

Families Inside: Young people's experiences of serving a sentence at the same time as a family member

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Despite the now substantial body of literature that documents the experiences and effects of imprisonment on families, none explicitly and exclusively focuses on family relationships where both members are serving a sentence simultaneously. Instead, those in prison tend to be seen solely in the role of 'prisoner' rather than there being a recognition of their ability to hold dual identities simultaneously — of 'prisoner' and 'family member of a prisoner'.

Interest in prisoners' families has increased rapidly over the last decade, within academic literature as well as criminal justice policy and practice,¹ and has shown the overwhelmingly negative effects on individuals and their communities, in economic, health, emotional and psychological terms, often resulting in an intensification of existing inequalities.² Family members have always, however, been outside of the prison (the exception being research on mother and baby units). Even the fact family members may have previously been incarcerated or had contact with the criminal justice system is rarely

explicitly acknowledged. Though work around the experiences of previously incarcerated fathers and their sons, and on layered liminality for prison visitors who have served a prison sentence themselves highlight what is being missed in failing to consider these experiences.³

Despite the acute paucity of literature specifically exploring family relationships carried out within and across the prison estate, it should come as no surprise that these relationships exist. Research evidences both the concentration of offending behaviour within families and the intergenerational transmission of offending.⁴ While there are no estimates of the prevalence of simultaneous familial imprisonment within the UK, qualitative work has indicated a figure of between a half and two thirds of (female) prisoners in a prison in Portugal had family members also serving a sentence.⁵ Research in Australia has shown that from survey respondents reporting two or more generations of incarceration more than 80 per cent of Indigenous, and a third of non-Indigenous prisoners reported

1. Condry, R. & Smith, P.S. (2018). *Prisons, Punishment and the Family: Towards a new sociology of punishment?* Oxford University Press; Farmer, M. (2017) *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. Ministry of Justice and HM Prison and Probation Service. Retrieved from <https://www.gov.uk/government/publications/importance-of-strengthening-prisoners-family-ties-to-prevent-reoffending-and-reduce-intergenerational-crime>; HM Prison and Probation Service (2020). *Strengthening Prisoners' Family Ties Policy Framework*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863606/strengthening-family-ties-pf.pdf; Hutton, M. & Moran, D. (2019). *Palgrave Handbook of Prison and the Family*. Palgrave Macmillan; Lanskey, C., Markson, L., Souza, K. & Lösel, F. (2019). Prisoners' Families' Research: Developments, Debates and Directions'. In Hutton, M. & Moran, D. (Eds), *The Palgrave Handbook of Prison and the Family* (pp. 15-40). Palgrave Macmillan; Scottish Prison Service (2017). *Family Strategy 2017-2022*. Retrieved from <http://www.sps.gov.uk/Corporate/Publications/Publication-5042.aspx>.
2. Codd, H. (2008). *In the Shadow of Prison: Families, Imprisonment and Criminal Justice*. Willan Publishing; Condry, R. (2007). *Families Shamed: The Consequences of Crime for Relatives of Serious Offenders*. Willan Publishing; Jardine, C. (2019). *Families, Imprisonment and Legitimacy: The Cost of Custodial Penalties*. Routledge; Wakefield, S. & Wildeman, C. (2013). *Children of the Prison Boom: Mass Incarceration and the Future of American Inequality*. Oxford University Press.
3. Halsey, M. & Deegan, S. (2012). Father and son: Two generations through prison. *Punishment and Society*, 14(3), 338-367; Foster, R. (2017). Exploring 'Betwixt and Between' in a Prison Visitors' Centre and Beyond. In Moran, D. & Schliehe, A. (Eds), *Carceral Spatiality* (pp. 169-198). Palgrave Macmillan.
4. Besemer, S., Ahmad, S., Hinshaw, S. & Farrington, D. (2017). A systematic review and meta-analysis of the intergenerational transmission of criminal behaviour. *Aggression and Violent Behavior*, 37, 161-178; Beaver, K.M. (2012). The familial concentration and transmission of crime. *Criminal Justice and Behavior*, 40(2), 139-155; Farrington, D. P., Jolliffe, D., Loeber, R., Stouthamer-Loeber, M. & Kalb, L.M. (2001). The concentration of offenders in families, and family criminality in the prediction of boys' delinquency. *Journal of Adolescence*, 24(5), 579-596; Murray, J. & Farrington, D. P. (2005). Parental imprisonment: effects on boys' antisocial behaviour and delinquency through the life course. *Journal of Child Psychology and Psychiatry*, 46(12), 1269-1278.
5. Da Cunha, M. (2008). Closed circuits: Kinship, neighborhood and incarceration in urban Portugal. *Ethnography*, 9(3), 325-350.

having a family member currently serving a prison sentence, with an average of 3.8 and 1.8 family members per respondent currently incarcerated, respectively.⁶

This article aims to highlight these ignored family experiences and what they can contribute to our understanding of punishment in these familial contexts. From research into 'pseudo-families'⁷ and friendships within prisons we know these relationships are seen as having an impact on prison order,⁸ being shown as a source of emotional and practical support and protection, as well as conversely increasing the members' obligations to potentially become involved in violence or illegal activities for, or with, their 'family' or friendship group. Simultaneously imprisoned family members have been seen to look after, support and protect their relations, particularly where younger family members or those who are new to the prison are concerned.⁹

So, while we consider the potentially protective and aggravating factors coming from the formation of family-type structures within, or from the importation of pre-existing (non-familial) relationships into, the prison, we rarely consider what it might mean when pre-existing familial relationships exist within a prison, either for the prisoners or the prison.

When thinking about family it is also important that we take as wide a view of this as possible. Increasingly there is a focus on families as something formed through what they 'do'¹⁰ rather than simply what they are; relationships are more than just biological connections

between people. This is true in studies of family generally but also in criminological work specifically.¹¹ The result of this is that family members are not simply those who are biologically related but instead those who play that role within someone's life, for example extended family members, step-parents or step-siblings, or 'sibling-like' relationships from foster or kinship care arrangements.¹²

Drawing on interviews with seven young men within a Scottish Young Offenders Institution (YOI) and ten interviews with prison officers in the Scottish Prison Service (SPS), this article outlines the experiences of serving a prison sentence at the same time as a family member, either in the same or different prisons, how these relationships are maintained and the impact of the prison environment on this. It does so by specifically considering these relationships in terms of care in the

familial context, a behaviour not often associated with prisoners,¹³ and where it has been explored it has not taken account of where this care was between family members.¹⁴ This caring behaviour is one way family can be 'done'¹⁵ or 'displayed'¹⁶ in the restrictive conditions of a prison. When taken in the context of the level, or risk, of violence within prisons,¹⁷ and particularly YOIs,¹⁸ as well as a lack of trust¹⁹ it can be used to show how the prison context changes how young people experience their

This caring behaviour is one way family can be 'done' or 'displayed' in the restrictive conditions of a prison

relationships with simultaneously imprisoned family members. As well as beginning to illuminate the complex nature of these relationships this article also highlights a need for a greater understanding and

6. Halsey, M. (2018). 'Everyone is in damage control'. In Condry, R. and Smith, P.S. (eds) *Prisons, Punishment and the Family: Towards a new sociology of punishment?* (pp. 213-229). Oxford University Press.
7. Owen, B. (1998) *In the mix: Struggle and survival in a women's prison*. State University of New York Press; Kolb, A. & Palys, T. (2018). Playing the Part: Pseudo-Families, Wives and the Politics of Relationships in Women's Prisons in California. *The Prison Journal*, 98(6), 678-699.
8. Crewe, B. (2009). *The Prisoner Society: Power, Adaptation and Social Life in an English Prison*. Oxford University Press.
9. Halsey, M. & De Vel-Palumbo, M. (2020). *Generations Through Prison: Experiences of intergenerational incarceration*. Routledge; Scott, D. & Codd, H. (2010). *Controversial issues in prison*. Open University Press.
10. Morgan, D.H.J. (1996). *Family Connections: An Introduction to Family Studies*. Polity Press.
11. Jardine, C. (2018). Constructing and Maintaining Family in the Context of Imprisonment. *British Journal of Criminology*, 58(1), 114-131.
12. Scottish Government (2021). *Staying Together and Connected: Getting it Right for Sisters and Brothers National Practice Guidance*. Retrieved from <https://www.gov.scot/publications/staying-together-connected-getting-right-sisters-brothers-national-practice-guidance/documents/>.
13. Crewe, B., Warr, J., Bennett, P. & Smith, A. (2014). The emotional geography of prison life. *Theoretical Criminology*, 18(1), 56-74.
14. Laws, B. & Leiber, E. (2022). 'King, Warrior, Magician, Lover': Understanding expressions of care among male prisoners. *European Journal of Criminology*. 19(4), 469-487.
15. Morgan, D.H.J. (1996). *Family Connections: An Introduction to Family Studies*. Polity Press.
16. Finch, J. (2007). Displaying Families. *Sociology*, 41(1), 65-81.
17. Crewe, B., Warr, J., Bennett, P. & Smith, A. (2014). The emotional geography of prison life. *Theoretical Criminology*, 18(1), 56-74; Edgar, K., O'Donnell, I., & Martin, C. (2003). *Prison Violence: The dynamics of conflict, fear, and power*. Willan Publishing; King, R. D. & McDermott, K. (1995). *The State of Our Prisons*. Clarendon.
18. Ministry of Justice (2016) *Safer in custody statistics England and Wales*. UK Government.
19. Jardine, C. (2019). *Families, Imprisonment and Legitimacy: The Cost of Custodial Penalties*. Routledge.

evidence-base for decision-making around them within prisons.

Methodology

This article draws on two separate Economic and Social Research Council funded research projects.²⁰ One explored young people’s experiences of familial imprisonment, including a sub-sample of seven young men aged 17-21 who were currently in a YOI and had experienced simultaneous familial imprisonment. The other involved ten prison officers and considered their understanding and operationalisation of the Scottish Prison Service Family Strategy.

The young people were recruited through youth workers within the prison and therefore identification of potential participants relied first on the young men’s attendance at the youth work provision, and secondly the knowledge of the young men’s familial imprisonment experiences by the youth workers. Their experiences are not intended to be representative, and are discussed with the intention of beginning an exploration of these experiences and highlighting the need for a further understanding of them, from both an academic and practice standpoint.

The young men’s ages and relationships with simultaneously imprisoned family members are shown in Table 1 below.

Table 1: Summary of participant details

Name ²¹	Age	Simultaneous imprisonment experience
Chris	20	Younger brother. Same YOI, different Halls. ²²
Darren	20	Father. Different prisons.
Grant	20	Step-father. Different prisons. Younger step-brother. Same YOI, different Halls.
Jay	21	Grandfather. Different prisons.
John	20	Older brother. Same YOI, different Halls.
Ryan	17	Father. Different prisons. Older step-brother. Same YOI, different Halls.
Scott	17	Older brother. Different prisons.

The prison officers were recruited from five prisons across Scotland which hold men, women, and young people, including those on remand, serving short and long sentences and who were located in the open estate.²³ The prison officers held roles including that of a Family Contact Officer, roles within Integrated Case Management, within Offender Outcomes or in Operations.

Ethical approval was obtained for both projects from the Universities involved (the University of Glasgow and the University of Strathclyde respectively) and the SPS. Interviews with the young people were semi-structured and ranged in length from 20-70 minutes, averaging around 40 minutes, and took place within the education area of the prison. Interviews with the prison officers were also semi-structured and took

place using MS Teams or by telephone and lasted around an hour.

All the interviews were audio recorded and transcribed verbatim. The interviews with the young men were coded and analysed drawing on a grounded theory²⁴ approach while the interviews with the prison officers were analysed using thematic framework analysis.²⁵

Findings

Analysis of the interview data revealed the experience of simultaneous familial imprisonment to be contradictory in nature, both ‘stressful’ and ‘homely’. It also illustrated how the form of care taking place within these relationships is changed by the environment in

20. Grant numbers - ES/M003922/1 and ES/v010107/1

21. All participants have been given pseudonyms.

22. Hall is a term commonly used in Scotland for separate residential areas of the prison. These areas may be known as Wings or Units in England and Wales.

23. A long sentence in Scotland is more than four years.

24. Glaser, B. G. & Strauss, A. L. (1968). *The Discovery of Grounded Theory; Strategies for Qualitative Research*. Weidenfeld and Nicolson.

25. Spencer, L., Ritchie, J., Lewis, J. & Dillon, L. (2003). *Quality in Qualitative Evaluation: A framework for assessing research evidence*. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/498321/Quality-in-qualitative-evaulation_tcm6-38739.pdf.

which they occur, and showed the consequences of how this form of caring behaviour could be perceived by staff and the wider prison. Further, the experiences of participants suggested that simultaneous familial imprisonment compounds the experience of control and punishment felt by those within these relationships and raises questions around the role of power and the impact of discretionary decision-making on this.

'Stressful' and 'Homely'

'It's a bit, like, the first time he came in obviously my stomach dropped, but you just, every time he comes out, just drops basically.' (John)

'It made, it made me feel mair homely, see when I seen him I was like that, know what I mean...' (Chris)

'I'm glad that he's out noo, know what I mean, cause it's, it's something that I dinnae have to worry about while I'm in here now, know what I mean [...] I missed him when he was out but when he was in here I didnae want him in here, you know what I mean, so it felt weird.' (Chris)

There was a tension in having a family member serving a sentence within the same prison, where it could be 'stressful', introducing worry and concern, or seen as providing a level of comfort or 'homeliness'.

Where we think about 'care' within a family as something that is one way family can be 'done'²⁶ or 'displayed'²⁷ in the restrictive conditions of a prison this highlights how this relationship can be different within the prison than outside.

'When we were outside it was more, he got kicked out [of the family home] 'cause he was, like, attacking me basically. So we

weren't very close, but as soon as I got the jail we got very close. [...] I'm a lot more protective of him now' (John)

Fear or expectation of violence within prison can be commonplace and when taken along with a lack of trust can see family members becoming one of the few people individuals can trust within that space. While forming relationships within the prison has been shown to be one way in which prisoners attempt to cope with the environment — for example, the formation of pseudo-families or friendship groups — where the

person in prison is serving their sentence along with a family member in the same prison, they do not require a 'pseudo' family, nor to form new relationships, in order to fulfil these needs. These existing family relationships are also built on a level of trust which exists beyond that which may be possible within these pseudo-families²⁸ and involves levels of reciprocal behaviour beyond that of typical prison friendship groups.²⁹

While these existing familial relationships can provide a form of both material and emotional support, potentially easing the experience of prison in some ways, there conversely comes with it a deeper or heightened sense of obligation to support or assist those in your group. This

can bring with it a level of risk or potentially greater punishment.

'Because if he [his brother] ends up fighting wae somebody, know what I mean, I, I said to him, 'I mean I'll have to back you up and that', and he's like, 'No, no because you're in the open side and that tae'. But it's still ma brother, you know what I mean.' (Chris)

'Because, I'm on the open side, so I'm a trusted prisoner, privileged and all that, and basically if somebody, somebody said something wrang to him I'd, I'd easily ruin

26. Morgan, D. H. J. (1996). *Family Connections: An Introduction to Family Studies*. Polity Press.

27. Finch, J. (2007). Displaying Families. *Sociology*, 41(1), 65-81.

28. Owen, B. (1998). *In the mix: Struggle and survival in a women's prison*. State University of New York Press; Kolb, A. & Palys, T. (2018). Playing the Part: Pseudo-Families, Wives and the Politics of Relationships in Women's Prisons in California. *The Prison Journal*, 98(6), 678-699.

29. Crewe, B. (2009). *The Prisoner Society: Power, Adaptation and Social Life in an English Prison*. Oxford University Press.

that just to get back at them. So, it was a bit stupid, but I'd back him up. So, it's a bit stressful.' (John)

This 'looking after' or 'standing up' for family members is not exclusive to the prison and is seen in many sibling relationships.³⁰ Where there are 'enhanced feelings of togetherness'³¹ (for example, through the lack of trust in a prison environment) this can change the more dominant explanations (e.g. older sibling protecting younger, or male protecting female) for the form this behaviour takes. Where the caring takes place in a prison, it can take on a different form, where the need to 'protect' your family member is heightened, and also come with infinitely higher stakes. As well as the associated physical risk there is also the risk that any involvement may lead to a period spent within segregation,³² reduced privileges,³³ or an extended sentence.³⁴

This form of caring was also felt to be constructed in a certain way by the prison and its staff.

'And they try and make you not see him as much as they can, just because they know that you'll back each other up, more fights, all that.' (John)

The young men's perception was their brotherly relationships were viewed in terms of a risk to the ability to maintain order within the prison. Their enactment and display of caring through 'backing up' their brother meant this caring was seen in terms of potential violence and a need to control this, rather than the potential protective factors these relationships could provide. There is already a recognition of the tension between a security and family rights perspective within prisons.³⁵ Families can be seen by staff as a resource but also a risk — in terms

of potentially conveying illicit items into the prison through visits, or where they may not represent the pro-social bonds required for desistance — and this can be compounded where multiple family members are within the penal estate.

Compounded Control, Discretion and Power

'...you get a phone call, well you can put in for one every two week but sometimes when you put in for one you don't get it [...] they can say, you've had it too much and that, know what I mean...' (Darren)

Where the caring takes place in a prison, it can take on a different form, where the need to 'protect' your family member is heightened, and also come with infinitely higher stakes.

'I tried to get them [inter-prison calls] the noo but, his [step-father's] wee boy's in doon the stair fae me, so he's got them wae him so I don't know if they're gonna accept two fae [the same prison], you know what I mean...' (Grant)

'...my last one was when I first come in, three months ago. So then it's, like, it's, it's time wise, say it's, 'cause if, if I phoned him [his brother] today and then wanted another phone call with him in, like, two days' time they'd be wondering why, know what I mean.' (Scott)

Along with this lack of clarity around entitlements regarding inter-prison calls, there was a similar lack of clarity for the young men in relation to the provision of inter-prison visits. Only Darren had received these visits, with his understanding they could take place every six months as long as he, and the person who was visiting, had been sentenced to longer than six months and had

30. Edwards, R., Hadfield, L., Lucey, H. & Mauthner, M. (2006). *Sibling Identity and Relationships: Sisters and brothers*. Routledge.

31. Edwards, R., Hadfield, L., Lucey, H. & Mauthner, M. (2006). *Sibling Identity and Relationships: Sisters and brothers*. Routledge.

32. Segregation is where prisoners are kept apart from other prisoners, often in another part of the prison known as the segregation unit. While in segregation opportunities to work, attend education or have time out of your cell may be limited compared to when in the mainstream population.

33. A loss of privileges can include removing a TV from the person's cell, removing them from their position as a "pass man" (a job where the prisoner is responsible for cleaning areas of the prison and is paid for this), or in England and Wales a reduction in visits from family and friends through the Incentives and Earned Privileges Scheme.

34. Depending on the severity of the behaviour, for example if a crime of assault is committed, time may be added on the sentence currently being served.

35. Jardine, C. (2019). *Families, Imprisonment and Legitimacy: The Cost of Custodial Penalties*. Routledge; Smith, P. S. (2018). Prisoners' Families, Public Opinion, and the State. In Condry, R. & Smith, P. S. (Eds), *Prisons, Punishment and the Family: Towards a new sociology of punishment?* (pp. 121-135). Oxford University Press.

more than six months left of their sentence. When speaking to the other young men with a family member in a separate prison, Ryan believed such visits were available monthly, Scott knew they were a possibility but didn't mention frequency, and Grant did not know about them at all.

The Prisons and Young Offenders Institutions (SCOTLAND) Rules 2011, Section 63(8) states a prisoner is entitled to receive a visit from a person who is a prisoner detained at another prison only in exceptional circumstances and that the Governors of the two prisons must give consent. There is no mention within the Rules of inter-prison telephone calls. There is no mention of these types of inter-prison calls or visits within The Prison Rules 1999 for England and Wales.

Prison life is full of rules, yet here there is a lack of clarity and understanding on what is permitted in terms of contact with a family member in another prison. The lack of specific rules in place to govern this contact can lead to discretionary decision-making by prison officers. The ontological insecurity which arises from this discretionary behaviour means an unpredictability of response for prisoners and illustrates a component of soft power which can be experienced by simultaneously imprisoned family members.³⁶

Even where family members are within the same prison, contact can still be reliant on the discretion of prison staff where they are within different Halls.

'So, aye, there's times where obviously he was in here, we had double visits and that, so me and him have sat thegither and ma mum's came in and spoke to both of us [...] Aye, but I think they made an exception for us at one point to let us both go up at the same time.' (Chris)

'[...] where we've got a girl in [Female] Hall and the brother's in [Male Hall] or the boyfriend, as long as it's a long-term relationship again, [...] we would just run a

visit session [...] we would give them one a week. Because it wasn't pressing our numbers in any way 'cause we're such a small jail. You know, it wasn't having any impact. So they could speak to their boyfriend once a week and there was money in the Common Good Fund that we could, we've got a wee tea bar, a wee kind of café [...] So they could sit for an hour with their relative and have a cup of tea and a blether.' (PO4)

'The occasion I'm thinking of is I had the son and his dad was downstairs on the bottom flat [...] So they would just get contact whenever we were able to do it.' (PO10)

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In terms of cell sharing, all cells within the YOI were single occupancy. However, while both Chris and John were within different Halls to their brothers both intimated they would have liked to have shared a cell with them had this been possible. Single cell occupation is stated as the preferable option,³⁷ but this may not necessarily be the best option for everyone, at all times, and this may be particularly true for simultaneously imprisoned family members. This is obviously not to presume that all family members will have good

relationships, or will want to share a cell, but their needs are generally not accounted for and decision-making tends to be dominated by a focus on risk of violence or remand status.³⁸

When the young men spoke about being the subject of these discretionary decisions by staff, they often felt they were dependent on their behaviour and how they were viewed by staff in relation to this.

'So I see him [his brother] aw the time and I speak to him and that tae. So they're alright wae that, the staff, know what I mean, the staff know I'm awright, I'm quiet, I just get on wae ma sentence, so it's awright...' (Chris)

This was in contrast to John:

36. Crewe, B. (2009). *The Prisoner Society: Power, Adaptation and Social Life in an English Prison*. Oxford University Press.

37. United Nations (1955) *Standard Minimum Rules for the Treatment of Prisoners*. Retrieved from https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

38. Muirhead, A., Butler, M. & Davidson, G. (2021). Behind Closed Doors: An exploration of cell-sharing and its relationship with wellbeing. Advance online publication. <https://doi.org/10.1177/1477370821996905>.

'So, again, they, they would take him down to my hall and I'd speak to him, sitting in this wee office room, and then, I think that was, like, the only time that I got, like, to sit down and have a chat with him but, other than that it was just me and him and my parents and that. [...] And they try and make you not see him as much as they can, just because they know that you'll back each other up, more fights, all that.'

This link between contact and behaviour also appeared to be important when family members were located in different prisons. When Ryan was asked whether he planned to arrange an inter-prison visit with his father, he immediately considered the significance of his prior behaviour to the likely outcome of an application.

Ryan: I think so, because I've got hundreds of reports for fighting and stuff like that now.

Kirsty: Ah right, so that's gonna, like, count against-

Ryan: Aye.

While the uncertainty and insecurity arising from this discretion and flexibility of officers could be seen on the one hand as negative and an exercise of soft power, compounding the experiences of punishment felt by these young people, there was also an example provided by a prison officer where the formalisation of the process around this contact resulted in a reduction in the levels family members would have experienced previously.

'Again, that's something that's new that's come in because before, a few years ago, we just ran them. Not so much the visits but certainly the 'phone calls. We made sure that if somebody's brother was in [Prison] or their girlfriend was in [Prison] we would give them a 'phone call once a month. You know, an inter-prison one [...] But the SPS decided to formalise that and make it into a process and cut it right back for whatever reason [...] And it has to be the Deputy Governor or Governor

that sign it off. Whereas beforehand an officer could go in to the Hall Manager and say, so and so's husband's lying in [Prison], can we maybe get them inter-prison 'phone calls. And he would just have a look at it, check they were linked on the computer and it was legit and it wasn't just somebody's, you know, boyfriend of a week and formalise it, yeah, once a month. And we would just stick dates in the diary, 'phone [Prison] and do all that. But they've cut that back.' (PO4)

This highlights the tension within the system of balancing the use of discretion by officers and the uncertainty where there is no formal process or regulation in place at all.

As well as being subject to discretionary decision-making in relation to inter-prison calls or visits, the young men illustrated other aspects of compounded control over their familial relationships. For example, one of the young men did not want an inter-prison visit because his brother would have to travel in handcuffs. Another spoke of his experience of an inter-prison visit where the already surveilled visit room became hyper-surveilled as they were the only visitors in it.

'But, like, you'd be in handcuffs, it's, all the way to the visit, and then when you got there you'd get took out and soon as you left the visit you get put back in handcuffs.' (Scott)

'You're sitting in the visit room just two people, know what I mean. If, even if you're sitting at the other side they can still hear every single word you're saying there's, like, see when there's hundreds of people in the visit room everybody's talking so you've got that kinda bit of privacy. It's privacy without barriers being put up, if you get us.' (Darren)

This seems to represent further possible stigma and degradation for these families and individuals on top of the already existing 'legally sanctioned stigma' experienced by visitors, including family members, when compared to other official visitors.³⁹ The inferior treatment, suspicion and stigmatisation are

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39. Hutton, M. (2018). The Legally Sanctioned Stigmatization of Prisoners Families. In Condry, R. & Smith, P. S. (Eds), *Prisons, Punishment and the Family: Towards a new sociology of punishment?* (pp. 230-243). Oxford University Press.

compounded where both family members are within the prison system.

Discussion

Simultaneous imprisonment of family members is largely overlooked in research, be that within familial imprisonment literature, sociology of punishment or sociology of the family. They are also largely absent from criminal justice policy and practice, save for a recognition of the concentration and transmission of offending within families in numerical and risk-based terms. There is therefore a lack of understanding of how this is experienced by, and the impact of this on, those serving a prison sentence, as well as a lack of evidence-base to inform decision-making where these situations do occur.

The use and reach of penal power into the lives of family members of prisoners has been explored for those outside of prison, but the experiences here illuminate the use of power and control in respect of family relationships carried out where both members are within the prison estate. The compounded control experienced in terms of the relationships and attempts at maintaining contact with imprisoned family members, along with the ambiguity and uncertainty around what is allowed in relation to this, functioned as a form of 'soft power'. The impact of familial imprisonment is often greater on those who are already marginalised,⁴⁰ and this can be compounded where multiple family members find themselves serving sentences at the same time. With no minimum requirements in place around the number of inter-prison visits or calls they are allowed, and no ability to arrange these without going through prison staff, they are subject to a greater level of control by the prison and of discretionary decision-making by prison staff, with limited opportunities for autonomy or agency in their familial relationships. As a result, they may feel a greater weight of penal power bearing down on them.

The experiences of prisoners' partners have been conceptualised in relation to how the system changes

the forms of love, intimacy and romance that are possible, and the adaptations necessary to achieve these qualities in relationships.⁴¹ Through the exploration of simultaneous familial imprisonment we can begin to understand the changing forms of familial care and display in the context of the prison, what forms these may take in an environment characterised by restriction, control, suspicion, uncertainty and fear, and consider any potential harms stemming from this. The nature of prison as a place of violence, or the threat of violence, may change these family relationships. It seems to change what it means to care, how this care can be, and is, enacted, and why it is needed. The need

to look out, or stand up, for family members is heightened and takes on different meanings. The potential repercussions of this ostensibly caring behaviour can be high, as it is perceived to be viewed and constructed by the prison system in terms of risk, seen as potentially resulting in violence, and having sanctions of lost privileges or extended sentences. The worry and concern these young people display in respect of their imprisoned family members comes from the heightened awareness of the actuality of serving a prison sentence, and additionally can come from a unique awareness from their location within the same establishment. This, on top of the fears and concerns they may have around their own imprisonment, may compound the harm already evidenced to occur within a penal

environment, particularly in relation to children and young people in custody.

While we consider these aspects in terms of pseudo-families, we are not fully accounting for existing familial relationships in prison. Arguably there are even greater expectations and levels of obligation on these family members, yet the impact of this on the individuals or the prison has not been fully explored.

While the sample upon which this article is based is small it does highlight the experiences of an overlooked group. These relationships, and the experiences of those within them, are woefully under-researched and this needs to be remedied if we are to

The impact of
familial
imprisonment is
often greater on
those who are
already
marginalised, and
this can be
compounded where
multiple family
members find
themselves serving
sentences at the
same time.

40. Jardine, C. (2018). Constructing and Maintaining Family in the Context of Imprisonment. *British Journal of Criminology*, 58(1), 114-131.

41. Comfort, M. (2008). *Doing Time Together: Love and Family in the Shadow of the Prison*. University of Chicago Press.

fully understand the experiences of those serving a prison sentence at the same time as a family member. Given that we know the prison population tends to be drawn from the most deprived areas,⁴² and consists of those with higher levels of trauma, abuse and mental health issues,⁴³ this suggests that those within these simultaneously imprisoned family relationships may be some of the most marginalised within society.

While it has been argued there is a need for a new theoretical understanding of people's experiences of both primary and secondary prisonisation,⁴⁴ here I suggest this is also needed for people experiencing their own imprisonment and familial imprisonment simultaneously. These experiences have usually been theorised about separately and treated as distinct, but this may risk us failing to understand the unique experiences of this particular group. In turn, this may impede our understanding and mitigation of potential harms these individuals may experience in custody, and prevent us from developing our decision-making abilities for those in the care of the prison system.

The right to family life is recognised in the UK as a legal and human right under Article 8 of the European Convention on Human Rights, and is met through the provision of visits and other forms of communication with family members outside of the prison. The experiences of simultaneously imprisoned family members must be recognised to ensure these rights are met and they are not discriminated against simply due to the fact both are in custody. More work must be done to understand the implications of simultaneous familial imprisonment, both for those serving sentences at the same time as family members and the prisons who hold them.

Covid-19

The research with the young men took place prior to Covid-19, and while the research with the prison officers took place in 2021 (while some pandemic

restrictions were still in place), they were asked to reflect on SPS practices prior to this, with the assumption that pre-pandemic ways of working would return in due course. Therefore, the data presented in this paper do not reflect the participants' experiences during Covid-19. For example, prisoners from different Halls were placed in 'bubbles' and were unable to mix, therefore two siblings in different Halls would have been unable to have visits together or visit each other during this time. Similarly, inter-prison visits would have been unlikely under pandemic restrictions. At the time of writing, it is unknown whether these restrictions have now been completely removed or continue.

Policy and Practice Implications

The SPS Family Strategy contains both explicit and implicit assumptions that family members are always outside in the community.⁴⁵ While similar strategies in individual prisons in England and Wales have not been examined, the document which states that all prisons must have a Family and Significant Other Strategy similarly contains explicit and implicit assumptions that family members will not be in custody themselves.⁴⁶ There needs to be a recognition that family members can be serving sentences simultaneously, that everyone has the right to a family life, and that 'family' can mean more than just partners, (biological) parents and children. This can be particularly important for those who have experience of the care system. There should not be an inequity in provision because of the location of a prisoner's family member. There also needs to be a greater understanding of how the prison environment may change the form caring takes within these relationships. Where families are seen simply as a resource to reduce reoffending, particularly in the context of a prison system based on risk and control, this can hinder the understanding and response to this caring behaviour and the ability to work with families using a rights-based approach.

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