which many of

the prison officers know is happening and keep quiet about. It also looks at the relationships which build up amongst prisoners and the care and support which many find when they are incarcerated within such institutions.

As previously mentioned the book is written by Cindy Sandford, but it also contains excerpts from Ken's journal. So, for example, you will read Cindy's account of a visit or some other event and then at the end of the chapter you will also see the same event from the perspective of Ken. These journal extracts also

allow an insight into what it is like to live under a perpetual sentence.

I really enjoyed this book and found it both engaging and informative. Although I already had an interest in this area it has sparked further thought and I would recommend it for others; both who have an interest in penal policy and also those who work within the system.

Dr Karen Harrison is a Senior Lecturer in Law at the University of Hull.



PRISON SERVICE JOURNAL

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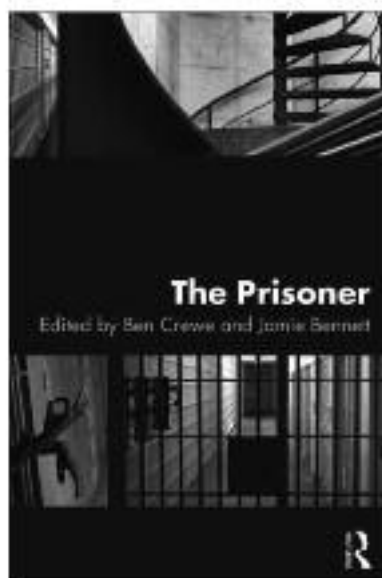
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1. See Harrison, K. (2006) 'The LIFERS Inc. Public Safety Initiative', *Prison Service Journal*, 166, 37-41.

New from Routledge Criminology



The Prisoner

Edited by

Ben Crewe

*Deputy Director, Prisons Research Centre, Institute of Criminology,
University of Cambridge*

and

Jamie Bennett

Editor, Prison Service Journal

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Little of what we know about prison comes from the mouths of prisoners, and very few academic accounts of prison life manage to convey some of its most profound and important features: its daily pressures and frustrations, the culture of the wings and landings, and the relationships which shape the everyday experience of being imprisoned.

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followed by academic commentary and analysis written by a leading scholar or practitioner. This structure allows prisoners' voices to speak for themselves, while situating what they say in a wider discussion of research, policy and practice. The result is a rich and evocative portrayal of the lived reality of imprisonment and a poignant insight into prisoners' lives.

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PRISON SERVICE JOURNAL

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