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Pia Sinha is CEO of the Prison Reform Trust. She is interviewed by Dr Susie Hulley, Senior Research Associate at the Institute of Criminology, University of Cambridge.

Damian Hinds was Prisons Minister until November 2023. He is interviewed by Dr Amy Ludlow, Chief Executive of SHiFT, a youth justice charity.

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.

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Editorial

This general edition of Prison Service Journal offers a diverse mix of articles, interviews, and book reviews that discusses a range of themes, and empirical research that offers a rich selection of topics for those with an interest in prisons and for those working in the prison system.

The opening article is a theoretical piece by **Dr Lauren Hall**, from the University of Nottingham, **Dr Linnéa Österman** from the Gothenburg University Sweden, and **Dr Lyndsey Harris** from the University of Lincoln. Their article explores how supporting desistance can be experienced differently by women in different roles. They utilise two theoretical mechanisms of identifying the emotional burdens of desistance: Desistance Emotional Work and Emotional Capital, to argue that incorporating these two mechanisms into practice may illuminate how gendered roles influence the emotional investments in supporting desistance.

Despite the prevalence and impact of Developmental Language Disorder (DLD) on children having been studied in depth, little is known about its impact on young adults (aged 18 to 25 years) within the criminal justice system. **Alison Coyne** is from the University College Dublin, her article provides an overview of the potential effect of DLD on children and young adults who are in conflict with the law. She emphasises the importance of effective communication in the criminal justice system and presents a possible way forward.

The following two articles incorporate the arts within their papers to illuminate the positive impact this can have on prisoners' experience of incarceration. Studies have shown that the arts, especially theatre, have produced remarkable and effective results to transform people's lives in the criminal justice system. The founder of Shakespeare UnBard, **Dr Rowan Mackenzie's** article examines the establishment of a permanent theatre company and the provision of Creative Workshops in a specific prison. This article explores how the drama work can help to alleviate the pains of imprisonment, enable 'positive autonomy' and support participants to rebuild their often-shattered sense of self-identity. **Claudia Vince** and **Emily Evison** are from the Prison Reform Trust. Their article begins with a powerful poem by Katie. The article discusses the collaboration of the Building Futures programme with long-term prisoners. Focussing on the experiences of women serving long prison sentences — including life sentences, Imprisonment for Public Protection (IPP) sentences and Extended Determinate Sentences (EDS)

— and the impact that the sentence has had on them. This article shows how the programme provides long-sentenced prisoners with a platform for self-advocacy through consultation, research, and opportunities for leadership.

The article by **Dr Gregory Davies** from the University of Liverpool and **Dr Robert Jones** from Cardiff University article identifies a plethora of issues that prevent prisoners in England and Wales from voting in elections. They draw upon their empirical research and the wider available evidence to explore the various ways in which eligible prisoners can be denied the right to vote. They argue that The Representation of the People Act 2000 failed to deal adequately with the various ways in which administrative disenfranchisement can occur and highlight the need for prison officials and policymakers to take steps to minimise this. They put forward three possible reforms: automatic voter registration for prisoners; formal information-sharing between prison and electoral services; and the introduction of electoral infrastructure within prisons, including election hustings and the 'booth and ballot' system.

The final article is by **Jeffrey Pfeifer** from the Swinburne University of Technology, Australia and **Connop-Galer** from Melbourne, Australia. They assert there has been a lack of empirical attention paid to extending knowledge on the wellbeing of corrections-based professionals, highlighting a tendency for the focus to be on prison officers. Their paper provides additional insight into the issue of Community Corrections Professionals wellbeing through a methodology informed by research on prison officers.

This issue's interview sees **The Rt Hon Damian Hinds MP**, Minister for Prisons and Probation in the spotlight interviewed by **Dr Amy Ludlow**, Chief Executive of SHiFT, a youth justice charity. Followed by **Dr Susie Hulley**, from the University of Cambridge interview with **Pia Sinha**, CEO of Prison Reform Trust. Both interviews explore how the interviewees apply previous experiences from past roles to their current positions to improve outcomes for prisoners. The prison minister discusses how he applies his previous experience and ideas from being Employment Minister to his then role to drive up employment outcomes for people who are imprisoned. While Pia explains that she brings her 'deep understanding of how the system works' from her experience of working in prisons and as a senior manager in HM Prison and Probation Service to influence change. The third interview is with **Andrea Albutt**, the

first woman president of the Prison Governor Association. She was interviewed by **Rachel Bell** from HM Prison and Probation Service, her interview provides an insight into her career within HMPPS.

We are keen to provide an independent and honest review of recent works which will be of interest to readers. This edition includes four book reviews. **The Older Prisoner** by **Diete Humblet** was reviewed by Karen Harrison. This book is an exploration of how older prisoners experience prison life with a particular emphasis on two prison units in Belgium. The second book — **Doing Indefinite Time: An Ethnography of**

Long-Term Imprisonment in Switzerland was written by **Irene Marti** and reviewed by **Lynn Saunders**. She describes the book as providing a fascinating and powerful exploration of the experiences of people detained in two closed prisons in Switzerland. The final book — **Stains of Imprisonment. Moral communication and men convicted of sex offenses** by **Alice levins** was reviewed by **Karen Harrison**. This book is very timely because it looks at the function of prisons for people with sexual convictions but also importantly how they act as moral communicators.

The Use of Theoretical Frameworks of Emotion to Address Gender Disparity in Criminal Justice Practice: Emotional Investments in Desistance

Dr Lauren Hall is an Assistant Professor in Criminology at the University of Nottingham, who researches the social factors associated with desistance from crime and recovery from addiction. Dr Linnéa Österman is a senior lecturer at the Department of Social Work at Gothenburg University Sweden, and researches women's experiences of criminal justice and the route out of it. Dr Lyndsey Harris is an Associate Professor at the University of Lincoln, researching whole systems approaches to supporting women and responding effectively to Violence Against Women and Girls.

Desistance as a theoretical framework broadly considers the ways and means by which people come to stop offending and live well-rounded lives. However, as a framework it has not sufficiently acknowledged and considered the range of resources invested in the support by those closest to the 'desister'. Such support is often understood to be fundamental to desistance success. As the antiquated saying goes, 'behind every successful man there stands a woman', and indeed — grounded in our own and others' research and experiences of practice — desistance support work is often carried out by women.¹ When working with people and families affected by the criminal legal system, the aspects of gendered roles and expectations, such as how and by whom emotional supportive work is carried out, are important factors to consider. It may be that the ways in which we conceptualise, respond to, and support desistance can acknowledge these relational dynamics in more defined, gender-sensitive ways. This article firstly explores how supporting desistance can be experienced by, and impact on, women holding different roles, both professional and personal, illustrating a continuum of gendered practices within and across these. It then goes on to propose two

theoretical mechanisms of identifying the emotional burdens of desistance, namely, Desistance Emotional Work and Emotional Capital. It is argued that incorporating these two mechanisms into practice may go some way to identify and recognise emotional investments in supporting desistance, including the gendered aspects of such, to ensure that practices in and around desistance do not further gender disparity and expectations of women's unpaid work.

Women, Desistance, and Criminal Justice: What is the relationship between women and desistance according to existing evidence?

Women doing desistance

After years of marginalisation of women's experiences, a literature that specifically highlights women's experiences of desistance has emerged in recent years and provides us with new insights into how gender may impact the road away from crime. Such research has, for example, illustrated how intimate partner violence can act as a hindrance to desistance for women,² that the consequences for mental health from violent victimisation is formative for many women's route out of crime,³ and that this also typically interlinks

1. See for example: Booth, N., Masson, I. & Dakri, F., (2023). (Wo)men in the middle: The gendered role of supporting prisoners, in I. Masson & N. Booth (Eds.) *Routledge handbook of women's experiences of criminal justice*. Routledge; Leverentz, A.M. (2006). The love of a good man? Romantic relationships as a source of support or hindrance for female ex-offenders. *Journal of Research in Crime and Delinquency*, 43(4), 459-488; Hall, L., & Harris, L. (2022). The gendered weight of desistance and understanding the 'love of a good woman': Desistance emotional work (DEW), *Probation Journal*; Barr, Ú. (2019). *Desisting sisters: Gender, power and desistance in the criminal (In)justice system*. Palgrave Macmillan; Österman, L.A.M. (2018). *Penal Cultures and Female Desistance*. Routledge.
2. Gålnander, R. (2019). Desistance from crime – to what? Exploring future aspirations and their implications for processes of desistance. *Feminist Criminology*, 15(3), 255-277.
3. Gomm, R.M. (2016). *Women making meaning of their desistance from offending*. Doctoral Thesis. Durham, UK: Durham University.

with substance abuse and family/relationship breakdowns.⁴ Moreover, studies have found that women's experiences of desistance are acutely affected by feelings of shame and guilt and that they face particular barriers in their route back into 'mainstream' society such as finding employment.⁵ What is clear from these examples is that to understand women's specific experiences of desistance, we need to locate them within broader life conditions, as well as wider processes of power and division in our society, which can contribute to women's criminalisation in the first place. For example, we know that certain experiences linked to power relations can increase the likelihood of criminalisation for women, including various forms of domestic abuse,⁶ as well as the risk for women to experience intimate partner violence, violent victimisation and rape increases by being within criminal environments.⁷ Indeed, research has persistently demonstrated the frequent duality of criminalisation and victimisation for women, with serious victimisation typically preceding offending.⁸ Data on this overlapping victim-offender position is challenging to identify with precision, but we know for example that around 50 per cent of the female prison population in England and Wales have experienced some form of physical, emotional and/or sexual abuse, with about a third having experienced sexual abuse specifically.⁹ To give an indication of the gendered nature of these figures, women in prison are twice as

likely as men to have been a victim of abuse in their childhood.¹⁰ The similarity of these figures across different jurisdictions, including those countries with top ratings on gender equality measures,¹¹ says something important about patterns of gender inequality in women's experiences that goes far beyond specific cultures or criminal justice organisations.

Responding to criminalised women who have often also been victimised adds a further layer of complexity to the consideration of putting in place resources to support desistance. Women who desist require positive social bonds, opportunities for generative paid employment, and support for mental health problems and unresolved or ongoing trauma.¹² These processes can, however, be severely and negatively impacted by stigma. Again there is a gendered dimension to this, as criminalised women have been found to experience more stigmatisation on their desistance path in comparison to men.¹³ In part this can be explained by the lens of 'double deviance', that criminalised women are transgressors of not only legal but also of gendered norms.¹⁴ Furthermore, women have more concurrent grounds for stigmatisation and discrimination than men when leaving prison because women experience: more frequent and extensive drug problems; more challenging mental health issues; and are more economically marginalised than men in the same position.¹⁵ All of these factors have the capacity to

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4. Berman J (2005). *Women offenders transition and reentry: Gender-responsive approaches to transitioning women offenders from prison to the community*. Washington, DC: Department of Justice; Hart, E. L. (2017). Women prisoners and the drive for desistance: capital and responsabilization as a barrier to change. *Women & Criminal Justice*, 27(3), 151–169; Huebner, B. M., DeJong, C., Cobbina, J. (2010). Women coming home: long term patterns of recidivism. *Justice Quarterly*, 27(2), 225–254.
 5. Rutter, N., & Barr, U. (2021). Being a 'good woman': Stigma, relationships and desistance. *Probation Journal*, 68(2), 166–185; Barr, Ú. (2023). Working together? Gendered barriers to employment and desistance from harm amongst criminalised English women. *Feminist Criminology* [Pre-print]; Österman, L. A.M. (2018). *Penal cultures and female desistance*. Routledge.
 6. Hulley, S. (2021). Defending "co-offending" women: Recognising domestic abuse and coercive control in "joint enterprise" cases involving women and their intimate partners. *The Howard Journal of Crime and Justice*, 1, 580–603; Chesney-Lind, M., & Pasko, L. (2004). *The Female Offender – Girls, Women and Crime* (2nd Ed.). Sage Publications; Salisbury, E. J., & Van Voorhis, P. (2009). Gendered pathways: A quantitative investigation of women probationers' paths to incarceration. *Criminal Justice and Behavior*, 36(6), 541–566.
 7. Havard, T. E., Densley, J. A., Whittaker, A., & Wills, J. (2021). Street gangs and coercive control: The gendered exploitation of young women and girls in county lines. *Criminology & Criminal Justice*, 1–17.
 8. Rumgay, J. (2004). Scripts for saver survival: Pathways out of female crime. *The Howard Journal of Criminal Justice*, 43(4), 405–419; Verrecchia, P. J. (2009). Female delinquents and restorative justice. *Women and Criminal Justice*, 19(1), 80–93; Österman, L.A.M. (2018). *Penal cultures and female desistance*. Routledge.
 9. HM Prison Service (2010). Female Prisoners. Ministry of Justice Online Data. Retrieved February 7 2011, from http://www.hmprisonservice.gov.uk/adviceandsupport/prison_life/femaleprisoners/; Fawcett Society (2008). *Women and the criminal justice system: The facts*. A Fawcett Briefing.
 10. Prison Reform Trust (2023). *January 2023. Bromley Briefings*.
 11. ElGE (2023). Gender Equality Index. *European Institute for Gender Equality*, Retrieved March 31, 2023 from <https://eige.europa.eu/gender-equality-index/2022/country/SE>; Kriminalvården (2014). Psyisk hälsa bland fängelsedömda kvinnor i Sverige. Kriminalvården. Retrieved May 12, 2015 from: www.kriminalvarden.se/globalassets/publikationer/forskningsrapporter/psyisk-halsabland-fangelsedomda-kvinnor-i-sverige_140310-slutgiltig.pdf
 12. Barr, Ú. (2023). Working together? Gendered barriers to employment and desistance from harm amongst criminalised English women, *Feminist Criminology* [Pre-print].
 13. LeBel, T. (2012). If one doesn't get you another one will": Formerly incarcerated persons' perceptions of discrimination'. *The Prison Journal*, 92(1), 63–87; McIvor, G., Murray, C., & Jamieson, J. (2004). Desistance from crime: Is it different for women and girls. In S. Maruna & R. Immarigeon (Eds.) *After crime and punishment: Pathways to offender reintegration* (pp. 181–200). Willan Publishing; Baldry, E. (2010). Women in Transition: From Prison to... *Current Issues in Criminal Justice*, 22(2), 253–268; Estrada, F., & Nilsson, A. (2012). Does it cost more to be a female offender? A life-course study of childhood circumstances. *Crime, drug Abuse, and living conditions. Feminist Criminology*, 7(3), 1–24.
 14. Lloyd, A. (1995). *Doubly deviant, doubly damned: society's treatment of violent women*. Penguin Books.
 15. LeBel, T. (2012). If one doesn't get you another one will": Formerly incarcerated persons' perceptions of discrimination'. *The Prison Journal*, 92(1), 63–87.

negatively impact on women's ability to build positive identities and so called 'replacement selves'¹⁶ during their desistance processes, which has been identified as an important factor for successful reintegration.

Additionally, criminalisation according to separate research by Rungay and Österman, acts to reduce access to the resources required to desist, such as access to social networks and personal resilience to build recovery.¹⁷ This is likely to be taking place in the context of damaged and conflictual family relations, with the background of women being more likely to have experiences of neglect/abuse in the family setting than male counterparts.¹⁸ As Doherty and Bersani highlight, it is important to note that cultural contexts and intersections of race and class with gender will also shape relational desistance outcomes.¹⁹ For example for Muslim women, due to constructs of cultural honour, familial support can sometimes become inaccessible.²⁰ Many women will therefore require greater investments of desistance-supportive resources than men; however, women may find them more difficult to access. The support required is often, due to the multiple harms and structural discrimination that mark women's engagement with the criminal justice system, also more complex in nature.²¹

Women providing desistance support in relationships

Although relationships are often cited as beneficial to the desistance process (see for example, Laub and Sampson), relational contexts also have the capacity to

increase risk and severity of criminalisation for women.²² When women co-offend with men, they tend to become involved in more serious offences; or, as Hulley identifies, women may even arrive at crime scenes being perpetrated by their partner not having known what was going to happen prior and are then to fearful to leave the crime scene, increasing their chances of being implicated.²³ In direct contrast to traditional desistance theories based on male samples (and perspectives) that argue for quality intimate relationships to act as a turning point for a man's route out of crime (neatly summarised by Leverentz as the 'love-of-a-good-woman-thesis'), research with (and often by) women instead shows that leaving intimate partner relationships can in fact increase the chances of a successful desistance process.²⁴ Gålnander's research highlights that factors such as intimate partner violence may, however, make this process of leaving extra challenging, as can aspects of economic — or other — types of dependency on a partner, with financial hardship being so common that it has been described as a way of life for women desisting from crime.²⁵ Furthermore, Hall and Harris's research found that when male desistance fails during heterosexual relationships this also increases the proximity of women to crime and addiction, adding to the risk of them becoming criminalised — one woman in the research for example was arrested at the same time as her partner, despite never having engaged in drug taking, because the drugs were found (unbeknownst to her) in her home, and was only released 24 hours later after being strip-searched, internally searched, X-Rayed and

16. Giordano, P. C., Cernkovich, S. A., & Rudolph, J. L. (2002). Gender, crime and desistance: toward a theory of cognitive transformation. *American Journal of Sociology*, 107(4), 990-1064.
17. Rungay, J. (2004). Scripts for saver survival: Pathways out of female crime. *The Howard Journal of Criminal Justice*, 43(4), 405-419; Österman, L. A. M. (2022). Longitudinal cross-national perspectives on female desistance: The role of social and emotional capitals in female narrations of maintaining change. *European Journal of Probation*, 14(1), 21-39; Gomm, R. M. (2016). *Women making meaning of their desistance from offending*. Doctoral Thesis. Durham University.
18. Bui H. N., & Morash M. (2010). The impact of network relationships, prison experiences, and internal transformation on women's success after prison release. *Journal of Offender Rehabilitation*, 49(1), 1–22; Mowen, T. J., & Visher, C. A. (2015). Drug use and crime after incarceration: the role of family support and family conflict. *Justice Quarterly*, 32(2), 337–359; Österman, L. A. M. (2022). Longitudinal cross-national perspectives on female desistance: The role of social and emotional capitals in female narrations of maintaining change. *European Journal of Probation*, 14(1), 21-39; Havard, T. E., Densley, J. A., Whittaker, A., & Wills, J. (2021). Street gangs and coercive control: The gendered exploitation of young women and girls in county lines. *Criminology & Criminal Justice*, 1-17.
19. Doherty, E. E., & Bersani, B. E. (2016). Understanding the mechanisms of desistance at the intersection of race, gender, and neighborhood context. *Journal of Research in Crime and Delinquency*, 53(50), 681-710.
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22. Laub, J. H., & Sampson, R. J. (1993). Turning points in the life course: Why change matters to the study of crime. *Criminology*, 31(3), 301-326; Laub, J. H. & Sampson, R. J. (2003). Life-course desisters? Trajectories of crime among delinquent boys followed to age 70. *Criminology*, 41(3), 555-592.
23. Hulley, S. (2021). Defending "co-offending" women: Recognising domestic abuse and coercive control in "joint enterprise" cases involving women and their intimate partners. *The Howard Journal of Crime and Justice*, 1, 580-603.
24. Leverentz, A. M. (2006). The love of a good man? Romantic relationships as a source of support or hindrance for female ex-offenders. *Journal of Research in Crime and Delinquency*, 43(4), 459-488; Barr, Ú. (2019). Desisting sisters: Gender, power and desistance in the criminal (In)justice system. Palgrave Macmillan; Österman, L. A. M. & Masson, I. (2018). Restorative justice with female offenders: The neglected role of gender in restorative conferencing. *Feminist Criminology*, 13(1), 3-27.
25. Gålnander, R. (2019). Desistance from crime – to what? Exploring future aspirations and their implications for processes of desistance. *Feminist Criminology*, 15(3), 255-277.

taken to hospital for bloodwork.²⁶ Essentially, although crimes committed by women are typically of lower severity than by men,²⁷ women are at risk of being further criminalised through their interactions and relationships with offending men. The negative interaction of socio-structural constraints with women's choices around offending, and indeed around desistance, is thus important to consider,²⁸ as they can limit a woman's 'space for action', with domestic abuse and coercively controlling behaviour further reducing women's agency:²⁹

Abuse here is understood as an attempt to impose his gender regime in the household (Lundgren, 1998; Morris, 2009). It is through the limitations imposed that women's 'space for action' (Kelly, 2003) is narrowed, as they adapt their behavior in attempts to avoid abuse. Although some women constantly accommodate to this changing 'abusive household gender regime' (Morris, 2009), most recall occasions when they resisted demands and expectations either overtly or covertly. But the cost of such assertions of autonomy is often high.

Although desistance can be a potentially protective process for women and holds promise in a range of regards for increasing social cohesion, directly and indirectly, rehabilitative expectations should not be made without sufficient structural supports in place. As argued by Österman in her study on cross-national perspectives on desistance, if independence from close relations allows more

women to take on a healthy and viable desistance path, then 'the state arguably also has a responsibility to provide capital compensations — economic and otherwise — that allow the woman to take this step'.³⁰

Practitioners supporting desistance

Desistance is not a process that is solely supported informally, and practitioners can play a key role in supporting its success. There are also gender disparities to consider in practice around desistance however, with practitioners in criminal justice likewise being affected by gender presentation in the workplace. Assumptions

based on gender — related to both the work itself and the workers — have been described as a defining feature of criminal justice agencies.³¹ In their comprehensive exploration of gender and crime, Silvestri and Crowther-Dowey argue that gendered inequality, together with hegemonic masculinity, has a pervasive influence on, and is sustained through, criminal justice organisations, which in turn subverts human-rights agendas and reforms.³² The exact form that this takes varies in different parts of the system. For example, research shows that gender stereotypes are pervasive and can change how women are expected to behave and how

they are responded to when working in prison.³³ Although the management of relationships between staff and prisoners requires an investment and balance of emotional labour, and this has a range of implications for all prison officers, gender has been particularly emphasised as capable of interacting with emotional labour in this setting:

Desistance is not a process that is solely supported informally, and practitioners can play a key role in supporting its success.

26. Hall, L., & Harris, L. (2022). The gendered weight of desistance and understanding the 'love of a good woman': Desistance emotional work (DEW), *Probation Journal*.
27. Hulley, S. (2021). Defending "co-offending" women: Recognising domestic abuse and coercive control in "joint enterprise" cases involving women and their intimate partners. *The Howard Journal of Crime and Justice*, 1, 580-603; Clarke, B. & Chadwick, K. (2020). *Stories of injustice: The criminalisation of women convicted under joint enterprise laws*. Barrow Cadbury.
28. Barlow, C. (2016). *Coercion and women co-offenders: A Gendered pathway Into Crime*. Policy Press; Hulley, S. (2021). Defending "co-offending" women: Recognising domestic abuse and coercive control in "joint enterprise" cases involving women and their intimate partners. *The Howard Journal of Crime and Justice*, 1, 580-603.
29. Sharp-Jeffs, N., Kelly, L., & Klein, R. (2017). Long journeys toward freedom: The relationship between coercive control and space for action – Measurement and emerging evidence. *Violence Against Women*, 24(2), 163-185; Lundgren, E. (1998). The hand that strikes and comforts: Gender construction and the tension between body and symbol. In R. E. Dobash & R. P. Dobash (Eds.), *Rethinking violence against women* (169-196). Sage.
30. Österman, L. A. M. (2022). Longitudinal cross-national perspectives on female desistance: The role of social and emotional capitals in female narrations of maintaining change. *European Journal of Probation*, 14(1), 26.
31. Silvestri, M., & Crowther-Dowey, C. (2008). *Gender and crime – A human rights approach* (2nd Ed.). SAGE Publications.
32. Silvestri, M., & Crowther-Dowey, C. (2008). *Gender and crime – A human rights approach* (2nd Ed.). SAGE Publications.
33. Farnworth, L. (1992). Women doing a man's job: Female prison officers working in a male prison. *Australian & New Zealand Journal of Criminology*, 25(3), 278-296.

While some male officers see women as a risk or unable to match the performance of officers in men's prisons, others emphasise their calming impact in the wings. However, female prison officers often experience sexist attitudes and harassment from male colleagues. Other studies have argued that there is a gendered division of labour in prison wings today, as female staff are expected to think more about rehabilitation and do more deep emotional labour (e.g., counselling and caring tasks), whereas male staff are supposed to be more active in security matters (e.g., when there are conflicts with staff or violence among prisoners).³⁴

Undertaking desistance work as a practitioner is commonly framed as rehabilitative in nature, and rehabilitative probation, as well as wider criminal justice-oriented work, also frequently requires an undertaking of emotional labour.³⁵ In Österman and Masson's study examining the role of gender in restorative justice (RJ) conferences, it was found that practitioners often worked with emotions in different ways in cases with girls/women comparatively to boys/men.³⁶ For example, the girls and women the practitioners' worked with typically had more emotional intelligence than many boys and men, and due to the fact that the girls and women typically struggled with heavier burdens of guilt and shame from their criminalisation, practitioners needed to be able to deal with more emotional anguish while doing restorative justice with women and girls. The emotional labour invested by the practitioners to get the girls or women to the point of being 'ready' to participate in a restorative justice conference was thus more extensive, and — due to the gendered experiences of abuse or trauma that were so common

DEW refers to the emotional work and the range of support and capital types that the women provided to their desisting partners.

in the women's stories — this work was often seen to be best performed by a female practitioner.³⁷ This is in line with research that has persistently shown that relationship-building is especially important when working with women in criminal justice contexts.³⁸

Criminal justice settings can therefore be challenging not only for women who have been criminalised, but also for women whose families or partners are criminalised, and for women who work within this sector. This is not to say that men or people outside of the gender binary do not experience similar challenges, but that desistance research, policy and practice needs to acknowledge the investment by women of various emotional, relational and social resources in order to better support them in a range of circumstances including in their relationships, at work and for their own desistance. We below bring to light two frameworks that we suggest could potentially aid the growth of this awareness.

Two frameworks to enhance awareness of gendered desistance burdens: 'Desistance Emotional Work' and 'Emotional Capital'

Desistance emotional work (DEW) is a broad overarching, emerging framework that can be used to consider the associated labour investment by women who are both proximate to, and potentially directly affected by the criminal legal system.³⁹ Based

on interviews with six women whose partners had an offending history, analysis resulted in themes which broadly constituted the concept of DEW, including relational strengths; pains and strains of relational desistance support; and women's agency, roles and identity:

DEW refers to the emotional work and the range of support and capital types that the women provided to their desisting partners,

34. Nylander, P. A. & Bruhn, A. (2020). The emotional labour of prison work. In A. Fowler, C. Westaby, J. Phillips & Waters (Eds) *Emotional labour in criminal justice and criminology*. Routledge, 77.
 35. Fowler, A., Phillips, J., & Westaby, C. (2020). Emotions in context: The marginalisation and persistence of emotional labour in probation. In A. Fowler, C. Westaby, J. Phillips, & J. Waters (Eds) *Emotional labour in criminal justice and criminology*. London.
 36. Österman, L. A. M., & Masson, I. (2018). Restorative justice with female offenders: The neglected role of gender in restorative conferencing. *Feminist Criminology*, 13(1), 3-27.
 37. Ibid.
 38. Crowley, A. (2021). Practitioner perspectives on working with young women in the criminal justice sphere: The importance of relationships. *A Scottish Justice Fellowship Briefing Paper*.
 39. Hall, L., & Harris, L. (2022). The gendered weight of desistance and understanding the 'love of a good woman': Desistance emotional work (DEW), *Probation Journal*.

which was reciprocated when desistance was successful through investment of shared relational strengths, but which could damage or deplete the women's resources when desistance lapsed or ended entirely. DEW includes, but is not limited to, emotional work particularly around guilt and hope; caregiving; parenting; practical and financial desistance support such as transport and prison visitation; and identity and agency change often as dictated by the socio-structural, as well as the desistance-related, context. Each of these aspects can develop positively or negatively alongside the desistance process.⁴⁰

The framework can be used to create a broad awareness of the gendered ripple effects of desistance, and as a starting point for thinking about more subjective experiences on an individual basis. Women who participated in this study, whose partners had been or were desisting from crime, spoke of various touch points with the criminal legal system, including the police, prison and probation, and the nature of these interactions could both alleviate and exacerbate desistance related work. For example, one woman's partner experienced desistance and recovery relapse and was incarcerated, and as such although prison was felt to be a required break in the relationship for her at that time, her interactions with the police led to her also being framed as an offender and experiencing Post Traumatic Stress Disorder (PTSD). Although more than two years later the woman and her partner have maintained their relationship since his release from prison and during his subsequent desistance, there have been ongoing probation-related interactions which have required significant investment and time by the woman. This included driving her partner to appointments with the recovery service from which he was receiving opioid replacement therapy. Awareness of the level of investment women make into desisting relationships may have helped prison and

probation staff better prepare this woman's partner to ultimately realise his desistance more independently, or to direct the woman towards appropriate support (increasing her space for action). Ultimately therefore, desistance often requires a range of long-term investments of emotional work from women, and awareness of the expectations of support provision on family, and on women specifically, could help to foster cultures of rehabilitation which permeate to deeper levels of the criminal legal system. It should also not be presumed that as DEW awareness is rehabilitative in nature that it should fall to women working in criminal legal practice to identify. As such, we propose that practitioners are included within DEW's remit.

DEW as a framework should encourage consideration of the resources available to support desistance and who invests them. More detailed and individualised understandings of the types of resource invested are also required from a gendered perspective, however. Social capital is a common theoretical approach within the desistance literature in terms of conceptualising support and can be understood as the sum of the resources that an individual holds through the possession of a durable network of relationships building on mutual trust and recognition.⁴¹ Social capital is connected to a range of desirable outcomes,⁴² including supporting

Desistance often requires a range of long-term investments of emotional work from women.

desistance,⁴³ and can be linked for example to practical assistance with housing, food, job opportunities and other essentials.⁴⁴ While social capital commonly includes an element of emotional support, it has been suggested that social capital alone is limited in capturing this dimension. In her work looking at women's narratives of maintaining desistance pathways across time and space, Österman proposes that the concept of emotional capital may be a useful addition to the desistance field in terms of acting as a tool for thinking about the extent to which emotional resources are invested in, and by, women doing and supporting desistance.⁴⁵ Reay, drawing on Nowotny's development of the social capital framework, defines emotional

40 Ibid, p.13.

41 Bourdieu, P. (1986). *The forms of capital*. Policy Press.

42 Reising, M., Holtfreter, K., & Morash, M. (2002). Social capital among women offenders: Examining the distribution of social networks and resources. *Journal of Contemporary Criminal Justice*, 18(2), 167-187.

43 Nugent, B. & Schinkel, M. (2016). The pains of desistance, *Criminology and Criminal Justice*, 16(5), 568-584

44 Wolff, N. & Draine, J. (2004). Dynamics of social capital of prisoners and community reentry: Ties that bind? *Journal of Contemporary Health Care*, 10(3), 457-490.

45 Österman, L. A. M. (2022). Longitudinal cross-national perspectives on female desistance: The role of social and emotional capitals in female narrations of maintaining change. *European Journal of Probation*, 14(1), 21-39.

capital in basic terms as the stock of emotional resources that a person holds.⁴⁶ It can be understood as a variant of social capital but, being closely linked to both emotional labour and caregiving, it can also be understood as a gendered form of capital. Emotional capital is accordingly the second theoretical mechanism we propose can be useful for the analysis of gender disparity concerning emotional investments in desistance, as it helps us to recognise, and conceptualise, how these resources are invested and spent, and the beneficiary of such. Emotional capital is suggested to be relevant for women who are desisting themselves, to understand how other gendered care roles and expectations in their immediate relations mean that their personal emotional resources can be drained, therefore limiting their capacity to desist, but extending on this, it may also be a useful tool to consider for women proximate to desistance, including practitioners.⁴⁷

Österman has identified various forms of emotional investment by women who are doing desistance themselves but simultaneously proximate to desistance through supporting men. Not uncommonly, children are highlighted as a key aspect of this, that is, women are trying to support men's straight path for the benefit of their children.⁴⁸ Often though, this comes at a cost to their own desistance resources, as exemplified by Johanna:

No ugh, I get really sad [gets teary]. I sat there and cried and felt it was just [nervous laugh], but it's so sensitive, you know, I just really want her [the daughter] to be happy. [...]. I

mean if he continues to keep doing this [visiting their daughter while taking drugs], then, then, then, why should I...I have supported him like hell, I've been there and well... yeah I've done that because, yeah so he'd be able to meet her and it should be good everything, you know, but I mean no...I mean, you can't just hold on indefinitely.⁴⁹

Stories like these are commonplace in feminist research with women.⁵⁰ The sense of responsibility of supporting a partner's desistance, and the emotional weight that such a responsibility has, is clearly highlighted in this quote. As Österman and Hall have written about previously, the problem in this context is that this type of support is commonly unilateral: it is the

women doing the supporting and others, often men, who are the beneficiaries of this support.⁵¹

Common expressions captured during the research included for example 'why can't he be the strong one for once?'. It is important to note that there are cases when the support is experienced as mutual and valuable to the woman's well-being,⁵² although they can be understood as exceptions and not the rule. Additionally, it should be stressed that reciprocity and mutual trust are key ingredients for a social relation to be defined as a capital;

a relation that can be seen as an asset to the individual in question.⁵³ For many of these women, we need to problematise the aspect of social relations versus social and emotional capital, and in doing so, recognise the unequal relations of care and investment that are being carried out in and around desistance. These aspects

Reciprocity and mutual trust are key ingredients for a social relation to be defined as a capital; a relation that can be seen as an asset to the individual in question

46. Reay, D. (2004). Education and cultural capital: The implications of changing trends in education policies, *Cultural Trends*, 13(2), 73-86.

47. Österman, L. A. M. (2022). Longitudinal cross-national perspectives on female desistance: The role of social and emotional capitals in female narrations of maintaining change. *European Journal of Probation*, 14(1), 21-39.

48. Ibid; Österman, L. A. M. & Masson, I. (2018). Restorative justice with female offenders: The neglected role of gender in restorative conferencing. *Feminist Criminology*, 13(1), 3-27.

49. Ibid, p.131.

50. Leverentz, A. M. (2006). The love of a good man? Romantic relationships as a source of support or hindrance for female ex-offenders. *Journal of Research in Crime and Delinquency*, 43(4), 459-488; Hall, L., & Harris, L. (2022). The gendered weight of desistance and understanding the 'love of a good woman': Desistance emotional work (DEW), *Probation Journal*; Barr, Ú. (2019). Desisting sisters: Gender, power and desistance in the criminal (In)justice system. Palgrave Macmillan; Österman, L. A. M. & Masson, I. (2018). Restorative justice with female offenders: The neglected role of gender in restorative conferencing. *Feminist Criminology*, 13(1), 3-27; Booth, N., Masson, I., & Dakri, F. (2023). (Wo)men in the middle: The gendered role of supporting prisoners, in I. Masson & N. Booth (Eds.) *Routledge handbook of women's experiences of criminal justice*. Routledge.

51. Österman, L.A.M, & Hall, L. (2023). Thinking about emotional work and emotional resources in women's voices in desistance and recovery. *Probation Quarterly*, 27, 26-30.

52. Hall, L., & Harris, L. (2022). The gendered weight of desistance and understanding the 'love of a good woman': Desistance emotional work (DEW), *Probation Journal*; Österman, L.A.M. & Masson, I. (2018). Restorative justice with female offenders: The neglected role of gender in restorative conferencing. *Feminist Criminology*, 13(1), 3-27

53. Rothstein B., (2005). *Social traps and the problem of trust*. Cambridge University Press

must furthermore be situated in the wider context of unpaid household and care work, which remain one of the major gender divides in the world: women carry out a minimum of two and a half times more unpaid labour in the home compared to men, propping up economies, both on micro and macro levels, across the globe.⁵⁴

In the desistance field, we need to be acutely aware and critically attuned as to whether practice reproduces existing gender inequality patterns. In DEW and emotional capital frameworks, this is about explicitly considering whether practice is placing additional patriarchal expectations on women's care in the context of supporting routes out of crime and addiction: to bring the concept of emotional capital into view may be a way of revealing and recognising the consequences of DEW. We ask practitioners to consider: Could an informal consideration of the emotional capital that is being invested and spent on an individual level help to reveal the extent of emotional expenditure that DEW demands? Could this in turn aid the identification of when this investment is experienced as reciprocated, and can therefore be strengthening, or indeed when it is in fact depleting and thus draining the woman of her emotional resources, leaving little left for her self-care and in some cases, her own desistance path? Could we also use this as a tool to explore the emotional resources that are invested in desistance through professional roles? It should be made clear that to pose these questions is not in any way about undermining women's agency, but rather, it is about leaning on mechanisms that may aid a critical reflection on aspects of caregiving, desistance support, and a lived sense of equality. In turn, we are reminded that this is set against the background that we know from previous research — that for many women, uncoupling from unhealthy and draining relations may be a supportive factor for their own desistance path.

Emotional Investments in Women's Desistance: Some concluding thoughts on DEW and Emotional Capital

The role of gender in constructions of the criminalised female, in the victimised woman, and the

professional setting for women in the field have been forcefully placed on the criminological agenda by feminists working in the area of crime and punishment over the last 50 years.⁵⁵ To bring wider processes of gender equality into view is essential for a deeper understanding of these topics. In this article, the authors have raised how gendered power relations and divisions of labour and care create an important backdrop to the specifics of desistance-related practice. While practitioners in the field may have varying experiences of observing and/or acknowledging such power dynamics in their day-to-day work, the tools that the authors offer in this article are an attempt to further make visible — and indeed normalise the questioning of — some of these patterns. On the one hand, DEW as a framework has the power to give a name to, and therefore help practitioners recognise and define the emotional work that desistance support involves and who is being asked to undertake it. Emotional capital, on the other hand, is a concept that can be used to assess the emotional weight of this work, and how it impacts on women's own resources (including helping to identify the draining versus repleting nature of such). The authors argue that combining these two theoretical mechanisms into a practical framework would go some way to ensuring that desistance practice does not further gender inequality and reproduce existing gendered expectations and behaviour that ultimately acts against women's equal chances to health, empowerment, and freedom to choose. A key part of this is to ensure that: a) women are not responsabilised for men's desistance paths, neither indirectly through internalised gendered expectations; or b) through encouragement of support specific roles within the family that are not gender sensitive; and c) that the unpaid work women do is not only recognised and assessed in term of personal costs, but also importantly, that it is valued. In essence, women should not be filling the gaps where social — and other — systems have fallen, and continue to fall, short.

54. United Nations (2023). Redistribute unpaid work. UN WOMAN. Retrieved from: <https://www.unwomen.org/en/news/in-focus/csw61/redistribute-unpaid-work>

55. Silvestri, M., & Crowther-Dowey, C. (2008). *Gender and crime – A human rights approach* (2nd Ed.). Sage Publications.

The Administrative Disenfranchisement of Prisoners in England and Wales

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Introduction

Thousands of prisoners in England and Wales are eligible to vote in elections. Remand prisoners, civil prisoners and those released on temporary licence (ROTL) or home detention curfew are all permitted to vote under certain circumstances. In practice, however, the constraints of imprisonment and the requirements of voter registration pose considerable barriers. In other words, despite having a legal right to vote, these prisoners face a significant risk of administrative disenfranchisement, also known as 'circumstantial abstentionism' (p.21)¹ and 'jail based disenfranchisement' (p.831).² The potential denial of voting rights to thousands of eligible voters is a major democratic concern with significant human rights implications.

Between 2004-17, successive court rulings found that the statutory exclusion of convicted prisoners from the electoral franchise in the United Kingdom (UK) violated the right to free and fair elections, as guaranteed under the Human Rights Act 1998 and the European Convention on Human Rights (ECHR).³ The rulings were met with protracted opposition from successive UK governments. However, the dispute was resolved in 2018 after the UK Government permitted ROTL prisoners the right to vote while outside of prison. While the voting rights of prisoners were subject to extensive litigation and parliamentary debate throughout this period, the position of prisoners who were already eligible to vote was largely neglected. To the extent that they were considered, it was widely assumed that they are able to exercise their right to

vote without any impediments. As a result, the possibility of administrative disenfranchisement was not subject to judicial or political scrutiny.

Despite this neglect, the issue has a long history in the UK. Since 1870, when the first statutory restrictions on prisoner voting were introduced, there have been multiple periods in which prisoners who formally retained their voting rights were prevented from voting by other aspects of electoral law and administration.⁴ Between 1983-2000, for example, remand and civil prisoners remained eligible to vote under the Representation of the People Act 1983, but there was no mechanism by which they could register to vote while in prison. The Representation of the People Act 2000 was designed to rectify this problem by enabling these categories to register while detained. Whether it was effective in this regard, however, has been overlooked entirely.

In this paper we underline the need for prison officials and policy-makers in England and Wales to engage once again with the risk of administrative disenfranchisement and take steps to minimise it. Public authorities have an obligation under section 6 of the Human Rights Act 1998 to respect the Convention rights of prisoners, including the right to free and fair elections. Additionally, prison authorities are required to support eligible prisoners in exercising their voting rights.⁵

These obligations are relevant to the entire prison estate, with the categories of prisoner eligible to vote in UK elections also accounting for a substantial minority of the prison population. In 2022, at least 13,719 (remand) prisoners (17 per cent) were eligible to vote in

1. Behan, C. (2012). 'Still Entitled to Our Say': Prisoners' Perspectives on Politics. *The Howard Journal of Crime and Justice*, 51(1), 16-36.
2. Paikowsky, D. (2019). Jails as Polling Places: Living Up to the Obligation to Enfranchise the Voters We Jail. *Harvard Civil Rights-Civil Liberties Law Review*, 54(2), 829-873.
3. *Hirst v United Kingdom (no 2)* (2006) 42 EHRR 41
4. House of Lords and House of Commons - Joint Committee on the Draft Voting Eligibility (Prisoners) Bill (2013). *Draft Voting Eligibility (Prisoners) Bill*. Session 2013-14, HL Paper 103 HC 924. London: Stationary Office. Available at <https://publications.parliament.uk/pa/jt201314/jtselect/jtdraftvoting/103/103.pdf>; Murray, C. (2013). A Perfect Storm: Parliament and Prisoner Disenfranchisement. *Parliamentary Affairs*, 66(3), 511-539.
5. Ministry of Justice (2020). *Restrictions on Prisoner Voting Policy Framework*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908514/restrictions-prisoner-voting-policy-framework.pdf

England and Wales.⁶ The enfranchisement of ROTL prisoners also means that almost all prisons now deal with eligible categories. In 2019, the year of the most recent general election, 113 out of 117 prisons (97 per cent) in England and Wales held at least one prisoner with the right to vote. It follows that every prison should have arrangements in place to support prisoners with voting. A projected rise in the number of prisoners in England and Wales to 106,000 by March 2027 further underlines the need to understand the extent of administrative disenfranchisement and to consider what changes need to be made to the current system.⁷

Drawing upon our recent empirical research and the wider available evidence, in this paper we explore the various ways in which eligible prisoners can be denied the right to vote. We identify a plethora of issues, including a lack of knowledge of voting rights, low literacy, the absence of data collection, inadequate facilitation and support within prisons, poor communication between services, the disruptive potential of prisoner dispersal, and a lack of clarity within the relevant rules and guidance. In light of these problems, we argue that the 2000 Act failed to deal adequately with the various ways in which administrative disenfranchisement can occur.

We then consider ways in which administrative disenfranchisement could be addressed. Given the multi-faceted, systemic nature of this problem, we consider three possible reforms: automatic voter registration for prisoners; formal information-sharing between prison and electoral services; and the introduction of electoral infrastructure within prisons, including election hustings and the 'booth and ballot' system. These wide-ranging proposals would require a mixture of legislative reforms and significant changes to prison and electoral policies. As we shall argue, however, each poses additional challenges, underlining the perniciousness of

administrative disenfranchisement in the context of the current functioning of the criminal justice system and electoral politics in the UK.

Administrative disenfranchisement

The majority of prisoners in England and Wales cannot vote. Section 3 of the Representation of the People Act 1983 states that convicted prisoners are 'legally incapable' of voting while detained in pursuance of a sentence. However, a significant minority of the prison population retain their voting rights. Remand (unconvicted / unsentenced) prisoners and those committed to prison for contempt of court or

for defaulting on fines are entitled to vote via post or by proxy. Under the terms of the 2000 Act and official guidance from the Ministry of Justice,⁸ these categories of prisoner may register to vote using their home address, the prison address, or a declaration of local connection (based on either their address prior to imprisonment or the address where they would normally be resident). Convicted prisoners released on temporary licence or subject to home detention curfew are also eligible to vote, but only while outside of prison.⁹ They cannot be released for the purpose of voting, however, nor can they register to vote using the address of the prison. Taken together, these

rules appear to engender a system of partial disenfranchisement, in which the loss of voting rights is conditional upon the imposition of a custodial sentence and confined to the period of detention.

The effects of these rules, however, are more complicated. In practical terms, partial disenfranchisement means that the geographical distribution of prisoners with voting rights is extremely diffuse. Some prisons may have several hundred eligible voters within their custody; others may hold few or

Drawing upon our recent empirical research and the wider available evidence, in this paper we explore the various ways in which eligible prisoners can be denied the right to vote.

6. Ministry of Justice (2022). *Prison Population 31 December 2022*. Offender Management Statistics Quarterly: July to September 2022. London: Ministry of Justice. Available at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-july-to-september-2022>

7. Ministry of Justice (2023). *Prison Population Projections 2022 to 2027, England and Wales*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1138135/Prison_Population_Projections_2022_to_2027.pdf

8. Ministry of Justice (2020). *Restrictions on Prisoner Voting Policy Framework*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908514/restrictions-prisoner-voting-policy-framework.pdf

9. Ministry of Justice (2020). *Restrictions on Prisoner Voting Policy Framework*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908514/restrictions-prisoner-voting-policy-framework.pdf

even none at all. The rules thus impose uneven responsibilities on prison governors and staff across the prison estate. As a result, it is likely that awareness of prisoner voting rights on the part of prison authorities, and the availability of local arrangements and processes to facilitate prisoner voting, will vary from one institution to the next. Prisons with high remand populations, including local prisons such as HMP Durham and HMP Pentonville,¹⁰ are more likely to be aware of their duties toward prisoners with voting rights than prisons with very few eligible categories of prisoner.

Despite the uneven distribution of eligible prisoners across the prison estate, however, there is no official data collection on voter registration among prisoners. As a result, electoral officials and policy-makers do not know the extent to which eligible prisoners are exercising their right to vote. This contrasts with arrangements in Scotland, where the Electoral Commission now gathers data on voter registration, following the enactment of the Scottish Elections (Franchise and Representation) Act 2020.

Nevertheless, there is now consistent evidence to suggest that most eligible prisoners are not registering to vote in England and Wales. In 2019, the Chief Executive of the Association of Electoral Administrators estimated that the numbers were 'very, very small'.¹¹ In our recent empirical study of prisoner voting rights, which surveyed over 130 electoral administrators from across the UK, we found

Voter registration applications from prisoners are extremely rare: less than a quarter (23 per cent) of the electoral administrators based in England and Wales reported that they had received an application from a prisoner.

further evidence of low participation.¹² The research revealed that voter registration applications from prisoners are extremely rare: less than a quarter (23 per cent) of the electoral administrators based in England and Wales reported that they had received an application from a prisoner. Further, all but one (97 per cent) of those respondents had dealt with just 1-5 applications during their careers as electoral administrators. Following extensive Freedom of Information requests to local authorities across the UK, we also identified just one prisoner registered to vote in 2021. These findings unequivocally point towards low levels of prisoner participation.

Understanding low participation

There are a number of factors which help to explain such low levels of participation. Some prisoners choose not to vote — what Behan calls 'voluntary abstentionism'^(p.21)¹³ — for a variety of reasons, including political apathy, civic alienation, and a lack of trust in politicians. However, eligible prisoners can also be prevented from voting in different ways. Firstly, although Ministry of Justice policy places the onus on eligible prisoners to express their desire to vote,¹⁴ research has shown that prisoners are generally unaware of their legal rights.¹⁵ Indeed, a lack of

knowledge of voting rights among prisoners has been observed by HM Inspectorate of Prisons (HMIP),¹⁶ two parliamentary inquiries¹⁷ and an academic study.¹⁸

10. 74 per cent and 75 per cent of prisoners held at HMP Durham and HMP Pentonville in September 2023 were on remand respectively. Ministry of Justice (2023). *Offender Management Statistics quarterly: April to June 2023*. London: Ministry of Justice. Available at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2023>.
11. National Assembly for Wales' Equality, Local Government and Communities Committee (2019). *Voting Rights for Prisoners Inquiry*. Evidence session on 7 March 2019 Cardiff: National Assembly for Wales. Available at: <https://record.assembly.wales/Committee/5302>
12. Jones, R., and Davies, G. (2023). Prisoner voting in the United Kingdom: an empirical study of a contested prisoner right. *Modern Law Review*, 86(4), 900-926.
13. Behan, C. (2012). 'Still Entitled to Our Say': Prisoners' Perspectives on Politics. *The Howard Journal of Criminal Justice*, 51(1), 16-36, p.21.
14. Ministry of Justice (2020). *Restrictions on Prisoner Voting Policy Framework*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908514/restrictions-prisoner-voting-policy-framework.pdf
15. Karamalidou, A. (2017). *Embedding Human Rights in Prison*. London: Palgrave Macmillan.
16. HM Inspectorate of Prisons (HMIP) (2012). *Remand Prisoners: A Thematic Review*. London: HMIP. Available at: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2012/08/remand-thematic.pdf>
17. House of Lords and House of Commons - Joint Committee on the Draft Voting Eligibility (Prisoners) Bill (2013). *Draft Voting Eligibility (Prisoners) Bill*. Session 2013-14, HL Paper 103 HC 924. London: Stationary Office; National Assembly for Wales' Equality, Local Government and Communities Committee (2019). *Voting Rights for Prisoners*. Cardiff: National Assembly for Wales. Available at: <https://senedd.wales/laid%20documents/cr-ld12550/cr-ld12550-e.pdf>
18. Dhami, M., and Cruise, P. (2013). Prisoner Disenfranchisement: Prisoner and Public Views of an Invisible Punishment. *Analysis of Social Issues and Public Policy*, 13(1). 211-227.

Even when prisoners seek to vote, they can encounter further obstacles. They may lack the necessary information and documentation for the registration process, such as their date of birth, national insurance number, a passport or driver's licence, and a fixed or regular address.¹⁹ Additionally, prisons may fail to provide the necessary support and opportunities for prisoners to register and vote. For instance, although remand prisoners are eligible to vote, a 2012 review by HMIP found that two out of five prisons visited had 'no arrangements to facilitate this entitlement'.²⁰ These difficulties are compounded by wider pressures facing electoral and prison services. While electoral administrators have had to contend with major cuts to local authority budgets, the loss of experienced staff, and high workloads,²¹ HM Prisons and Probation Service (HMPPS) saw its budget reduced by around 20 percent between 2010 and 2015, and its funding in 2022 remained 6 percent lower in real terms than in 2010-11.²² In these conditions, supporting prisoners to exercise their voting rights is unlikely to be a priority.

Our own empirical research revealed further problems in the administration of prisoner voting rights.²³ One is poor communication between electoral and prison services. We discovered that electoral administrators in England and Wales are not routinely informed when someone is placed in custody, nor are they updated following conviction or sentencing. They therefore do not know the whereabouts of eligible prisoners in the prison estate, nor can they easily determine whether a prisoner who applies to register is eligible. Almost half (41 per cent) of electoral administrators in England and Wales with experience of prisoner voting applications surveyed for the study did

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process.

not know the category of prisoner who had applied. Several also reported that their attempts to contact individual prisons to obtain necessary information ended in failure.

Another problem is establishing where a remand prisoner can be registered. Electoral law in the UK requires a person to be 'resident' at a particular address.²⁴ For this purpose, remand prisoners can use their home address, the prison address, or a declaration of local connection (based on either their address prior to imprisonment or the address where they would normally be resident). Under the terms of the 1983 Act, they should not normally be considered resident at the prison where they are held. However, a prisoner may be regarded as resident at a prison 'if the length of the period which he is likely to spend at that place is sufficient for him to be regarded as being resident there for the purposes of electoral registration'.²⁵ What constitutes a 'sufficient' period of detention, however, is not specified in the legislation. Instead, electoral administrators are required to make judgements about how long a person is likely to remain at a particular prison.

The problem of residency is compounded by the fact that prisoners, including those on remand, are often held in prisons outside of their usual constituency, with some even moved to a different prison during the course of their detention. Although the expectation is that remand prisoners will be held in a local prison while awaiting trial or sentencing, prison places are often (and increasingly) determined based on capacity and levels of overcrowding.²⁶ A recent surge in the remand population has only added to the 'capacity challenges' and placement problems faced by an 'already overcrowded prison estate'.²⁷ This situation creates

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19. National Assembly for Wales' Equality, Local Government and Communities Committee (2019). *Voting Rights for Prisoners*. Cardiff: National Assembly for Wales. Available at: <https://senedd.wales/laid%20documents/cr-ld12550/cr-ld12550-e.pdf>
 20. HM Inspectorate of Prisons (HMIP) (2012). *Remand Prisoners: A Thematic Review*. London: HMIP. Available at: <https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2012/08/remand-thematic.pdf>
 21. James, S.T. (2019). Better workers, better elections? Electoral management body workforces and electoral integrity worldwide. *International Political Science Review*, 40(3), 370-390.
 22. Prison Reform Trust (2022). *Bromley Briefings Prison Factfile: Winter 2022*. London: Prison Reform Trust. Available at: <https://prisonreformtrust.org.uk/wp-content/uploads/2022/02/Winter-2022-Factfile.pdf>
 23. Jones, R., and Davies, G. (2023). Prisoner voting in the United Kingdom: an empirical study of a contested prisoner right. *Modern Law Review*, 86(4), 900-926.
 24. Representation of the People Act 1983, s 4
 25. Representation of the People Act 1983, s 7A(2)
 26. House of Commons Justice Committee (2012). *The Budget and Structure of the Ministry of Justice. Oral Evidence*, Q121. HC 1679-ii. London: Stationary Office. Available at: <https://publications.parliament.uk/pa/cm201213/cmselect/cmjust/97/97ii.pdf>
 27. House of Commons Justice Committee (2023). *The Role of Adult Custodial Remand in the Criminal Justice System. Seventh Report of Session 2022-23*. HC 264. London: Stationary Office, p.20 Available at: <https://committees.parliament.uk/publications/33530/documents/182421/default/>

considerable uncertainty as to where a prisoner should register to vote. It can disrupt electoral correspondence, cause postal votes to be sent to the wrong addresses, and even lead to applications being rejected.²⁸

A further problem is a prevalence of incomplete or erroneous applications. Around a third of electoral administrators (36 per cent) with experience of prisoner voting applications in our study reported rejecting one or more. Although prisons are required to support prisoners with the registration process — an especially important responsibility in light of the low literacy rates among prisoners — the prevalence of rejected applications indicates that prisoners are not receiving the support which they require.^{29 30}

Finally, electoral administrators in England and Wales have expressed that the electoral rules and guidance on prisoner voting are not sufficiently clear to be interpreted and applied consistently. Several respondents questioned how the eligibility rules for ROTL prisoners could be enforced given the limited information made available to electoral administrators about prisoners' status and circumstances. Ministry of Justice policy states that prisons need to have local processes in place to allow eligible prisoners to exercise their vote. However, because individuals on temporary licence or home detention curfew may only vote while outside of prison and become ineligible to vote while in prison, it is unclear whether and to what extent the duty on prisons applies to these categories. This fluctuating eligibility creates considerable uncertainty as to the obligations of both prisons and electoral services.

To this extent, it appears that important aspects of the current prisoner franchise are likely to be enforced in unpredictable and arbitrary ways.

Challenging Administrative Disenfranchisement

The many problems outlined above show that the voting rights of eligible prisoners are at risk. Whether or not the current eligibility rules change, there is a pressing need for prison officials and policy-makers in England and Wales to engage with this risk and take active steps to minimise it. Drawing upon examples elsewhere and our own empirical findings, below we explore three possible options.

Automatic registration of prisoners

First, eligible prisoners could be automatically registered to vote upon reception into prison, unless already registered. Defined by James and Bernal as 'the direct enrolment of citizens onto the electoral register by public officials, without the need for pro-active action by citizens'³¹ automatic registration has gained support from across the political spectrum in recent years.³² In contrast to the current approach under UK electoral law, in which the onus is on eligible voters to register themselves in order to be able to vote, automatic registration would require prisoners to be treated more favourably than ordinary electors. This difference of treatment

would be justified in light of the additional risks of disenfranchisement faced by prisoners and would help to ensure equality of outcome.

Prisons are required to support prisoners with the registration process — an especially important responsibility in light of the low literacy rates among prisoners — the prevalence of rejected applications indicates that prisoners are not receiving the support which they require.

28. Jones, R., and Davies, G. (2023). Prisoner voting in the United Kingdom: an empirical study of a contested prisoner right. *Modern Law Review*, 86(4), 900-926.
29. Ministry of Justice (2020). *Restrictions on Prisoner Voting Policy Framework*. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908514/restrictions-prisoner-voting-policy-framework.pdf
30. HMIP and Ofsted (2022). *Prison education: a review of reading education in prisons*. 22 March 2022. London: HMIP. Available at: <https://www.gov.uk/government/publications/prison-education-a-review-of-reading-education-in-prisons/prison-education-a-review-of-reading-education-in-prisons>
31. James, T.S., and Bernal, P. (2020). *Is it time for Automatic Voter Registration in the UK?* York: Joseph Rowntree Reform Trust. Available at: https://www.jrrt.org.uk/wp-content/uploads/2020/04/Is_it_time_for_AVR_in_the_UK.pdf
32. Elgot, J. (2019). Labour looks at automatic registration to raise voter turnout. 11 April 2019, *The Guardian*. Available at: <https://www.theguardian.com/politics/2019/apr/11/labour-looks-at-automatic-registration-to-raise-voter-turnout>; House of Commons Political and Constitutional Affairs Committee (2014). *Voter Engagement in the UK*. Fourth Report of Session 2014–15, HC 232. London: Stationary Office. Available at: <https://publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/232/232.pdf>

For those without a fixed address, the prison could be used as the default address for registration. This could operate as an opt out scheme whereby those prisoners without a fixed address would be registered at the address of the prison unless they expressed a desire to be removed from the electoral register. While previous research has shown that prisoners may have objections to using the prison address for registration purposes, an opt out scheme would allow prisoners to avoid this problem.³³

By placing the responsibility on prison and electoral services instead of individual prisoners, automatic registration would help to address many of the issues facing eligible prisoners, including widespread lack of knowledge of voting rights, the prevalence of low literacy rates, and a lack of access to relevant information and supporting documentation.

A further advantage of automatic registration is that it can 'boost voter registration rates amongst under-registered groups' (p.5).³⁴ Although it is inevitable that some remand prisoners will be released or sentenced before the next election, it would reduce the risk of disenfranchisement in the context of increasingly uncertain and lengthy periods of remand in England and Wales. It would also help to overcome many of the barriers associated with the transfer and dispersal of eligible prisoners across the prison estate by removing the ambiguities around a prisoner's place of 'residence'.

Notwithstanding the possible benefits of automatic registration, it may prompt concerns over privacy and information safeguarding. Since automatic registration usually involves information-sharing between government departments without express consent from citizens, this could have particular implications for prisoners, who may be distrustful of prison authorities and the handling of their personal details and information.³⁵

Establishing formal information-sharing

Another option would be to establish information-sharing systems and effective channels of communication between HMPPS and electoral services. There have been repeated calls for this reform from electoral administrators in recent years.³⁶

Under such a scheme, prisons would need to record the reception of eligible voters into their custody and communicate that information to electoral administrators. They would also need to provide regular updates regarding changes to prisoners' status and placement. As the Senedd's Equality Local Government and Communities Committee proposed, a Memorandum of Understanding could be used to this effect. In Scotland, such a system has been introduced using a Service Level Agreement. As one electoral administrator explained in our empirical study,

By placing the responsibility on prison and electoral services instead of individual prisoners, automatic registration would help to address many of the issues facing eligible prisoners.

"... the Scottish Prison Service provides monthly lists to EROs [Electoral Registration Officers] of all prisoners either on remand or sentenced to less than 12 months in prison who provided a connection address and this information is used to send registration forms to the elector at their place of detention."

Such a system could be developed without the introduction of automatic registration, but the two combined may offer a stronger guarantee that eligible voters held in the prison estate are able to exercise their right to vote.

There is also precedent in attempting to tackle the impact that prisoner transfer has on eligible prisoners elsewhere. In Los Angeles County, for example, officials have devised a system to 'use a resident's booking number to distribute absentee ballots if voters are transferred to another jail facility' (p.9).³⁷ In the context of budget pressures facing electoral services, such a

33. Behan, C. (2012). 'Still Entitled to Our Say': Prisoners' Perspectives on Politics. *The Howard Journal of Criminal Justice*, 51(1), 16-36.

34. James, T.S., and Bernal, P. (2020). *Is it time for Automatic Voter Registration in the UK?* York: Joseph Rowntree Reform Trust. Available at: https://www.jrrt.org.uk/wp-content/uploads/2020/04/Is_it_time_for_AVR_in_the_UK.pdf

35. Behan, C. (2012). 'Still Entitled to Our Say': Prisoners' Perspectives on Politics. *The Howard Journal of Criminal Justice*, 51(1), 16-36.

36. Jones, R., and Davies, G. (2023). Prisoner voting in the United Kingdom: an empirical study of a contested prisoner right. *Modern Law Review*, 86(4), 900-926 National Assembly for Wales' Equality, Local Government and Communities Committee (2019). *Voting Rights for Prisoners*. Cardiff: National Assembly for Wales. Available at: <https://senedd.wales/laid%20documents/cr-ld12550/cr-ld12550-e.pdf>.

37. Porter, N. (2020). *Voting in Jails*. Washington, DC: The Sentencing Project, p.9 Available at: <https://www.sentencingproject.org/app/uploads/2022/08/Voting-in-Jails.pdf>

system would help administrators to target their resources more effectively and support initiatives to increase voter participation, including voter registration drives.

Electoral infrastructure

A third option would be to facilitate election infrastructure inside prisons across England and Wales. In other European jurisdictions, including Poland, the Netherlands, Denmark, and France, concerted efforts have been made to 'place prisoners in the same contexts as ordinary citizens' by allowing prisoners to cast their vote in a 'Booth and Ballot' system.³⁸ At the 2019 European elections, Herzog-Evans and Thomas found that this system, in enabling prisoners to be treated the same as ordinary citizens, contributed to 'significantly greater numbers of prisoners voting'.³⁹ Similarly, in Canada, which boasts some of the highest participation rates amongst prisoners, prisons host polling days 12 days before an election. Replicating this approach in England and Wales could help to enhance prisoner awareness of their voting rights and increase voter interest and engagement. This approach would also enable targeted political campaigning, such as hustings, which provide voters with further information on key campaign pledges and the policies that each candidate or party is promising to pursue. This would be particularly helpful in local prisons where a significant proportion of the population are eligible to vote.

The infrastructure within the prison could also include a designated link officer to work with prisoners and electoral administrators. Here, prison officials in England and Wales can draw upon evidence of best practice taken from elsewhere. Examples might include the United States city of Philadelphia, where responsibility for promoting 'jail voting education and registration efforts' has been handed to a designated member of staff who helps to distribute voter

information to eligible prisoners.⁴⁰ In Washington DC, the establishment of a registration programme with the support of jail staff has been used to address some of the barriers presented by poor information sharing between services. The programme has helped 'to establish an ongoing relationship between local election officials and jail staff' with the DC Board of Electors providing voter registration information and documentation to be distributed to eligible prisoners by prison staff.⁴¹

The current system of partial disenfranchisement in England and Wales may present challenges, however. Prison officials may be reluctant to take on such measures for the sake of a minority of prisoners. Further, there is little incentive for prisons with few eligible prisoners to commit the necessary resources. The extent of statutory disenfranchisement inevitably constrains how the risk of administrative disenfranchisement within prisons can be addressed.

Administrative Disenfranchisement in Wider Context

We have shown that prisoners with voting rights face a risk of administrative disenfranchisement in a multitude of ways. Prisoners' lack of knowledge of their voting rights, inadequate facilitation and support within prisons, poor communication between services, the disruptive potential of prisoner placement and transfers, and a lack of clarity

within the relevant rules and guidance all present obstacles to effective voting rights. These problems were not anticipated prior to the enactment of the Representation of the People Act 2000 — the last concerted attempt by the UK Government to address the administrative disenfranchisement of prisoners. To this extent, the legislation failed in one of its principal aims. Imprisonment, it transpires, is not conducive to the 'free expression of the opinion of the people'.⁴²

The current system of partial disenfranchisement in England and Wales may present challenges, however. Prison officials may be reluctant to take on such measures for the sake of a minority of prisoners.

38. Herzog-Evans, M., and Jérôme Thomas, J. (2020). French Prisoners Cast Their Vote in the 2019 European Elections: An Ad Hoc Analysis of Their Electoral Choices and Political Attitudes. *The Howard Journal of Crime and Justice*, 59(4): 505-530.

39. *ibid*, p.521

40. Porter, N. (2020). Voting in Jails. Washington, DC: The Sentencing Project. Available at: <https://www.sentencingproject.org/app/uploads/2022/08/Voting-in-Jails.pdf>

41. Porter, N. (2020). *Voting in Jails*. Washington, DC: The Sentencing Project. Available at: <https://www.sentencingproject.org/app/uploads/2022/08/Voting-in-Jails.pdf>

42. European Convention on Human Rights, Protocol 1, Article 3.

The problem of administrative disenfranchisement can be understood as a by-product of the present system of partial disenfranchisement. Since the majority of prisoners are still not allowed to vote, functional, system-wide administrative arrangements to facilitate prisoner voting rights remain woefully undeveloped. The threats to prisoners' voting rights also flow from a criminal justice system stymied by budget cuts, surging prisoner numbers, and staff losses. More broadly, they demonstrate the profound weaknesses of existing legal protections for prisoners.⁴³

The fragility of prisoners' voting rights is also symptomatic of a deeper democratic malaise afflicting the UK. While voter turnout is in decline and trust in politicians is at a historic low,⁴⁴ recent UK government interventions have prioritised new restrictions on voting rights and curtailed the rights of assembly and protest.^{45 46} In this climate, administrative disenfranchisement — not only of prisoners, but the wider population — is unlikely to be regarded as a priority for government ministers and officials.

But despite the pessimistic picture painted here, prisoner voting rights remain firmly on the political agenda. The Welsh Government has plans to extend

the franchise to some convicted prisoners during the current Senedd term. Meanwhile, the Scottish Government has a statutory obligation to keep its laws in this area under review.⁴⁷ The roll-out of UK-wide voter identification requirements and new electoral boundaries will also have direct implications for the voting rights of prisoners. The regulatory framework in this area therefore remains in flux.

There are also crucial steps which prison authorities can take in the short to medium term. Prison governors and designated staff can cultivate better relationships and lines of communication with their local election services. They can facilitate access to prisons for third sector organisations which can assist with voter registration processes. In particular, local prisons with a high number of remand prisoners can work with groups outside of the prison to increase awareness of voting rights and the registration process. Ahead of the general election in 2024, these prisons can also liaise with local authorities and politicians to arrange hustings and other events inside the prison, both as a means to enhance awareness of voting rights and to promote civic engagement. In the absence of further policy interventions, prisoner voting rights will remain a dead letter.

43. Armstrong, S. (2020). At Risk of Rights: Rehabilitation, Sentence Management and the Structural Violence of Prison. *Critical Criminology*, 28, 85-105; Scott, D. (2013). 'The Politics of Prisoner Legal Rights'. *The Howard Journal of Criminal Justice*, 52(3), 233-250.

44. Quilter-Pinner, H., Statham, R., Jennings, W. and Valgarðsson, V. (2021). Trust Issues: Dealing with Distrust in Politics. London: Institute for Public Policy Research. Available at: <https://www.ippr.org/files/2021-12/trust-issues-dec-21.pdf>

45. Elections Act 2022.

46. Elections Act 2022; Police, Crime, Sentencing and Courts Act 2022; Public Order Act 2023.

47. Scottish Elections (Franchise and Representation) Act 2020, s 6.

Effective Communication: The effect of Developmental Language Disorder on young people involved in the criminal justice system.

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'Effective communication underlies the entire legal process: ensuring that everyone involved understands and is understood. Otherwise, the legal process will be impeded or derailed'.¹

This article will provide an overview of the potential effect of Developmental Language Disorder (DLD) on children and young adults, who are in conflict with the law, emphasising the importance of effective communication in the criminal justice system (CJS). Despite the prevalence and impact of DLD on children having been studied in depth, little is known about its impact on young adults (aged 18 to 25 years). Showing that young adults have many of the same needs as children, this article outlines the detrimental impact that having DLD as a young person (YP) and being in contact with criminal justice agencies can have, with a particular focus on the Republic of Ireland, and indicates a possible way forward.

Why Young People?

This article seeks to outline the impact of DLD on both male and female children and young adults in the CJS, referred to collectively as 'young people' (YP). Assessing these groups collectively is in recognition of

both the scientific evidence of continued 'neurological and psycho—social development',² impacting maturation and brain development, beyond an individual's 18th birthday and the research which indicates that the pervasive language problems, experienced by children with DLD, extend into adulthood.³

Children in conflict with the law encounter a youth justice system which is often equipped with extra support and services due to their age, maturity, and irrefutable vulnerability. Upon reaching the age of maturity, young adults often lose access to appropriate support, accommodation, and interventions; often being 'overlooked because no statutory body is charged with meeting their needs — either in the criminal justice system or elsewhere'.⁴ Young adults are gaining recognition as a unique cohort with needs that are distinct from both children and adults. This cohort often has the needs of children but is given the consideration and services of adults due to their chronological age. Continued growth as an extension of puberty is almost unanimously agreed to extend into an individual's third decade of life.⁵

Emerging adulthood relates to 'development for the period from late teens through twenties, with a focus on ages 18-25'.⁶ This theory encapsulates the development, including the continuous brain development, encountered by young adults between the ages of 18 to 25 years; it is distinct from both

1. Judicial College. (2018, March 2). *Equal treatment bench book*. Judicial College. <https://www.judiciary.uk/wp-content/uploads/2018/02/equal-treatment-bench-book-february-2018-v5-02mar18.pdf>
2. Ward, J., & Spence, R. (2022). Criminal court sentencing: The case for specialist 'Young adult' courts. *British Journal of Criminology*, 10, p.2.
3. Dubois, P., St-Pierre, M., Desmarais, C., & Guay, F. (2020). Young adults with developmental language disorder: A systematic review of education, employment, and independent living outcomes. *Journal of Speech, Language, and Hearing Research*, 63(11), 3786-3800.
4. Barrow Cadbury Commission (2005). *Lost in Transition: a report of the Barrow Cadbury Commission on Young Adults and the Criminal Justice System*. London: Barrow Cadbury Trust, p.15.
5. Nelson, L. J. (2021). The theory of emerging adulthood 20 years later: A look at where it has taken us, what we know now, and where we need to go. *Emerging Adulthood* (Thousand Oaks, CA), 9(3), 179-188.
6. Arnett, J. J. (2000). Emerging adulthood: A theory of development from the late teens through the twenties. *American Psychologist*, 55, p. 469.

adolescence and young adulthood. Arnett's theory of emerging adulthood is now largely considered to be a new life stage. The theory was built around the knowledge that the average brain is not fully developed until well into the 20s.⁷ Nelson revisited the theory in 2020 and expanded its findings drawing on advances in research made over the previous 20 years. The adolescent brain does not cease to mature at the age of 18 years but instead continues into an individual's third decade of life.⁸ The prefrontal cortex keeps developing during young adulthood, with an increase in the production of myelin. The cortex is responsible for regulating our actions, comprehension, and problem solving, with myelin being necessary for control of impulses.⁹ There is also evidence of the continued region-specific growth of the corpus callosum through young adulthood; the fibres which connect the two hemispheres of the brain, enabling signals to be efficiently transmitted through the brain.¹⁰ With so many pivotal cerebral functions still developing during young adulthood, it must be taken into account that behaviours and responses may be reflective of the continuing development. This highly-transformative phase of brain development which extends into an individual's 20s is only beginning to be considered as such in the eyes of the law.

What is DLD?

In 2017, recognising the lack of consensus in terms of terminology used to describe various speech, language, and communication needs (SLCN), a panel of 57 experts, led by Dorothy V.M. Bishop, utilised the Delphi method to come to a consensus on the appropriate terminology.¹¹ DLD is classified as persistent language difficulties which affect the individual's everyday functioning and have no known biomedical

aetiology. When a potentially associated condition such as autism is also present, the term 'language disorder associated with [condition]' is used. As it is not caused by other medical conditions such as hearing loss, physical impairment, autism, severe learning difficulties, or brain injuries, it is often masked by the individual or goes undiagnosed. The lack of knowledge surrounding the disorder and its inconspicuous nature often render the condition difficult to identify, potentially leaving those that are in contact with a person with DLD unaware of its presence and unable to make the necessary adjustments.

What does DLD look like?

DLD can affect a person in numerous ways. The Irish Association of Speech and Language Therapists (IASLT) categorised the weaknesses often experienced by those with DLD as morpho-syntax (how language is used to convey meaning), vocabulary (the words used), phonology (how language sounds), and pragmatics (the context and interpretation of language).¹² There is no exhaustive list of the ways in which DLD may impact on expressive and receptive language skills. It may cause an individual to experience an

The cortex is responsible for regulating our actions, comprehension, and problem solving, with myelin being necessary for control of impulses.

unfamiliarity with vocabulary and phrasing including figurative and non-literal speech, a difficulty comprehending long passages of speech, a difficulty retaining and recalling information, a difficulty following instructions and understanding what is being asked of them, a lack of the concept of time and sequences of events, a difficulty repairing misunderstandings, and a difficulty constructing sequential narratives. These issues often result in an inappropriate attitude when communicating. Pragmatic difficulties are potentially the most deceptive. An

7. Nelson, L. J. (2021). The theory of emerging adulthood 20 years later: A look at where it has taken us, what we know now, and where we need to go. *Emerging Adulthood (Thousand Oaks, CA)*, 9(3), 179-188.

8. Giedd, J. N. (2004). Structural magnetic resonance imaging of the adolescent brain. *Annals of the New York Academy of Sciences*, 1021(1), 77-85.

9. Johnson, Sara B., Ph.D., M.P.H, Blum, Robert W., M.D., Ph.D & Giedd, J.N., M.D. (2009) Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy. *Journal of adolescent health*, 45(3), 216-221.

10. Blakemore, S. & Choudhury, S. (2006) Development of the adolescent brain: implications for executive function and social cognition. *Journal of child psychology and psychiatry*, 47(3-4), 296-312.

11. Bishop, D. V. M., Snowling, M. J., Thompson, P. A., Greenhalgh, T., Adams, C., Archibald, L., Baird, G., Bauer, A., Bellair, J., Boyle, C., Brownlie, E., Carter, G., Clark, B., Clegg, J., Cohen, N., Conti Ramsden, G., Dockrell, J., Dunn, J., Ebbels, S., . . . and the CATALISE-2 consortium. (2017). Phase 2 of CATALISE: A multinational and multidisciplinary delphi consensus study of problems with language development: Terminology. *Journal of Child Psychology and Psychiatry*, 58(10), 1068-1080.

12. Irish Association of Speech and Language Therapists (IASLT) (2017), *Supporting Children with Developmental Language Disorder in Ireland*. <https://www.iaslt.ie/documents/public-information/>

individual may develop their expressive and receptive language skills over time but still struggle with using their language skills in an appropriate way according to the social setting they find themselves in. Additionally, pragmatic deficits can become exacerbated when the person is in 'high stress, unfamiliar, or socially complicated situations'.¹³

How Prevalent is DLD?

Estimates of the prevalence of DLD in the general population range from 6 per cent to 12 per cent.¹⁴ The IASLT estimate that there are 70,000 children in the Republic of Ireland with DLD.¹⁵ There is a growing body of literature which evidences the disproportionate number of YP who come into conflict with the CJS and have a DLD, whether diagnosed officially or displaying indicators of the presence of the disorder. Communication issues were first identified as being highly prevalent among high-risk adolescents by Cozad and Rousey; of the 300 boys and girls that were tested, 58 per cent showed evidence of a speech disorder.¹⁶ Research since then has consistently identified 'young offenders as a population that is high-risk for clinically significant, yet unidentified language impairments' such as DLD.¹⁷ Winstanley et al. published the first study on the relationship between identified DLD and offending in a UK context in 2018, finding that the high instance of language difficulties experienced by young adults in the CJS have gone unrecognised and, therefore, unsupported.¹⁸ Although there is no consensus, due to methodological limitations, on the prevalence of DLD among young offenders, with estimates ranging from 50 per cent to 87 per cent, even the lower bound contrasts starkly

Communication issues were first identified as being highly prevalent among high-risk adolescents by Cozad and Rousey; of the 300 boys and girls that were tested, 58 per cent showed evidence of a speech disorder.

with the 6 per cent to 12 per cent of the general population who are affected.

Winstanley et al. found that DLD was a powerful predictor of recidivism, above and beyond other known risk factors; young offenders with DLD were 'at least twice as likely to reoffend as their peers without a DLD'.¹⁹ The 2021 study sampled 145 YP from five local community youth offending services in the Northwest of England, 112 of whom were male. Adversity scores for each YP were constructed from available youth justice records which included data on standardised scores of language ability (The Wechsler Abbreviated Scaler of Intelligence Performance subscale) and IQ (Clinical Evaluation of Language Fundamentals). 60 per cent of the sample were deemed to have a DLD. A survival analysis was then conducted to establish the differences between the sampled YP with and without DLD. 46 per cent of the sample reoffended within one year, the mean time to next offence was 33 weeks. The cumulative incidence of reoffending within one year of the YP's court date varied by cohort; 62 per cent incidence (53) among those with a DLD and 25 per cent incidence (14) for those without a DLD. This recidivism measure was elected as it was deemed to be a more robust measure than arrest, and the data could be reliably collected. No significant gender difference was detected.

Does DLD Co-occur with Certain Behaviour?

Özcebe et al. conducted a comparative analysis of 68 Turkish children with and without DLD and found that children with DLD have significantly higher scores for various social, emotional, and behavioural (SEB) issues, including aggressive behaviours. The article

13. LaVigne, M. & Van Rybroek, G.J. (2011). Breakdown in the Language Zone: The Prevalence of Language Impairments among Juvenile and Adult Offenders and Why it Matters. *UC Davis Journal of Juvenile Law and Policy*, 15, p.59.
14. Chow, J. C., Wallace, E. S., Senter, R., Kumm, S., & Mason, C. Q. (2022). A systematic review and meta-analysis of the language skills of youth offenders. *Journal of Speech, Language, and Hearing Research*, 65(3), 1166-1182.
15. Irish Association of Speech and Language Therapists (IASLT) (2017). *Supporting Children with Developmental Language Disorder in Ireland*, Dublin: IASLT. <https://www.iaslt.ie/documents/public-information/>
16. Cozad, R., & Rousey, C. (1966). Hearing and speech disorders among delinquent children. *Corrective Psychiatry & Journal of Social Therapy*, 12(3), 250-255.
17. Snow, P. C., Sanger, D. D., Caire, L. M., Eadie, P. A., & Dinslage, T. (2015). Improving communication outcomes for young offenders: A proposed response to intervention framework: Improving communication outcomes for young offenders using an RTI framework. *International Journal of Language & Communication Disorders*, 50(1), p.2.
18. Winstanley, M., Webb, R. T., & Conti Ramsden, G. (2018). More or less likely to offend? Young adults with a history of identified developmental language disorders. *International Journal of Language & Communication Disorders*, 53(2), 256-270.
19. Winstanley, M., Webb, R.T. & Conti Ramsden, G. (2021). Developmental language disorders and risk of recidivism among young offenders. *Journal of Child Psychology and Psychiatry*, 62(4), p. 396.

offers three potential explanations for the co-occurrence: language difficulties may be a risk factor for behavioural problems, behavioural problems may interfere with the development and acquisition of language abilities, and the association between behaviour issues and language difficulties may stem from shared aetiologies or co-occurring risk factors.²⁰ In 2021, Goh et al. conducted a study which investigates the relationship between SEB difficulties and language ability. The study found the relationship to be stronger among those with lower language abilities and acknowledged that the co-occurrence between clinical language disorders, such as DLD, and SEB difficulties is amplified. Furthermore, the study found that children with DLD have higher rates of behavioural and emotional disorders later in life.²¹ Chow also found that language skills were a predictor of emotional, behavioural, and psychosocial outcomes; 'in a society in which successful interactions involve language, prosocial behavior, and successful communicative skills, children who struggle with language or problem behaviors are already at a disadvantage'.²² The association

between communication disorders and SEB issues becomes more pronounced as adolescence progresses and young adulthood is entered.²³ Although the majority of the research is focused on childhood DLD, the communication disorder extends into adolescence and adulthood, with many continuing to experience difficulties into adulthood.²⁴ A systematic review conducted by Dubois et al. focused on specific

difficulties experienced by young adults with DLD and highlighted the longitudinal research indicating that children with DLD persist to have difficulties into adulthood.²⁵

Four Stages of the Criminal Justice System

A CJS is a web of individuals and institutions which 'involves a range of high-stakes situations that rely upon the application of language skills'.²⁶ Contact with the system will see an individual placed in many situations that require effective language skills, the success of which will directly impact the outcome for the YP.²⁷ The justice system in the Republic of Ireland can be broken into four stages where barriers are experienced by a YP with DLD, three of which are identified by the scoping review carried out by Sowerbutts et al., namely pre-conviction, peri-conviction and post-conviction; the fourth and final stage is post-release.²⁸ These are now considered in turn.

Pre-conviction

In the pre-conviction stage, a YP may experience an encounter with the police, through an arrest or a caution, and a subsequent interview in a police station. Snow and Powell view this process as a 'vicious cycle' where the YP may not give an adequate response to questions resulting in increased questioning, therefore amplifying the experience of duress which may increase the barriers faced.²⁹ Successful cooperation with law enforcement

In a society in which successful interactions involve language, prosocial behavior, and successful communicative skills, children who struggle with language or problem behaviors are already at a disadvantage.

20. Özcebe, E., Noyan Erbas, A., & Karahan Ti rak, T. (2020). Analysis of behavioural characteristics of children with developmental language disorders. *International Journal of Speech Language Pathology*, 22(1), 30-36.
21. Goh, S. K. Y., Griffiths, S., Norbury, C. F., & the SCALES Team. (2021). Sources of variability in the prospective relation of language to social, emotional, and behavior problem symptoms: Implications for developmental language disorder. *Journal of Abnormal Psychology*, 130(6), 676-689.
22. Chow, J. C. (2018). Comorbid language and behavior problems: Development, frameworks, and intervention. *School Psychology Quarterly*, 33(3), p.356.
23. Curtis, P. R., Frey, J. R., Watson, C. D., Hampton, L. H., & Roberts, M. Y. (2018). Language disorders and problem behaviors: A meta-analysis. *Pediatrics (Evanston)*, 142(2), 1-14.
24. Lemos, C. d., Kranios, A., Beauchamp-Whitworth, R., Chandwani, A., Gilbert, N., Holmes, A., Pender, A., Whitehouse, C., & Botting, N. (2022). Awareness of developmental language disorder amongst workplace managers. *Journal of Communication Disorders*, 95, 106165.
25. Dubois, P., St-Pierre, M., Desmarais, C., & Guay, F. (2020). Young adults with developmental language disorder: A systematic review of education, employment, and independent living outcomes. *Journal of Speech, Language, and Hearing Research*, 63(11), 3786-3800.
26. Anderson, S. A. S., Hawes, D. J., & Snow, P. C. (2016). Language impairments among youth offenders: A systematic review. *Children and Youth Services Review*, 65, 195-203.
27. Cronin, P., & Addo, R. (2021). Interactions with youth justice and associated costs for young people with speech, language and communication needs. *International Journal of Language & Communication Disorders*, 56(4), p.797.
28. Sowerbutts, A., Eaton-Rosen, E., Bryan, K., & Beeke, S. (2021). Supporting young offenders to communicate in the youth justice system: A scoping review. *Speech, Language and Hearing*, 24(2), 87-104.
29. Snow, P. C., & Powell, M. B. (2005). What's the story? an exploration of narrative language abilities in male juvenile offenders. *Psychology, Crime & Law*, 11(3), 239-253.

at this early stage is pivotal for the outcome. In the Irish context, Part 6 of the Children Act 2001 indicates that this encounter should be 'in a manner and in language that is appropriate to the age and level of understanding of the child'. This interaction may necessitate YPs to process language quickly, understand their rights, understand police questioning and the implications of their answers, provide appropriate responses, recall events sequentially, provide detailed and consistent narratives, understand figurative language, and seek clarification if they do not. All elements of this stage require a high level of linguistic dexterity and comprehension — skills that people with DLD may lack.

Peri-conviction

During the second stage, peri-conviction, a YP will need to effectively communicate with their legal representative in anticipation of a court hearing and may then experience courtroom interactions. Communication barriers at this stage may have a negative impact on the perception of the YP and negatively influence the decision made in the courtroom. An attorney-client relationship requires the YP to communicate a consistent and coherent narrative; these narrative skills may not be sufficient in those with DLD. In order to construct a defence, the legal representative will need the YP to assist by engaging in conversation, answering questions, understanding outcomes, making informed decisions, and articulating their emotional states. Before entering a courtroom, the YP needs to be able to seek clarification from their legal representatives if needed and contextualise the abstractions of a legal system. The Equal Treatment Bench Book highlights the potential for communication difficulties in courtroom environments; 'explanations or comments from lawyers and judges may not be properly understood...This may lead to miscommunication...Judges must be alive to this, and be prepared to adjust or ameliorate their approach as often as is required'.³⁰

The nonverbal communication in a courtroom can also be a barrier; the credibility of the YP can hinge on pragmatic skills, adapting their communication to suit the courtroom environment, and appearing remorseful through their tone, body language, and facial expressions.

Akin to the potential difficulties of the pre-conviction phase, the peri-conviction phase demands multiple receptive and expressive language skills in order for the YP to engage in the process.³¹ Courtroom proceedings may necessitate the YP to respond to a lengthy line of questioning, where the questions often contain multiple parts, and to pay attention for long periods of time. The questioning process can also require an individual to understand legal jargon, process language quickly, respond adequately, and provide answers consistent with the narrative previously provided. The nonverbal communication in a courtroom can also be a barrier; the credibility of the YP can hinge on pragmatic skills, adapting their communication to suit the courtroom environment, and appearing remorseful through their tone, body language, and facial expressions. Expressing remorse involves a high level of pragmatic skills, often lacking in those with DLD.

Post-conviction

In this stage, the YP will be sent along one of several pathways, typically: custody; probation, including offending behaviour or rehabilitative programmes; education or training settings; restorative justice projects; or youth projects. In the various institutions and settings, the YP will need to master specialised vocabulary and terminology, interact with figures of authority assigned to their supervision, follow new routines and conditions, comprehend oral commands, understand the consequences of not following the rules or abiding by the conditions, and understand their rights. Many offending behaviour interventions and restorative justice programmes hinge on communication skills, requiring the YP to express their feelings and undergo a transformation of thought in order to complete the programme. Those with DLD may struggle with the skills highlighted in this post-conviction phase. There is scope for existing interventions and programmes to be amended or re-designed to cater for YPs who may have

30. Judicial College. (2021, February). *Equal treatment bench book*. Judicial College. <https://www.judiciary.uk/wp-content/uploads/2021/02/Equal-Treatment-Bench-Book-February-2021-1.pdf>, p.316.

31. Sowerbutts, A., Eaton-Rosen, E., Bryan, K., & Beeke, S. (2021). Supporting young offenders to communicate in the youth justice system: A scoping review. *Speech, Language and Hearing, 24*(2), 87-104.

reduced communication skills. In England and Wales, the HM Prison and Probation Service have accredited programmes and interventions specifically for those with learning disabilities and challenges, e.g., Becoming New Me+ and New Me Strengths. Adaptations such as reduced session length, recorded scripts, visual material as an alternative to the usual textual context, and adapted language according to readability scales, such as the Wechsler Abbreviated Intelligence Scale (WASI).

Post-release

This article proposes a fourth stage in addition to the three identified by Sowerbutts et al. and in response to the Winstanley et al. research on the risk of recidivism among YP in contact with the CJS with DLD. This relates to post-release and the barriers faced by YPs as they experience a transition from a custodial to a non-custodial setting. Barriers faced at this stage can have a profound impact on the likelihood of reoffending or desistance. Winstanley et al. found that 'young offenders with DLD are more than twice as likely to reoffend than their unaffected offending peers'.³² The incidence of reoffending was 62 per cent in the DLD group and 25 per cent in the non-DLD group. They concluded that DLD is a dominant predictor of recidivism, and that their experience and engagement post-release is paramount to the future of the YP.

A re-entry into the community after imprisonment or involvement in the CJS is a dynamic process influenced by individual characteristics, relationships, community contexts, and state policies. This process is shaped by a multitude of aspects including the YP's offending history, substance abuse history, skillset, work experience, health, attitude, and personality traits.³³ To complete a successful transition back into a community, the YP is required to rebuild relationships which may have broken down or been lost while they were involved with the CJS. The YP also needs to adjust to new surroundings and a new routine, requiring flexibility, adaptability, and self-regulation. This

transition calls for a high level of communication with aftercare supports, friends and family, and the community at large; the effectiveness of the communication is imperative to increase the likelihood of the YP desisting from crime. Once again, the skills required to enable this stage of the CJS to be successful may be lacking in those with DLD.

Critical Issues

This article identifies three overarching, critical issues that arise from the communication barriers encountered by YP with DLD in the CJS. These are legislative compliance, adjudicative competence, and dialogic legitimacy.

Legislative Compliance

If the presence of a DLD hinders a YP's communication, engagement, and access to the criminal justice process, then we must question if the human rights of that YP are being met and if there is full compliance with the relevant legislative obligations. Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) affords children the right to participation. This underpins their involvement in and experience of all aspects of society, including the youth justice system. The CJS relies heavily on communication

through language. In order to participate in the youth justice system, a child must engage in the process. The level of engagement a child or young adult has with their criminal justice journey has an irrefutable impact on the outcome for that YP. Without comprehension of the process, a YP's view cannot be properly expressed and therefore are not taken into account during the criminal justice process. The Lundy Model of Child Participation operationalises Article 12 of the UNCRC. Developed to aid educational practitioners, it identifies four steps to realising a child's right to participation: space, voice, audience, and influence. Lundy highlights the importance of 'a level of understanding and preferred ways of communicating' in achieving participation.³⁴

A re-entry into the community after imprisonment or involvement in the CJS is a dynamic process influenced by individual characteristics, relationships, community contexts, and state policies.

32. Winstanley, M., Webb, R. T., & Conti Ramsden, G. (2021). Developmental language disorders and risk of recidivism among young offenders. *Journal of Child Psychology and Psychiatry*, 62(4), p.396.

33. Visher, C. A., & Travis, J. (2003). Transitions from prison to community: Understanding individual pathways. *Annual Review of Sociology*, 29(1), 89-113.

34. Lundy, L. (2007). 'Voice' is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), p.937.

All interactions and communication within the youth justice system in the Republic of Ireland are regulated by the Children Act 2001. Eight clauses of the Act address language and communication with the YP; 'in a manner and in language that is appropriate to the age and level of understanding of the child'.³⁵ While there is provision to tailor communication to meet the 'level' of understanding of the child, there is no measure for an assessment of what that 'level' is; an undiagnosed DLD may not be apparent to legal professionals. The Lundy Model of Child Participation needs to be further implemented at each of the four stages of the CJS to ensure a child's right to participation is being met.

Although there are explicit regulations regarding tailoring communication to meet the level of understanding of the child, the equivalent for young adults is difficult to identify. Young adults are not afforded the same level of statutory protections and mechanisms for scrutiny as children in terms of their understanding of and engagement with the CJS. Articles 6 and 7 of the United Nations Declaration of Human Rights afford everyone the right to recognition and equality before the law. Article 6(1) of the European Convention on Human Rights and Fundamental Freedoms (ECHR) guarantees a right of access to the courts and a right to a fair hearing. For a YP to be recognised equally before the law, to be able to access justice and to be able to have a truly fair trial, participation and engagement are paramount; processes for which communication is the cornerstone.

Adjudicative Competence

Defined as 'the ability to understand and appreciate the nature of the proceedings and the ability to assist one's counsel', a YP must be able to comprehend courtroom proceedings to achieve adjudicative competence.³⁶ This is an essential element of the right to a fair trial and due process. Much research addresses the relationship between competency to stand trial and the capacity of the YP in

terms of age, maturity, mental capacity, and intellectual or physical impairment but often neglects to consider communication abilities. Grisso et al. highlight the effect that comprehension and communication skills can have on a YP's adjudicative competence.³⁷ With the high prevalence of DLD among YP in conflict with the law, and the negative impact that DLD can have on their ability to understand the peri-conviction stage of the CJS, the adjudicative competence of this cohort cannot be presumed. Future research which assesses the capacity of a YP to go before a court must not limit capacity to maturity, mental health, and disability or impairment but also extend the concept to the language and communication abilities of the YP.

Dialogic Legitimacy

Bottoms and Tankebe make the case for a 'dialogic model of legitimacy, meaning 'claims to legitimacy by power-holders and responses by audiences'.³⁸ This concept can be applied to procedural justice in the CJS. Procedural justice can be defined as the perceived fairness of decision-making procedures and the treatment the individual receives at the hands of the decision-maker which will influence the degree of belief in the legitimacy of the decision-making authority or institution.³⁹ By thinking about the

There is no measure for an assessment of what that 'level' is; an undiagnosed DLD may not be apparent to legal professionals.

interactions between actors of the justice system through the 'dialogic' legitimacy lens, we can consider the interactions more critically and thoroughly. It must be noted that a language and communication barrier can occur in both directions of the dialogue without the presence of DLD. For example, while legal terminology used by the legal professional may not be understood by the YP, colloquial phrases used by the YP during testimony may not be understood by the legal professional. Research in this domain must consider the placement of blame, whether the onus is on the legal professional or the YP to ensure legitimate dialogue, or if the onus is shared. If communication and comprehension are compromised by the presence of DLD, then we cannot ensure that the procedural rights of the YP are being met. If a sentence rationale is

35. Sections 57 and 39.4; 82.5; 88.4; 116.2; 144; 179.3; 207.5a.

36. Cunningham K. A. (2020). Advances in juvenile adjudicative competence: A 10-year updated. *Behavioral Sciences and the Law*, 38, p.407.

37. Grisso, T., Steinberg, L., Woolard, J., Cauffman, E., Scott, E., Graham, S., Lexcen, F., Reppucci, N. D., & Schwartz, R. (2003). Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. *Law and Human Behavior*, 27(4), 333-363.

38. Bottoms, A., & Tankebe, J. (2012). Criminology: Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *The Journal of Criminal Law & Criminology*, 102(1), p.120.

39. Tyler, T. R. (1990). *Why people obey the law*. New Haven: Yale University Press.

communicated but not comprehended, the minimum threshold of procedural justice cannot be met and therefore, the dialogue is not legitimate.

In response to the issues surrounding legitimacy of courtroom dialogue and procedure, recommendations are emerging for the establishment of a distinctive young adult court. In 2015, The Transition to Adulthood Alliance and The Centre for Justice Innovation produced a report recommending the adaptation of the 'standard adult court process' when dealing with young adults to enhance communication and improve procedural fairness.⁴⁰ The report outlined the need for the language, setting, and process to be more conducive to engagement for the young adult cohort. Echoing the recommendations of the 2015 report, Ward and Spence detailed the need for a specialised court which would be tailored to reduce the barriers of engagement and participation for young adults, fostering enhanced communication and enhancing the fairness of the judicial process for a cohort with distinctive needs.⁴¹ In England and Wales, young adults are afforded different treatment to adults in the Court of Appeal. Rooted in the decision made in the leading case of Clarke⁴², the differentiated approach for this cohort is in recognition of the cliff edge effect of turning 18 in the criminal justice system, the cohort's immaturity and continued development and diminished culpability.⁴³

A Way Forward?

By implementing screening and assessment, increasing assistance, and adjusting practice mechanisms and techniques, we can move towards removing some of the barriers faced by those with DLD and towards communicating more effectively with YP at all four stages of the CJS. Among workplace managers, awareness of DLD is lower than that of other disorders such as autism and Attention Deficit Hyperactivity Disorder (ADHD), findings which may be similar for certain institutions of the CJS.⁴⁴ With the

prevalence of DLD shown to be between 50 per cent and 87 per cent of YP who are in conflict with the law, implementing specific training for actors involved in the CJS is pivotal to catering for the varying difficulties experienced by those with DLD. This increased awareness is undoubtedly the first step in the process of this way forward.

Systematic Screening and Assessment

Although there are regulations that require communications to meet the level of understanding of the child in the Irish youth justice system, there is no provision for an assessment of what that 'level' is. By introducing routine screening by CJS professionals and subsequent assessment by speech and language therapists (SLTs) of YP involved in the justice system, language disorders such as DLD may be identified. If CJS actors are aware of the presence of a DLD, they can tailor their communication accordingly at each of the four stages of the CJS. Criminal justice actors and legal professionals cannot be expected to gauge the 'level' of communication difficulties a YP requires; an undiagnosed DLD may not be apparent. However, utilising the available resources to increase awareness and to screen for DLD may reduce the barriers faced by the YP and increase the effectiveness of communication.

The organisation DLD and I provide an infographic on how to identify a DLD regardless of a person's qualification. The organisation also has compiled a list of language screeners for school environments that are available, ranging from clinical evaluation screening tools (administered by a qualified SLT) to more simplistic mini screening tools.⁴⁵

The Royal College of Speech and Language Therapists (RCSLT) suggest the use of the AssetPlus Screening Tool and the Comprehensive Health Assessment Tool (CHAT) by CJS agents to screen for DLD. Unlike in England, where children receive a screen of their SLCN in justice agencies, the Republic of Ireland does not systematically screen children or young adults.

Utilising the available resources to increase awareness and to screen for DLD may reduce the barriers faced by the YP and increase the effectiveness of communication.

40. Thomas, J. & Estep, B. (2015). *Young Adults in Court: Developing a Tailored Approach*. UK: Centre for Justice Innovation.

41. Ward, J., & Spence, R. (2022). Criminal court sentencing: The case for specialist 'Young adult' courts. *British Journal of Criminology*, 10, 1-17.

42. R v Clarke [2018] EWCA Crim 185.

43. R v Clarke [2018] EWCA Crim 185.

44. de Lemos, C., Kranios, A., Beauchamp-Whitworth, R., Chandwani, A., Gilbert, N., Holmes, A., ... & Botting, N. (2022). Awareness of developmental language disorder amongst workplace managers. *Journal of Communication Disorders*, 95, 106165.

45. Hogan, T. (2023). *A Call for School-Based Language Screenings*. DLD and Me. <https://dldandme.org/school-language-screening/>

Identification of the potential presence of a DLD, resulting in a potential diagnosis by a SLT, may empower a YP to become aware of the accommodation they require and may prevent them from having to mask their difficulties and avoid situations. This initial screening and subsequent assessment will also allow for the further integration of the Lundy Model of Child Participation to ensure the right to participation is being met. Cronin and Addo affirm that the identification of SLCN can instigate the change process through treatment and result in a change in the offending trajectory of those YPs.⁴⁶

Assistance

Communication assistants, also referred to as registered intermediaries, can facilitate effective communication. The trained facilitator is made available during legal proceedings to support the person 'to understand information and to make informed decisions'.⁴⁷ Originating in England and Wales, the provision is becoming increasingly popular with New Zealand, New South Wales, Northern Ireland, and the Republic of Ireland also adopting versions of the role. Assistants are predominately SLTs but the role specification differs in each jurisdiction. While New Zealand intends registered intermediaries

to be utilised at the peri-conviction stage of the CJS, mainly during courtroom proceedings, Northern Ireland specify the availability of registered intermediaries for communication assistance during both the pre-conviction and peri-conviction stages. While the provision of communication assistance often extends to witnesses (England and Wales, and the Republic of Ireland), there are two jurisdictions that currently offer the assistance to defendants also: New Zealand and Northern Ireland. A strong argument can be made for the wider extension of communication assistance to YP as both witnesses and defendants; both parties have equal rights of access to justice and both voice is of equal importance in the peri-conviction stage of the

CJS. The article also advocates for the extension of the communication assistance provision beyond the first two stages of the CJS. The need for assistance for YP with SLCN such as DLD extends into the post-conviction and post-release stages of the system, with equal relevance and necessity.

Another provision which may increase the level of assistance afforded to those with DLD in the CJS is the statutory availability of SLTs. As highlighted by the IASLT in their 2020 submission to the New Youth Justice Strategy, there is currently no official provision for SLTs in the Irish CJS. Providing an SLT in the CJS process could enhance the identification of DLDs, assist all agencies involved in the system, including the YP and their families, to adapt their practice to facilitate communication between the parties, support a YP during the aforementioned four stages, and provide support for the YP to navigate their difficulties.⁴⁸

Adjusting Practice

Although increasing awareness of DLD along with provisions for screening, assessment, and assistance is undoubtedly necessary to reduce barriers in the CJS, the practical adjustments in ways that we communicate with YP with DLDs is paramount. Due to the high prevalence of communication difficulties such as DLD among YP in the CJS (estimates ranging

from 50 per cent to 87 per cent), this article advocates for the consideration of an overall adjustment of the approach to practice when working with YP in the CJS, as opposed to establishing practice adjustments only to be applied when a DLD is suspected or diagnosed. By setting the default approach to practice to respond to the needs of those with DLD or lower communication skills, the risk of missing the presence of a DLD is mitigated and the approach would be more responsive to the overall needs of the cohort.

Sowerbutts et al. propose some practical tips for actors when interacting with YP with DLD; the use of the past tense when explaining past events, the exchange of legal terminology for simpler terms, and

Potential diagnosis
by a SLT may
empower a YP to
become aware of
the accommodation
they require and
may prevent them
from having to
mask their
difficulties and
avoid situations.

46. Cronin, P., & Addo, R. (2021). Interactions with youth justice and associated costs for young people with speech, language and communication needs. *International Journal of Language & Communication Disorders*, 56(4), 797-811.

47. Kearns, Á., Clarke, D., Cusack, A., Gallagher, A., Humphreys, J., Kedge, S., & McKee, A. (2022). Intermediaries in the justice system for people with communication disability: Enacting sustainable development goal 16 in Ireland, Northern Ireland, and New Zealand. *International Journal of Speech Language Pathology*, ahead-of-print, p.2.

48. Reynolds, M., Bradley, P. & Henderson, K. (2020, June) IASLT – Consultation On The Development Of A Youth Justice Strategy. <https://www.iaslt.ie/advocacy/youth-justice-strategy-consultation/>

the adoption of a tool such as The Box, an e-learning tool for professionals working in the youth justice system.⁴⁹ LaVigne and Rybroek advocate for the training of legal professionals to enable them to retool their own language and approach to client conversations.⁵⁰

There are various international organisations dedicated to supporting people with SLCN and DLD including ICAN UK, RADLD, Afasic, The DLD Project Australia, and DLD and Me. Informed by the recommendations made by these various organisations, this article establishes that there are two areas of practice where strategies could be implemented to reduce barriers faced by YP with DLDs: language strategies and environmental strategies. These examples of strategies for adjusting practice are intended to be operationally relevant for CJS agencies and professionals.

Choosing vocabulary that is familiar to YP is the first step in adapting language strategies to cater for this cohort. Language must be plain, offering synonyms when explaining a concept or giving an instruction. A helpful tool can be to find links between words that the YP already knows when explaining something which may be unfamiliar to the YP. Instructions should be given in an active, clear, explicit, and direct manner, avoiding the passive voice, multi-part sentences, abstract concepts, and jargon. Electing vocabulary and sentence structure that is appropriate should be informed by frameworks and platforms such as Blank's Levels of Questioning and the Plain English Campaign.⁵¹ The font and layout of written information should be considered, electing a large font size and a simple font such as Arial or Comic Sans. Written information

should be reproduced in alternative formats with the addition of definitions for more difficult words and concepts. The alternative formats can include mind maps, images, infographics, audio recordings and icons.

Creating an environment conducive to effectively communicating is also paramount and there is scope for practical amendments to the various CJS environmental strategies. Accommodating language processing by facing the YP, ensuring you have their attention when communicating, modulating your voice, allowing extra time between instructions and questions, reducing your pace of speaking, and balancing the amount of information given per discussion to avoid the potential of information overload. Additional environmental strategies include choosing to communicate in a space which has minimal auditory clutter and is familiar to the YP, avoiding binary and leading questions when assessing if the YP understands an instruction or conversation, and creating opportunities for the YP to express themselves and ask questions.

Acknowledging the high prevalence of DLD among both children and young adults in contact with the CJS, this article highlights the four stages of the CJS where barriers are experienced by a YP with DLD. Arising from these stages of effect are overarching issues: legislative compliance, dialogic legitimacy, and adjudicative competence. Through increased awareness and training, systematic screening and assessment, increased provisions for assistance, and adjusting default practice, a way forward is possible and more effective communication may be realised in the CJS for YP with DLD.

49. Sowerbutts, A., Eaton-Rosen, E., Bryan, K., & Beeke, S. (2021). Supporting young offenders to communicate in the youth justice system: A scoping review. *Speech, Language and Hearing, 24*(2), 87-104.

50. LaVigne, M. & Van Rybroek, G.J. (2011). Breakdown in the Language Zone: The Prevalence of Language Impairments among Juvenile and Adult Offenders and Why it Matters. *UC Davis Journal of Juvenile Law and Policy, 15*, 37-124.

51. Blank, M., Rose, S. A. & Berlin, L. J. (1978) *The Language of Learning: The Preschool Years*. Plain English Campaign. <https://www.plainenglish.co.uk/>

Invisible Women: Understanding women's experiences of long-term imprisonment

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Emily Evison is the Policy and Programme Officer for the Prison Reform Trust, and policy lead for women.

To be seen but not heard

To be seen but not heard,

To respect but disrespected back,

'What's your name Miss? Can you tell me your number?'

'Where's your ID card? Do you live here? What spur?'

To be seen but not heard,

To be challenged but not answer back.

'We're going to do a full search, have you got anything on you that you shouldn't have?'

Stand here miss, that's it take your top off, remove your bra.

Now the bottom half, yes, your knickers as well.

Show the soles of your feet, can you stand legs apart and squat.'

To be seen and not heard.

'Who's stupid? Look where you are.'

Disregarded, downgraded, seen as nothing more than a number,

Not a person, not even a human.

A prisoner name, number.

Treated unfair, unjust

Nothing more, nothing less.

'What's your name? What's your number?'

'You know my name and you people gave me the fucking number!'

(Katie)

Introduction

Building Futures (BF) is the Prison Reform Trust's (PRT) five-year, lottery-funded programme focused on the experiences of people serving long prison sentences.¹ The rationale for the programme relates to concerns about the significant increase in the number of people serving very long prison sentences. This article focusses on the experiences of women serving long prison sentences — including life sentences, Imprisonment for Public Protection (IPP) sentences and Extended Determinate Sentences (EDS) — and the impact that the sentence has had on them.

A core principle of the BF programme is collaboration with long-term prisoners. The programme aims to provide long-sentenced prisoners with a platform for self-advocacy through consultation, research, and opportunities for leadership. The programme created the 'Building Futures Network', which is now made up of over 500 individuals with direct experience of long-term imprisonment across 77 prison establishments. Members of the BF Network directly respond to and inform the policies and debates that impact them. The aim is to initiate policy change from within the system by shedding light on the true, human cost of long-term imprisonment.

The programme has also established a number of 'Building Futures Working Groups'. These groups support long-term, in-depth collaboration with prisoners. Established in eight key prison sites across the country since early 2021; the working groups meet regularly to discuss the programme's progress, identify priorities, and contribute to relevant policy developments.

Invisible Women is a key component of the BF programme and focuses on the experiences of women serving sentences of over eight years in custody. Following the publication of the first Invisible

1. See <https://prisonreformtrust.org.uk/project/building-futures/>

2. Invisible Women examines the experiences of people serving long-term sentences in women's prisons. While the vast majority of contributors identify as women, three are transgender men.

Women briefing in November 2021, BF have now developed Working Groups in HMPs Low Newton, Bronzefield, and Send and expanding the BF Network means BF now have over 60 people in women's prisons collaborating on this work.² BF have also recruited a woman with experience of a life sentence who is now in the community to further improve the focus on the experiences of long-term prisoners post-release.

What matters to women serving long-term sentences?

'Lifers just become soulless.' (Sophia)

Through facilitating monthly working groups in each of the three prisons, BF have developed an ongoing dialogue with the women about what matters to them. A combination of localised problems and more widespread issues were identified, with overlap between the issues faced by women at different establishments. Many voiced concerns about the 'invisibility' of women serving long sentences, identifying the need for more gender-specific approaches in this area:³

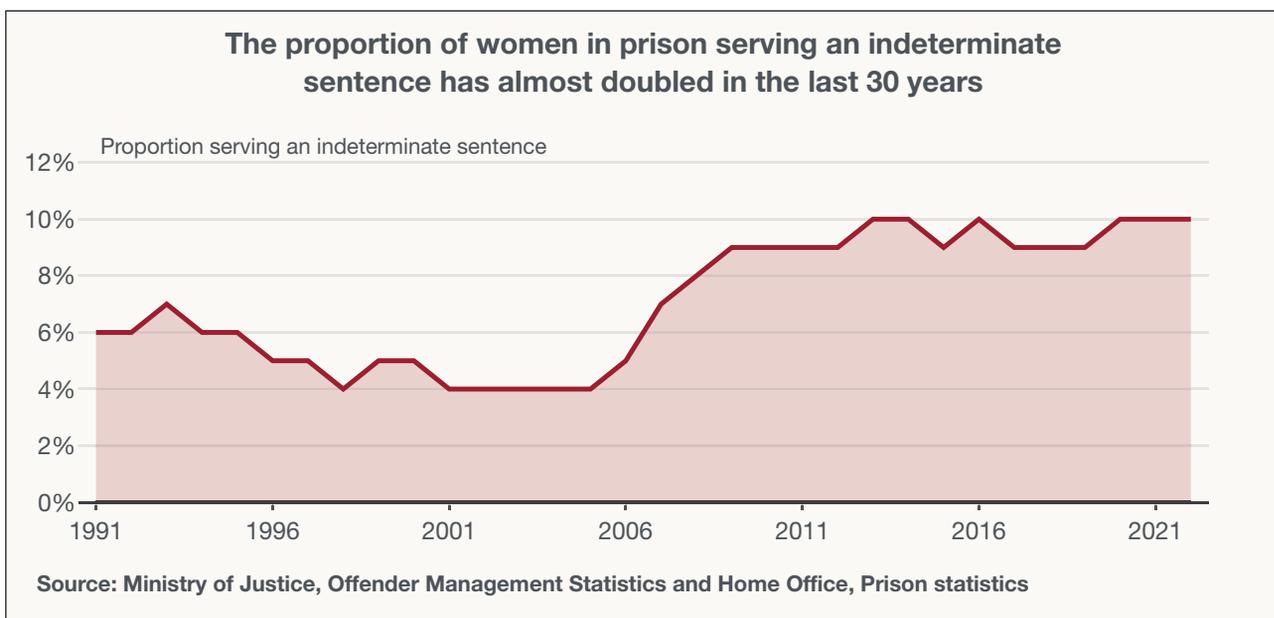
'Lifers are the grey part of the population, they're just background noise.' (Lucy)

The majority of women BF spoke to as part of this work appeared deeply aware that they are in a minority, with most of the people they live alongside serving much shorter sentences. They report feeling 'trapped and powerless' and 'tormented' and have talked extensively about having to find ways of coping with minimal support. Working group members identified significant areas that they believe are relevant to improving the experiences of people serving long sentences in women's prisons. Awareness of women's health issues, health care provision and staff-prisoner relationships have been raised time and time again as areas of concern. Overwhelmingly, the women speak of a lack of hope: the sentences they are serving are so long that they struggle to envisage a life outside of prison.⁴ The ways prisons can foster hope amongst this population has been a topic of conversation throughout this work.

These women want to be part of the solution. They want to take an active role in creating solutions to the problems they identify, even if not for themselves, then for those who will come after them.

The context

As noted in the first Invisible Women briefing, more women than ever are being sentenced to serve indeterminate sentences. In the last thirty years, the number of women serving an indeterminate sentence has grown from 96 in 1991, to 370 in June 2022.⁵



3. Zehr (1996) referred to women serving life sentences as 'an invisible entity': Zehr, H. (1996). *Doing Life: Reflections of Men and Women serving Life Sentences*. Good Books.
 4. This links to our Building Futures primary research, which will explore hope and meaning amongst long-sentenced prisoners. This work is currently going through ethical clearance.
 5. Table 1.9a. Ministry of Justice. (2022). *Offender management statistics quarterly: January to March 2022*. and Table 5.1. Home Office. (2003). *Prison statistics England and Wales 2001*.

As of December 2022, there were a total of 40 women in custody serving Imprisonment for Public Protection (IPP) sentences. This includes 12 women who have never been released and a further 28 women who had been recalled.⁶

Most of the women we are working with are serving some form of indeterminate sentence (mainly IPP and life sentences), meaning their release will depend on meeting the requirements of the Parole Board. All indeterminately sentenced prisoners are given a tariff, indicating the minimum number of years they must serve in custody before release can be considered. Despite the IPP sentence being abolished in 2012, there are still nearly 3000 people in prison on this sentence.⁷ Nearly all (97 per cent) of IPP prisoners still in prison have passed their tariff expiry date and, in 608 cases, people have been in prison for more than a decade beyond their original tariff expiry date.⁸ In September 2022, the Justice Select Committee published a report of its inquiry on IPP sentences. Its main recommendation was for the government to establish an expert committee to consider options for resentencing people serving IPP sentences.⁹ The government has since responded to the committee's report and has rejected this recommendation.¹⁰ The establishment of an expert committee would have provided an opportunity to begin a process that could have addressed the many practical complexities related to resentencing that the committee acknowledged. The government's blanket refusal to do so is incredibly disappointing. Pressure organisations (including the Prison Reform Trust and UNGRIPP) will continue to advocate to persuade a future justice secretary of the need for a better response to the committee's proposals.¹¹

Most of the women we are working with are serving some form of indeterminate sentence (mainly IPP and life sentences), meaning their release will depend on meeting the requirements of the Parole Board.

Additionally, recent research has shown that at least 109 women were given long or life sentences under joint enterprise laws despite often being marginal to the violent event, not being at the scene or, in the majority of cases, never having engaged in any physical violence, the effect of which is discussed in previous research.¹²

The pains of long and indeterminate sentences

During our discussions in the working groups, three main aspects of long-term imprisonment were identified which relate to the specific pains of indeterminate imprisonment. These areas are uncertainty, distance from home and illegitimacy.

Uncertainty

For many people, the very nature of indeterminate sentences brings distress and frustration. Research has documented that the psychologically damaging nature of indeterminate sentences can leave prisoners in a 'fog of uncertainty about the basic terms of their captivity'.¹³ Not having a set release date means many live in a heightened level of anxiety for much of their time in prison, unable to plan for the future or envision their release.¹⁴ Women serving IPP sentences have noted

the pains of indeterminate imprisonment create a sense of hopelessness, injustice and unfairness.¹⁵ The women in the working groups echoed some of these worries, discussing the stress and frustration of not having a set release date:

'People deserve to be punished but I believe the sentences are far too high especially if you haven't even had a caution before. I don't

6. Table 1.9a. Ministry of Justice. (2022). *Offender management statistics quarterly*: April to June 2022.

7. See footnote 6.

8. Prison Reform Trust. (2022). *Prison: The Facts*.

9. Justice Committee. (2022). *IPP Sentences*. (HC 2022-23)

10. Justice Committee. (2023). *IPP sentences: Government and Parole Board Responses to the Committee's Third Report*.

11. For more information see <https://www.ungripp.com/post/raab-fails-to-deliver-justice-on-ipp-a-cowardly-and-ineffectual-act> and <https://prisonreformtrust.org.uk/prt-comment-governments-response-to-ipp-sentence-report-wholly-inadequate/>

12. Clarke, B., & Chadwick, K. (2020). *Stories of Injustice: The criminalisation of women convicted under joint enterprise laws*. Manchester Metropolitan University.

13. Crewe, B. (2011). *Depth, weight, tightness: Revisiting the pains of imprisonment*. *Punishment & Society*, 13(5), 509–529.

14. Crewe, B., Hulley, S., & Wright, S. (2017). Swimming with the Tide: Adapting to Long-Term Imprisonment. *Justice Quarterly*, 34(3), 517–541.

15. Smart, S. (2018). *Too many bends in the tunnel? Women serving Indeterminate Sentences of Imprisonment for Public Protection – what are the barriers to risk reduction, release and resettlement?* The Griffins Society.

even know how long I'll be in prison; they could just keep me here forever.' (Alice)

Distance from home

The struggle of maintaining contact with children is one of the most distressing elements of long-term imprisonment for women.¹⁶ Previous research has identified that the loss of contact with family and friends affects women serving life sentences more than their male counterparts, primarily because women have far more limited support networks.¹⁷ In practical terms, women are often held far away from their home towns, with a significant number being held more than 100 miles from home.¹⁸ The pains of being separated from family and children are exacerbated by the indefinite length of time they will be held in prison, with no set date when they will be able to return home to their loved ones. The damage to family relationships was often discussed by the women:

'I don't even know my family. My niece only knows me as a voice at the end of the phone. She keeps asking when I'm coming to see her, I just keep saying 'soon'.' (Katie)

Legitimacy

A number of those BF are working with were convicted under joint enterprise.¹⁹ These women talk about additional issues surrounding the legitimacy of their conviction and sentence. This experience has been noted in previous research, particularly in relation to women who were in abusive or coercive relationships with male co-defendants and therefore felt unable to intervene when the offence took place.²⁰ In cases such as this, women often see their sentences as illegitimate.²¹ This was discussed in the working groups, with the women noting that being labelled as someone who has committed murder was particularly hard to bear.

'My kids are victims; my mum's a victim and I was just at the wrong place at the wrong time.' (Amy)

'I am 20 years old, and I have been in prison since I was 18. I got convicted of murder on the basis of Joint Enterprise, together with my ex-boyfriend. I was not at the scene when the incident took place, and I was only 17. However, I am now serving a 16-year life tariff.' (Demi)

Demi spoke of this as a 'repeated trauma'. As a woman with a history of abuse and trauma, being convicted of a murder she did not physically commit and exposed to the prison environment from such a young age has caused extreme distress:

'When I first got found guilty, I didn't come out of my cell for 4 months unless it was to shower or eat. Instead, I spent my time self-harming, writing suicide letters and planning ways in which I could kill myself... My mental health was severely damaged. I was surrounded by loud noises, fights, violence, other women's trauma, self-harm and disgusting conditions. I started wondering...whether I'd ever be able to find someone to love me whilst being labelled a murderer; whether I'd get ill or get a deadly disease and die in prison...or whether I'd be able to just get on with it and accept I'd have to spend half of my life in prison or just kill myself in order to avoid being a burden on my family and escape the uncertainty and further trauma awaiting me.' (Demi)

Hope

'It will be truly tragic if our hope for living goes. Every day feels like a fight to keep that hope going.' (Sophia)

Overwhelmingly, conversations in the working groups centred on the ability to maintain a sense of hope despite the circumstances they are faced with. The sheer length of these sentences means that large portions of

16. See Prison Reform Trust. (2021). *Invisible Women: Understanding women's experiences of long-term imprisonment*.

17. See footnote 14.

18. Lord Farmer. (2019). *The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime*. Ministry of Justice.

19. Joint enterprise (JE) is a set of legal principles grounded in common law and originating from Victorian times, allowing for the collective punishment of multiple defendants for a single offence.

20. Hulley, S., Crewe, B. & Wright, S. (2019) Making Sense of 'Joint Enterprise' for Murder: Legal legitimacy or instrumental acquiescence. *British Journal of Criminology*, 59, 1328–1346.

21. Hulley, S. (2021) 'Defending 'Co-offending' Women: Recognising Domestic Abuse and Coercive Control in 'Joint Enterprise' Cases Involving Women and their Intimate Partners.' *The Howard Journal of Crime and Justice*, 60(4), 580–603.

women's lives will be spent in prison, away from their loved ones. Many feel 'lost in the wilderness' (Barbara) and are conscious that 'the support network you have at the start, you're very unlikely to have at the end or even in the middle' (Alice).

As noted in the recent Building Futures progression consultation (which focuses on the experiences of male prisoners), protracted periods of 'nothing time' seem to characterise long-term imprisonment for many.²² BF have heard that this can also be the case for those serving long sentences in the women's estate. Hope seems to be inextricably linked with one's ability to plan for the future. When progression is lacking, hope for the future can quickly dissipate.

'My experience of prison is that you are not progressing with a long sentence, you are existing where every day is very much the same. I have my family outside who are serving a sentence of their own missing me. I also think of the victim's family too who have lost a loved one.' (Alice)

Rather than actively working towards progression or release, some of the women feel unable to maintain hope, with many living the sentence day-by-day and avoiding reminders of what they have lost:

'There is nothing in here for me. It's about survival.' (Sophia)

Health

'I feel like I'm being punished for my poor health' (Amira)

The ambition of the National Prison Healthcare Board (2019) is that prison health care is equivalent to the health care people in the general population receive.²³ In practice however, issues with overcrowding, staffing, funding and the prioritisation of the security function impacts health care delivery in prison.²⁴ Many women enter prison in poor health and, in comparison to men, disclose significantly more mental health needs.²⁵ In 2017, the Independent Advisory Panel on

Deaths in Custody noted that a reduction in staffing levels was a significant factor in the rise in deaths of women in prison. In recent years, the Covid-19 lockdowns have exacerbated existing problems within prisons, increasing the damage prison causes to women's health and well-being due to restrictions in access to physical and mental health services.²⁶

In comparison to our work with people serving long sentences in men's prisons, concerns about physical and mental health were raised much more often by the women. Many suggested that prison health care is insufficient and lacking. Concerns about diet, access to exercise, proper health care services, and the potential for long-term health problems to go untreated mean many spend a lot of time worrying about their health. The women recognise that the fact they are exposed to insufficient health care facilities for such extensive lengths of time means their concerns are felt more acutely.

'We are imprisoned as punishment. Our liberty is taken as the form of punishment. I don't remember the judge saying 'oh and by the time you leave you will either be morbidly obese, suffering serious health problems, osteoporosis, diabetes or a combination of some or all due to the appalling diet you will be forced to eat'!' (Amelia)

'Short-termers may have health problems, but they know they're going home — they can get help when they get out. We are stuck and left to deal with it by ourselves.' (Amira)

Additionally, some women suggested there is not enough recognition of the link between physical and mental health, particularly in relation to the stress and anxiety caused by physical health problems:

'They don't see the link between physical health and mental health. They were asking me stuff about my childhood and that wasn't the problem. I know my physical health problems are having a psychological impact.' (Amira)

As this quote demonstrates, there seems to be a lack of joined-up care between health care and mental

22. Prison Reform Trust. (2022). *Making Progress? What progression means for people serving the longest sentences.*

23. National Prison Healthcare Board. (2019). *National Prison Healthcare Board Principle of Equivalence of Care for Prison Healthcare in England.*

24. Nuffield Trust. (2021). *How Prison Healthcare in England Works.*

25. Independent Advisory Panel on Deaths in Custody. (2017). *Preventing the Deaths of Women in Prison – initial results of a rapid information gathering exercise by the Independent Advisory Panel on Deaths in Custody.* https://www.basw.co.uk/system/files/resources/basw_74854-8_0.pdf

26. Howard League for Penal Reform. (2022). *Inquiry into women's health and well-being in prisons.*

health services. Many noted that worsening physical health is closely linked with declining mental health. This is particularly the case for those facing many more years in custody, as their ability to progress and actively engage in the risk reduction process (including offending behaviour programmes and psychological interventions) may be hampered by poor health.

'They just don't care. It's like they are quickening my death.' (Mandy)

Linked to this are concerns that staff fail to take their health problems seriously. Mandy also felt she had to 'beg staff to have a bit of compassion' and others were fearful that their poor health would only worsen during the sentence:

'I asked a nurse where her compassion is, the nurse responded 'this is why I am this side of the hatch and you are the other'.' (Sophia)

'I've come to the conclusion that because my diabetes is not monitored properly, I will probably lose a limb in prison. I came in when I was teenager, how do you think that makes me feel?' (Amira)

For those women with serious health concerns, the constant worrying about health issues felt like a secondary form of punishment. A large proportion of the women had real concerns about whether they would be healthy, able-bodied, or still be alive by the time they are due to be released.

'My biggest fear is that I will die in prison.' (Amira)

Women's health problems

As a result of the length of time they will spend in prison, the women are also concerned about their reproductive health, particularly in relation to cervical screening and menopause. A number of the women BF

noted they had not had appointments for cervical screening or breast examinations, with one woman telling us she only had an examination after repeatedly pursuing the issue herself at appointments with the doctor.

'I've been in for nearly 8 years and I've never had a smear test.' (Ava)

In recent years, conversations surrounding reproductive health — in particular cervical screening and menopause support — have arisen in public discourse, with a large number of businesses introducing education and support resources for the first time.²⁷ This does not seem to be the experience of

the women we have spoken to; the majority were still struggling to access appropriate and effective support while in prison.²⁸

'Many of the young girls in here don't know what a smear test is. They need support and guidance, especially when they will be here for a long time.' (Ava)

'Access to information around age-related medical conditions, such as menopause...osteoporosis.' (Amelia)

In 2018 Public Health England put forward gender specific standards for women in custody, in relation to improving health and wellbeing. A number of the recommendations are aimed at improving the experiences of women going through menopause while in custody, including proper access to hormone therapy treatment, physical activity that is focused on strengthening bones and sharing information regarding lifestyle choices to improve symptoms.²⁹ Using Mandy's example below, it seems that support for these issues is still lacking:

'They sent round some information about the symptoms of menopause, I've got every single one. I've been asking for support for 6 months, I've just heard nothing.' (Mandy)

For those women with serious health concerns, the constant worrying about health issues felt like a secondary form of punishment.

27. In June 2022, the Civil Service became the largest organisation to sign the Menopause Workplace pledge: <https://www.gov.uk/government/news/civil-service-becomes-largest-organisation-to-sign-menopause-workplace-pledge>

28. The Bangkok Rules: Rule 18. "Preventive health-care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community". https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf

29. Public Health England. (2018). *Gender Specific Standards to Improve Health and Wellbeing for Women in Prison in England*.

The women spoke of staff not knowing how to support them. This relates to gender-specific language and treatment, which can be an issue when staff have transferred to women's sites having worked in the male estate for a number of years. One male officer, when overhearing a discussion amongst the group about menopause noted that he 'just doesn't think about this stuff'. One of the women in the group responded by saying 'in all seriousness, that is probably because you are a man.'

'We're a female establishment, they just don't do enough in terms of female provision. Sometimes knowledge is power.' (Naomi)

Staff-prisoner relationships

Each of the working groups noted the power staff have in defining their experiences of long-term imprisonment. If staff are motivated, caring and understanding, prisoners feel supported and able to approach staff with any issues they have. If staff are dismissive or rude, prisoners are much less likely to want to engage:

'I always ask what made [a new officer] want to work here. They often shrug and say, 'I don't know' or 'to pay the bills', and I just think 'wrong answer mate.' (Maggie)

Many could give examples of individual members of staff showing care and compassion in times of need, but most conversations surrounding staff focused on officers not understanding the specific pains of long-term imprisonment. Dehumanising language was regularly raised as an issue, with one woman noting 'that's the problem with prison, they forget we're human' (Barbara) and another saying, 'I've heard comments like 'it's time to let the animals out' (Abi). When staff speak this way, it reinforces feelings of helplessness.

There were also some examples of staff — male staff in particular — exploiting their power. As noted by Demi, sometimes treatment lacks respect and dignity.

'Going through the prison system after being failed severely by the care system is a repeated

trauma. I'm now 20 years old, and I have served 2 ½ years. I'm now in a place where I get stripped of my dignity on a daily basis, a place where male officers take advantage of their power and think it's okay to flirt with you or perv on you, a place where the only escape is drugs and self-harm, a place where there's no privacy, no structure or consistency, and a place where we are being degraded and humiliated.' (Demi)

There have been discussions around how staff can encourage good behaviour, and when staff exhibit unfair or discriminatory behaviour, it only adds to the broader sense of injustice. Group members expressed how they can learn behaviours from staff in both positive and negative ways:

'If we see you acting correctly, we're going to follow that. If we see you acting aggressively, how are we ever going to change?' (Abi)

'There's obviously banter with staff — and sometimes that is nice — but often they take it too far. I asked them to stop and they won't...they keep going until I'm in tears. The rules and boundaries definitely only go one way.' (Amber)

Some behaviour from staff seems to directly oppose what women serving long sentences are learning in offending behaviour programmes, particularly in relation to proper communication and respect. This is relevant for those who are doing courses aimed at them finding a voice to speak up for themselves in constructive and respectful ways.

'We're told we have to do these courses to help us find our voice and then officers just try to diminish us.' (Amira)

'I've heard them say 'they're residents, they're going to lie.' (Naomi)

'They've got this monstrous power...we are vulnerable.' (Sophia)

Some behaviour from staff seems to directly oppose what women serving long sentences are learning in offending behaviour programmes, particularly in relation to proper communication and respect.

Many women referred to a lack of targeted support from staff in their times of need. They noted that staff often fail to recognise the unique difficulties faced by those serving long, indeterminate sentences. The majority suggested targeted training for staff would be of huge benefit. Some staff fail to understand the impact of these sentences, with many at a loss in terms of how to provide support. This seems to be felt most acutely amongst those convicted under Joint Enterprise and those who are maintaining innocence:

'One officer said to me: 'even if you did say you were guilty, I wouldn't know what to do with you'.' (Barbara)

'I'm working on being violent when I've got no history of violence...but listening to other people talk about [their violence] is trauma. I have no support.' (Amy)

BF have seen that the implementation of the Offender Management in Custody (OMiC) model varies across the women's estate.³⁰ An integral part of the OMiC model is the keyworker scheme, which assigns a prison officer to each prisoner to offer guidance and support throughout their sentence.³¹ Contact with keyworkers varies amongst the women we have spoken to, with some seeing their keyworkers weekly and others not even knowing who their keyworker is. Those earlier in their sentence tended to speak more positively about the keyworker scheme, with examples of holistic support through the early days of their sentence. Others, particularly those further along the sentence, have seen no benefit from the implementation of the keyworker scheme:

'This is when I need a keyworker most. I'm currently hanging by a thread and I have no one to talk to.' (Abi)

'I don't see OMiC or my keyworker because I don't kick up a fuss. I'm used to being left out by now.' (Amber)

For those serving such long sentences, when staff fail to make an effort to get to know the prisoners they are working with, it can make their imprisonment more distressing.

What can be done?

Some of the women were keen to identify potential solutions to some of these problems, which primarily focused on finding ways to spend their time more constructively.³² Having a reason to get up in the morning or having something to look forward to is key:

'A lot of time that you spend in there is just seen as you [are] treading water, but for anyone it also has to be purposeful or what's the point in getting up in the morning.' (Lucy)

'Let us do something purposeful so we can pay our way in society rather than society paying for us.' (Mary)

Activities that were able to offer something out of the ordinary, create a sense of personal development, or improve links with family were crucial. One resident in Bronzefield told us about helping to develop a creative therapy group, which aims to help residents feel proud of

themselves through painting, poetry, music, and other artwork.

'If you can go somewhere and do something in this place and feel proud, that's where the hope is.' (Alex)

These activities helped them and others to cope with their sentence and foster a sense of hope. One woman spent time working in the gardens in prison and felt that this opportunity was integral to her coping with the sentence:

'I found purpose in work in the gardens, it was like there was healing in the soil.' (Lucy)

An integral part of the OMiC model is the keyworker scheme, which assigns a prison officer to each prisoner to offer guidance and support throughout their sentence.

30. Ministry of Justice & HMPPS. (2018). *Manage the Custodial Sentence Policy Framework*.

31. Prison Reform Trust. (2018). *Offender Management in Custody (OMiC)*.

32. The majority of purposeful activity in women's prisons is tailored towards women serving short sentences, meaning provision for those serving long sentences is lacking. HM Chief Inspector of Prisons. (2020). *Annual Report 2019–20*.

Additionally, a number of working group members said an opportunity to share guidance and advice with people entering custody on a long sentence would be beneficial, noting that this type of peer support is lacking.

'[We could be] coming back into prisons as mentors for others, going to schools and children's homes to talk to those that could end up in prison. Support centres for those who may find themselves struggling.' (Mary)

'Let us do something purposeful so we can pay our way in society rather than society paying for us.' (Mary)

The desire to feel they were giving something back felt important both in respect to helping others and in creating a sense of purpose. The women were acutely aware of the length of time they are going to be in prison, but many suggest being involved in rewarding activities can make a significant difference in how they cope with their sentences.

Conclusion

The experiences of women involved in this programme highlight the need for more gender-specific provision for women serving long sentences. The women felt their pains of long-term imprisonment were not fully understood by prison staff, governors, and the wider prison system.

Three key themes; hope, health and staff relationships were dominant. Many of the women were anxious about their health, particularly in relation to how exposure to prison environments for such long periods of time impacted their physical, mental, and emotional health. Specific concerns relating to reproductive health indicated that not enough is being done to support women who go through physiological changes during their sentence.

The majority of the issues highlighted by the women could be improved through more staff training,

focussing on working with those serving long sentences. Involving long-sentenced women in drafting what this training might look like seems to be an obvious opportunity.

From working with the women to identify the issues that matter most to them, BF have made recommendations to policymakers in the hope of improving the experiences of women serving long sentences below.

Recommendations

1. HMPPS should produce training tools for all staff working with long-term prisoners in women's prisons. Women with direct experience of long-term imprisonment should be consulted with throughout the production.
2. HMPPS should adhere to expectations set out by Public Health England in their 'Gender specific standards for health and wellbeing for women in prison in England'. Particular attention should be given to Standard 1.9 in relation to offering all eligible women screening and health checks within the appropriate interval.
3. The National Women's Prisons Health and Social Care Review should recognise the specific experiences of all women in prison, including long-sentenced women.
4. Prison governors should prioritise women specific health issues and, where possible, should involve women in developing resources.
5. Prisons should provide meaningful opportunities for women further along their sentence to support those entering custody. For instance, through a properly implemented peer support system.
6. Prison governors should facilitate regular groups with long-sentenced prisoners for example 'lifer groups'. These groups should be a forum where women can raise issues relating to their experience and discuss possible prison specific solutions.

Measuring the Impact of Perceived Occupational Adversity on the Wellbeing of Community Corrections Professionals: International Findings

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Despite historical evidence regarding the significant challenges faced by those working in corrections,² it is only within the last decade that empirical attention has been directed toward gaining a greater understanding of the wellbeing of these “invisible victims” of the justice system.³ Given the overwhelming evidence on the psychological issues (e.g., stress, trauma, anxiety, depression) and negative organisational outcomes (e.g., absenteeism, presenteeism and staff retention) associated with being a prison officer, it is unsurprising that initial research focussed specifically on this cohort.⁴ As a result of these studies, a number of insights into prison officer wellbeing have been identified including the importance of empirically documenting perceptions of occupational adversity and the use of coping mechanisms as an adaptive response to the daily challenges of the profession.⁵

Although the above findings have led to the development of evidence-based wellbeing training

programmes for prison officers,⁶ there has been comparatively little empirical attention paid to extending this work to other corrections-based professionals. One group which has been particularly overlooked are Community Corrections Professionals (CCPs), defined as those who are actively involved in frontline efforts relating to “managing, assisting and reintegrating individuals who have committed an offence and have either been released from prison, are on parole, probation or community orders” (e.g., parole officers, probation officers, community corrections officers, forensic case management workers, youth justice workers, client transition staff).⁷ The lack of wellbeing research aimed at gaining a more comprehensive understanding of this group of professionals is especially puzzling given empirical evidence that, like prison officers, they experience significant job-related psychological impacts.⁸ For example, a recent study on probation and parole officers in the United States identified a variety of mental health and emotional issues faced by this

1. The authors wish to thank the community corrections professionals who gave their time to assist in our understanding of this important issue. We also wish to acknowledge the support of the Singapore Prison Service as well as the Australian Community Support Organisation (ACSO) for their continued involvement in research related to staff wellbeing. Questions regarding this article may be addressed to the first author at: jpfeifer@swin.edu.au
2. See e.g., Cheek, F.E., & Miller, M. (1983). The experience of stress for correction officers: A double-bind theory of correctional stress. *Journal of Criminal Justice*, 11, 105-120; Grossi, E., & Berg, B. (1991). Stress and job dissatisfaction among correctional officers: An unexpected finding. *International Journal of Offender Therapy and Comparative Criminology*, 35, 73-81; Triplett, R., Mullings, J.L., & Scarborough, K.E. (1996). Work-related stress and coping among correctional officers: Implications from organizational literature. *Journal of Criminal Justice*, 24, 291-308.
3. Lahm, K. F. (2021). An exploration of correctional officer victimization. In R. Blasdel, L. Krieger-Sample & M. Kilburn (Eds.), *Invisible victims and the pursuit of justice: Analyzing frequently victimized yet rarely discussed populations* (pp. 63-86). IGI Global.
4. Lambert, E.G., Edwards, C., Camp, S.D., & Saylor, W.G. (2005). Here today, gone tomorrow, back again the next day: Antecedents of correctional absenteeism. *Journal of Criminal Justice*, 33, 165-175; Trounson, J. S., Pfeifer, J. E., & Critchley, C. (2016). Correctional officers and work-related environmental adversity: A cross-occupational comparison. *Applied Psychology in Criminal Justice*, 12, 18-35.
5. Trounson, J. S., Pfeifer, J. E., & Skues, J. L. (2019). Perceived workplace adversity and correctional officer well-being: Examining the impact of officer response styles and identifying implications for training. *Journal of Forensic Psychiatry & Psychology*, 30, 17-37.
6. Evers, T., Ogloff, J.R.P., Trounson, J. & Pfeifer, J.E. (2020). Wellbeing interventions for correctional officers in a prison setting: A systematic review. *Criminal Justice and Behavior*, 47, 3-21.
7. Connop-Galer, T., & Pfeifer, J.E. (2020). The psychological wellbeing of frontline community integration officers: Where we are and what needs to be done. *Journal of Community Corrections*, 30, 5-15. These authors refer to this group as Frontline Justice Care Professionals (FJCPs).
8. See e.g., Farrow, K. (2004). Still committed after all these years? Morale in the modern-day probation service. *Probation Journal*, 51, 206-220; Finn, P., & Kuck, S. (2005). *Stress among probation and parole officers and what can be done about it* (NCJ No. 205620). Rockville, MD: National Institute of Justice; White, L.M., Aalsma, M.C., Holloway, E.D., Adams, E.L., & Salyers, M.P. (2015). Job-related burnout among juvenile probation officers: Implications for mental health stigma and competency. *Psychological Services*, 12, 291-302.

cohort, especially when supervising clients with mental health needs.⁹ Similar findings have been reported internationally.¹⁰

Given the above evidence, there is a clear need to deepen our knowledge on the wellbeing of CCPs, especially in terms of empirically identifying the specific occupational challenges that are negatively affecting these professionals and how this impact may be minimised. It may be argued that guidance for advancing this line of research is provided by the emerging literature on prison officer wellbeing, especially as it relates to: (1) the importance of delineating the concept of occupational wellbeing from occupational mental health, (2) identifying the specific and unique occupational adversity challenges which affect the wellbeing of CCPs, and (3) identifying the potential negative individual and organisational impacts related to perceived occupational adversity and wellbeing. The application of these concepts to CCP wellbeing is described below.

Delineating the Concept of Occupational Wellbeing for CCPs

One of the first issues faced by researchers interested in advancing the literature on prison officer wellbeing revolved around identifying a conceptual delineation between occupational wellbeing and occupational mental health in order to highlight the importance of empirically investigating both as separate, yet inter-connected, issues.¹¹ It has been suggested that one avenue for distinguishing between the two concepts may be based on the type of psychological impact experienced by prison officers.¹²

According to this approach, the overall psychological health of prison officers may be best accomplished through the study of events and experiences causing serious mental health issues (e.g., depression, trauma) as opposed to those causing wellbeing issues (e.g., unhappiness, dissatisfaction, frustration). In alignment with this delineation, current research on prison officer wellbeing has tended to focus on identifying the daily occupational challenges that impact happiness, satisfaction, and frustration.¹³ It is suggested, therefore, that research aimed at gaining a more detailed understanding of CCP wellbeing should also emphasise how occupational adversity impacts an individual's happiness and frustration as well as their job satisfaction.¹⁴

Identification of Specific and Unique Occupational Adversity Challenges

A review of the emerging literature on prison officer wellbeing also suggests that attention be given to empirically identifying the specific occupational adversity challenges that are unique to the profession.¹⁵ This suggestion is illustrated by studies indicating that the occupational adversity challenges identified by prison officers as most impacting their wellbeing (i.e., environmental threat, environmental unpredictability, action consequence, need for vigilance, expectation of workplace trauma, inability to achieve workplace respite, and work/life separation) are significantly different from the perceived occupational adversity challenges identified by others, such as professional athletes.¹⁶ Likewise, in terms of CCP wellbeing, a recent

It has been suggested that one avenue for distinguishing between the two concepts may be based on the type of psychological impact experienced by prison officers.

9. Gayman, M.D., Powell, N.K., & Bradley, M.S. (2018). Probation/parole officer psychological well-being: The impact of supervising persons with mental health needs. *American Journal of Criminal Justice*, 43, 509–529.
10. See e.g., Page, J., & Robertson, N. (2021). Extent and predictors of work-related distress in community correction officers: A systematic review. *Psychiatry, Psychology & the Law*, 29, 155-182.
11. Evers, T., Oglloff, J.R.P., Trounson, J. & Pfeifer, J.E. (2020). Wellbeing interventions for correctional officers in a prison setting: A systematic review. *Criminal Justice and Behavior*, 47, 3-21.
12. Trounson, J. S., Pfeifer, J. E., & Skues, J. L. (2019). Perceived workplace adversity and correctional officer well-being: Examining the impact of officer response styles and identifying implications for training. *Journal of Forensic Psychiatry & Psychology*, 30, 17-37.
13. See e.g., Lambert, E.G., Jiang, S., Liu, J., Zhang, J., Choi, E. (2018). A happy life: Exploring how job stress, job involvement, and job satisfaction are related to the life satisfaction of Chinese prison staff. *Psychiatry, Psychology and the Law*, 25(4), 619-636; Miller, O., Bruenig, D., & Shakespeare-Finch, J. (2022). Well-being in frontline correctional officers: A mixed-method systematic review. *Criminal Justice and Behavior*, 49(11), 1559–1579; Trounson, J.S., Oppenheim, R.K., Shepherd, S., & Pfeifer, J.E. (2022). Social and emotional wellbeing among Indigenous Australian correctional officers. *Psychiatry, Psychology and Law*, 29, 223-240.
14. Connop-Galer, T., Pfeifer, J.E., Skues, J., & Lipton, M. (in press). The wellbeing of frontline justice care professionals: Identifying workplace challenges and adaptive coping strategies. *Journal of Community Justice*.
15. Trounson, J. S., Pfeifer, J. E., & Critchley, C. (2016). Correctional officers and work-related environmental adversity: A cross-occupational comparison. *Applied Psychology in Criminal Justice*, 12, 18-35.
16. Robbins, B., Pfeifer, J.E., Trounson, J., McEniry, C., Skues, J., & Lappin, N. (2020). Professional athletes and work-related environmental Adversity: Development and validation of the professional athlete adversity measure. *Journal of Sport Behavior*, 43, 479-504.

study found that the perceived occupational adversity challenges identified by this group (i.e., safety and risk of harm, multi-system challenges, general organisational issues and cognitive overload, lack of perceived success, professional acknowledgement, and dual responsibility) differed from the challenges identified by prison officers.¹⁷

unhappiness, dissatisfaction, frustration) as opposed to mental health (i.e., stress, depression, trauma), (b) providing empirical insight into the six unique occupational adversity factors identified by CCPs as most impacting their wellbeing, and (c) identifying the individual and organisational impacts of CCP wellbeing. In addition, the study also aimed to add to the current literature on CCP wellbeing by providing a comparison of the elements across international jurisdictions.

Demonstrating Individual and Organisational Impacts

One final issue from the literature on prison officers that may provide useful guidance for research aimed at the wellbeing of CCPs revolves around empirically documenting the impact that perceived occupational adversity has on both the individual as well as the organisation. Recent studies on prisoner officer wellbeing, for example, have demonstrated a relationship between adversity and a variety of individual psychological (e.g., job satisfaction, frustration) as well as organisational (e.g., absenteeism, presenteeism) impacts.¹⁸ Given these findings, it is suggested that research aimed at deepening our knowledge of CCP wellbeing also investigates the relationship between adversity and negative individual, as well as organisational, impacts.

The Current Study

The above guidance based on the emerging literature on prison officer wellbeing provides a framework for research aimed at extending our knowledge of CCP wellbeing, especially regarding the empirical identification of the unique challenges faced by this cohort. As such, this study was designed to provide additional insight into the issue of CCP wellbeing through a methodology informed by research on prison officers, including: (a) framing questions which focused on indicators of wellbeing (i.e.,

Method

Participants

Participants in this study consisted of 216 individuals currently employed as CCPs (i.e., those actively involved in frontline activities relating to managing, assisting, and reintegrating individuals who have committed an offence and have either been released from prison, are on parole, probation, or community orders) in Australia (n=45), New Zealand (n=42), Singapore (n=50), and the United States (n=79). The sample consisted of 125 women (57.9%) and 91 men (42.1%) ranging in age from 22 to 65 years (M = 42.5 years) and working in both the adult (66.7%) and youth (33.3%) sectors. The majority of respondents (45.8%) reported working 5+ years in the profession, while 39.4% indicated they had been in the role for 1-5 years and the remaining 14.8% on the job for less than 1 year.

Procedure

Participants were asked to complete an anonymous online survey aimed at gaining a more detailed understanding of the wellbeing of CCPs. Respondents provided general socio-demographic information (i.e., age, gender, years as a CCP) and indicated whether they worked primarily in the youth or adult sector as well as their jurisdiction (i.e., country).

It is suggested that research aimed at deepening our knowledge of CCP wellbeing also investigates the relationship between adversity and negative individual, as well as organisational, impacts.

17. Connop-Galer, T., Pfeifer, J.E., Skues, J., & Lipton, M. (in press). The wellbeing of frontline justice care professionals: Identifying workplace challenges and adaptive coping strategies. *Journal of Community Justice*.
18. See e.g., Gayman, M.D., Bradley, M.S. (2013) Organizational climate, work stress, and depressive symptoms among probation and parole officers. *Criminal Justice Studies*, 26, 326-346; Lambert, E.G., Jiang, S., Liu, J., Zhang, J., Choi, E. (2018). A happy life: Exploring how job stress, job involvement, and job satisfaction are related to the life satisfaction of Chinese prison staff. *Psychiatry, Psychology and the Law*, 25(4), 619-636; Trounson, J. S., Pfeifer, J. E., & Skues, J. L. (2019). Perceived workplace adversity and correctional officer well-being: Examining the impact of officer response styles and identifying implications for training. *Journal of Forensic Psychiatry & Psychology*, 30, 17-37.

The socio-demographic items were followed by a series of questions relating to perceptions of occupational adversity, occupational stress and job dissatisfaction. Participant perceptions of occupational adversity were assessed through the Perceived Occupational Adversity Scale for Community Corrections Professionals (POAS-CCP).¹⁹ The POAS-CCP is a 36-item questionnaire which asks respondents to indicate their level of agreement on a scale of 1 to 7 (with 1 representing “Strongly Disagree” and 7 representing “Strongly Agree”). The questionnaire provides both a total score for perceived occupational adversity as well as six sub-scale scores relating to the unique professional challenges identified in previous research on CCPs (i.e., multi-system challenges, dual responsibility, lack of perceived success, safety and risk of harm, professional acknowledgement, and client management issues).²⁰

Participants were also asked to rate their overall perceived level of adversity within their workplace on a scale of 1 to 10 (with 1 representing “not at all adverse” and 10 representing “extremely adverse”) as well as whether they had “seriously considered moving to a different line of work within the past year due to the day-to-day adversity of the job”. Finally, participants completed the 10-item Perceived Stress Scale (PSS).²¹ The PSS was selected as a measure of occupational wellbeing for three reasons. First, although labelled as a stress scale, the wording of the items reflects concepts identified in the literature as being more aligned with wellbeing (e.g., frustration, unhappiness) rather than mental health (e.g., depression, trauma). Second, the PSS has been previously employed as an effective measure of occupational wellbeing in a sample of prison officers.²² Third, the composition of the items in the PSS easily lent itself to focussing on the occupational wellbeing of CCPs as opposed to their overall wellbeing. This was accomplished by adding the phrase “Within the context of your job” to the beginning of each item to ensure

Socio-demographic items were followed by a series of questions relating to perceptions of occupational adversity, occupational stress and job dissatisfaction.

that participants were reflecting on their workplace wellbeing as opposed to their general wellbeing.

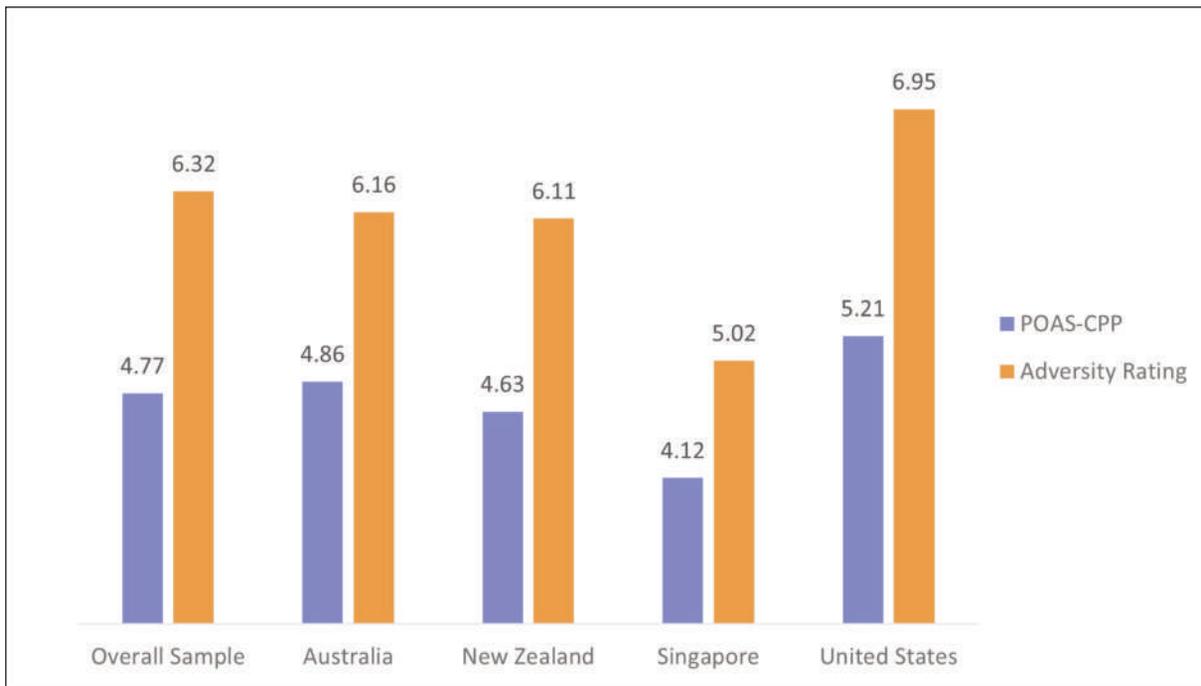
Results

Analyses were conducted on participant responses to assess the concepts of occupational adversity, work-related stress, and potential employee turn-over. In terms of perceived occupational adversity, analysis of the POAS-CCP total score for the overall sample yielded a mean of 4.76 on a 7-point scale. Subsequent analysis of the POAS-CCP total score by jurisdiction indicated a significant difference between the four countries [$F(3,212)=9.57$, $MSe=.42$ $p<.01$]. As illustrated in Figure 1, CCPs in the United States reported a significantly higher perceived occupational adversity score compared to the other three jurisdictions, while the Singapore sample reported a significantly lower score than the other three jurisdictions. Although there was no significant difference between the scores for Australia and New Zealand, both jurisdictions differed significantly from the United States and Singapore.

The validity of this finding was corroborated through analysis of the occupational adversity question. That is, when participants were asked to rate their overall perceived level of adversity within their workplace on a scale of 1 to 10 (with 1 representing “not at all adverse” and 10 representing “extremely adverse”), two significant trends were identified. First, a significant correlation was found between the POAS-CCP total score and the occupational adversity question [$r(214)=.23$, $p<.01$]. Second, distribution of scores by jurisdiction paralleled those indicated by the POAS-CCP with the United States sample indicating the highest score, and the Singapore sample indicating the lowest score [$F(3,212)=10.74$, $MSe=3.55$, $p<.01$] (see Figure 1).

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19. Connop-Galer, T., Pfeifer, J.E., Skues, J., & Lipton, M. (in press). The wellbeing of frontline justice care professionals: Identifying workplace challenges and adaptive coping strategies. *Journal of Community Justice*.
 20. Connop-Galer, T., & Pfeifer, J.E. (2020). The psychological wellbeing of frontline community integration officers: Where we are and what needs to be done. *Journal of Community Corrections*, 30, 5-15; Connop-Galer, T., Pfeifer, J.E., Skues, J., & Lipton, M. (in press). The wellbeing of frontline justice care professionals: Identifying workplace challenges and adaptive coping strategies. *Journal of Community Justice*.
 21. Cohen, S., Kamarck, T., & Mermelstein, R. (1983). A global measure of perceived stress. *Journal of Health and Social Behavior*, 24, 385-396.
 22. Trounson, J. S., Pfeifer, J. E., & Critchley, C. (2016). Correctional officers and work-related environmental adversity: A cross-occupational comparison. *Applied Psychology in Criminal Justice*, 12, 18-35.

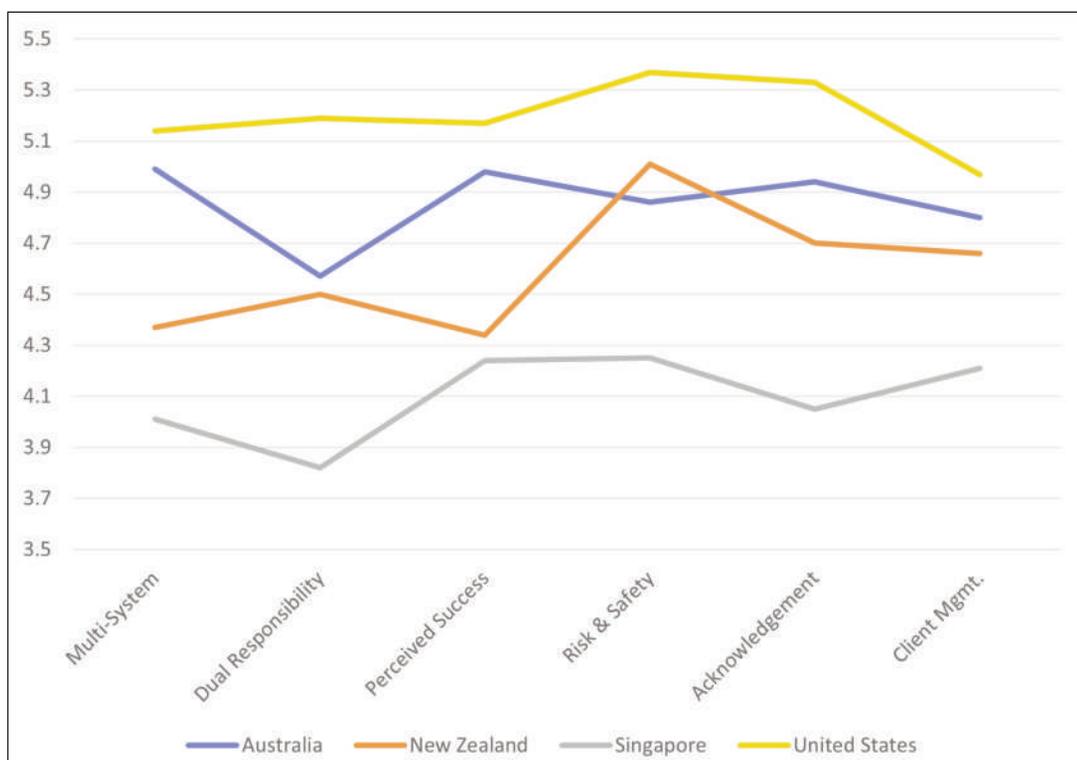
Figure 1: POAS-CCP and Adversity Scores by Jurisdiction



In addition to the above, an examination was conducted on the POAS-CCP sub-scale scores to provide further insight into which specific wellbeing challenges were most, and least, predominant for each of the four jurisdictions. Analysis indicated that, although participants are being impacted by the perceived occupational adversity of their profession, there is an identifiable difference in the profile of the specific challenges which are most prevalent between jurisdictions. As indicated in

Figure 2, CCPs in the United States, New Zealand and Singapore are most impacted by the challenges related to *risk and safety* while CCPs in Australia are most impacted by *multi-system challenges*. Conversely, *dual responsibility* was perceived as the least challenging area by the Singaporean and Australian samples. *Client management issues* were rated as the least adverse by respondents in the United States and *lack of perceived success* rated as least adverse by New Zealand CCPs.

Figure 2: POAS-CCP Subscale Scores by Jurisdiction



In terms of examining the relationship between the POAS-CCP and measures of wellbeing, analysis of the scores from the PSS were found to be significantly correlated to the POAS-CCP total score [$r(214) = .33, p < .01$]. Specifically, respondents who reported higher scores on the POAS-CCP also reported higher scores on the level of stress they were experiencing due to their profession. In addition, although the scores from all four jurisdictions fall within the *moderate stress* category according to the PSS scoring guide (i.e., scores of 14-26), the scores across jurisdictions mirrored the order of scores indicated by the POAS-CCP with the United States sample reporting the highest average stress score (24.89), followed by Australia (22.02), New Zealand (21.83) and Singapore (18.36).

In addition to providing more specific insight into the impact of perceived occupational adversity on the wellbeing of CCPs, the survey also sought to investigate the potential organisational impact by asking respondents whether they had seriously considered leaving the profession due to the adversity of the role. A review of responses to this question indicated that 44.4% of respondents considered leaving the profession within the past year. Further analysis indicated that this trend was present across all four jurisdictions (i.e., Australia 44.4%; New Zealand 47.6%; Singapore 32.1%; United States 50.6%).

Discussion

Research on the wellbeing of CCPs remains limited at best, especially in terms of identifying the specific and unique occupational challenges which negatively impact these professionals. Although studies indicate that a myriad of potential stressors may affect the CCPs, comparatively little attention has been paid to the development of assessment tools to identify the most pertinent of these challenges within a wellbeing context. In response to this gap in the literature, the POAS-CCP was created as a means of empirically capturing the unique and specific occupational challenges faced by CCPs.²³ As such, the overarching goal of this study was to enhance our knowledge of CCP wellbeing, including investigating the degree to

which the POAS-CCP provides a viable avenue for documenting wellbeing challenges. In order to accomplish this, the following three issues were examined: (1) the degree to which the POAS-CCP is able to effectively measure the negative impacts of the six unique occupational challenges faced by CCPs, (2) the degree to which scores on the POAS-CCP correlate to other measures of stress and occupational adversity, and (3) the relationship between the POAS-CCP and negative organisational impacts (e.g., intentions to leave the profession).

In terms of the first issue, participant responses indicate that the POAS-CCP appears to be an effective avenue for measuring the overall occupational adversity perceptions of CCPs given that the total score for the sample (i.e., 4.76 on a 7-point scale) aligns with parallel research conducted with other professions. For example, previous studies employing a 7-point scale to measure occupational adversity across professions indicates that scores above 4.00 represent a high level of perceived occupational adversity.²⁴

Results also indicate that the POAS-CCP appears to be an effective tool for identifying which of the six unique occupational adversity challenges are most prevalent within a particular jurisdiction. For example, although both the Australian and New Zealand samples reported a similar POAS-CCP Total Score, there was an identifiable variation in the degree to which the six challenges were impacting CCPs from the two jurisdictions. According to the sub-scale scores, respondents in Australia are most impacted by *multi-system challenges*, while their counterparts in New Zealand appear to be most impacted by the challenges related to *risk and safety*. The fact that there are identifiable differences in the rank-order of the six POAS-CCP sub-scales across jurisdictions suggests that the instrument may be a useful diagnostic for assessing the challenges which are impinging most on CCPs within any given jurisdiction.

With regard to examining the degree to which the POAS-CCP aligns with other measures of stress and adversity, results indicate a significant relationship. As illustrated by Figure 1, the POAS-CCP total score was not only significantly correlated with the workplace

A review of responses to this question indicated that 44.4% of respondents considered leaving the profession within the past year.

23. For a review of this literature, see Connop-Galer, T., Pfeifer, J.E., Skues, J., & Lipton, M. (in press). The wellbeing of frontline justice care professionals: Identifying workplace challenges and adaptive coping strategies. *Journal of Community Justice*.

24. For a review of these scores across professions, see Trounson, J. S., Pfeifer, J. E., & Critchley, C. (2016). Correctional officers and work-related environmental adversity: A cross-occupational comparison. *Applied Psychology in Criminal Justice*, 12, 18-35.

adversity question (i.e., on a scale of 1 to 10, what is your overall perceived level of adversity in your current workplace?) but also demonstrated a parallel trend across jurisdictions. Respondents from the United States, for example, reported the highest scores on both the POAS-CCP total score as well as the adversity question, while the Singapore sample reported the lowest scores on both measures (Australian and New Zealand respondents had POAS-CCP total score and adversity scores between these two jurisdictions).

The findings of this study also indicate that there is a significant relationship between the POAS-CCP and ratings of occupational stress. Specifically, results indicate that the POAS-CCP total score was significantly correlated with the PSS score, suggesting that those who are experiencing the highest levels of occupational adversity are also experiencing the highest levels of occupational stress. In addition to highlighting the relationship between these two factors (i.e., adversity and stress), this finding illustrates the need for organisational interventions aimed at either decreasing the challenges faced by staff or assisting them with adaptive coping mechanisms for responding to the challenges, as has been done in the case of prison officers.²⁵

Finally, to identify the potential organisational impacts of CCP wellbeing, respondents were asked to indicate whether they had “seriously considered moving to a different line of work within the past year due to the day-to-day adversity of the job (rather than for personal reasons)”. As described in the results

section, 44.4% of respondents indicated that they had considered leaving the profession, with the United States sample indicating the highest response (50.6%) and the Singapore sample yielding the lowest percentage (32.0%). The magnitude of this result is highlighted by comparisons to the findings of studies on intentions to leave from other professional samples. For example, a study of 1,924 US jail staff reported that 38% indicated an intention to quit based on the adversity of the profession.²⁶ Other studies have also demonstrated a relationship between perceived workplace adversity, wellbeing, and intentions to resign.²⁷

Overall, it may be argued that the use of the POAS-CCP provides decision-makers with at least two important pieces of information regarding the occupational adversity and wellbeing of CCPs. First, the instrument may provide organisations and agencies with an empirical avenue for gauging the overall occupational adversity perceived by staff working within a community corrections context. Second, the sub-scale scores of the POAS-CCP may also provide organisations with an evidence-base for identifying which of the specific occupational challenges are most (and least) impacting the wellbeing of staff. This information may be especially useful in crafting educational and other opportunities (e.g., training, facilitated workshops) which are most responsive to the needs of staff (i.e., programmes that align with the rank-ordering of staff perceptions regarding the six unique challenges).

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25. See e.g., Evers, T., Ogloff, J.R.P., Trounson, J., & Pfeifer, J.E. (2020). Wellbeing interventions for correctional officers in a prison setting: A systematic review. *Criminal Justice and Behavior*, 47, 3-21; Trounson, J.S., Oppenheim, R.K., Shepherd, S., & Pfeifer, J.E. (2022). Social and emotional wellbeing among Indigenous Australian correctional officers. *Psychiatry, Psychology and Law*, 29, 223-240; Trounson, J.S., & Pfeifer, J.E. (2017). Correctional officer wellbeing: Training challenges and opportunities. *Practice: The New Zealand Corrections Journal*, 5, 22-28.
 26. Leip, L.A., & Stinchcomb, J.B. (2013). Should I stay or should I go? Job satisfaction and turnover intent of jail staff throughout the United States. *Criminal Justice Review*, 38, 226-241.
 27. See e.g., Ferdik, F., & Pica, E. (2023). Correctional officer turnover intentions and mental illness symptom: Testing the potential confounding effects of resilience. *Psychology, Public Policy, and Law*. Advance online publication; Tewksbury, R., & Higgins, G.E. (2006). Prison staff and work stress: The role of organizational and emotional influences. *American Journal of Criminal Justice*, 30, 247-266.

'The quality of mercy is not strained':¹ Shakespearean theatre in HMP Stafford

Dr Rowan Mackenzie is founder of Shakespeare UnBard which facilitates theatre companies and workshops across multiple English prisons. She has a PhD in Shakespeare with marginalised communities.

As of 30 June 2022, there were 12,455 prisoners serving custodial sentences for sexual offences in England and Wales, meaning that this population accounts for over 15% of those incarcerated.² Men convicted of sexual offences (MCoSOs) are often the most vilified of all prisoners, seen as aberrations both whilst in custody and upon their subsequent release. The impact of being convicted of a sexual offence brings shame and exclusion which may never be excised throughout their lifetime. Their sentences are usually served segregated from other prisoners for their own safety; either in vulnerable prisoner units (VPUs) or in prisons exclusively for this type of offence.

This article examines the establishment of a permanent theatre company and provision of Creative Workshops in one such prison, and how the drama work being done there can help to alleviate the pains of imprisonment, enable 'positive autonomy'³ and support participants to rebuild their often-shattered sense of self-identity. Positive autonomy is a phrase I created to describe the giving of decision making within parameters to those in prison; an attempt to invert the traditional loss of autonomy which prisons impose. Many of those convicted of these types of offences will not have previously been incarcerated, often their families will sever contact as a result of the crimes, and many MCoSOs acknowledge substantial fear of how they will be treated upon release into the community. As Mann states 'we have insufficient knowledge about the opportunities and threats presented by a prison sentence for those convicted of a sexual offence'⁴ but it is clear that we need to understand how to address this offending behaviour, the related mental health impacts, and their future reintegration into society if we are to prevent self-harm and harm to others.

Shakespeare UnBard is an initiative which facilitates Shakespeare-based activities in multiple prisons and in this

prison has been established since 2019; supporting the men through their sentence and in preparation for release. The positive impacts of creative activities within prisons is widely acknowledged and Dame Sally Coates in her 2016 review asserted the need for: '...greater provision of high-quality creative arts provision, and Personal and Social Development (PSD) courses. Both improve self-knowledge, develop self-confidence and therefore help tackle reoffending.'⁵

Whilst desistance is a laudable aim for any type of prison programme, Shakespeare UnBard does not focus on this as a specific goal for the work we do. Instead, the focus is on supporting personal development and enabling those involved to have the confidence and self-reflective capabilities to consider personal change. The intention of my work is to give people an opportunity to experience the effects of 'dramatic distancing' which enables them to reflect on their own lives through the lens of a scripted character.⁶ This term (dramatic distancing) was coined by Sue Jennings to describe the way in which textual drama work enables an individual to 'explore themes in their own lives from a safe vantage point'.⁷ The process and the performance are both of importance in this context: the first enables therapeutic self-reflection whilst the latter develops the confidence of participants and often strengthens external relationships.

In this prison I facilitate a permanent theatre company and 12-week cohorts of Creative Workshops; both to encourage a degree of self-reflection from participants. In order to ensure that any emotional responses are supported appropriately I work closely with departments such as Psychology, Programmes, the Offender Management Unit (OMU), Therapy Services and the individuals' Key Workers to engage additional support as required.⁸ This is a symbiotic relationship and men are often referred to me by other departments who feel they would benefit from the sessions.

1. Shakespeare, W. (1955). *The Merchant of Venice*. Arden.

2. Ministry of Justice (2022). *Offender Management Statistics Bulletin, England and Wales, January to March 2022*. Ministry of Justice.

3. Mackenzie, R. (2023). *Creating Space for Shakespeare: Working with Marginalized Communities*. Arden.

4. Mann, R. (2016). Sex Offenders in Prison. In Y. Jewkes, J. Bennett, & B. Crewe (Eds.), *Handbook on Prisons: Second Edition* (pp. 246-264). Routledge.

5. Coates, S. (2016). *Unlocking Potential: A review of education in prison*. Ministry of Justice.

6. Jennings, S. (1992). *Dramatherapy: Theory and Practice Volume 2*. Routledge.

7. See footnote 3: Mackenzie, R. (2023).

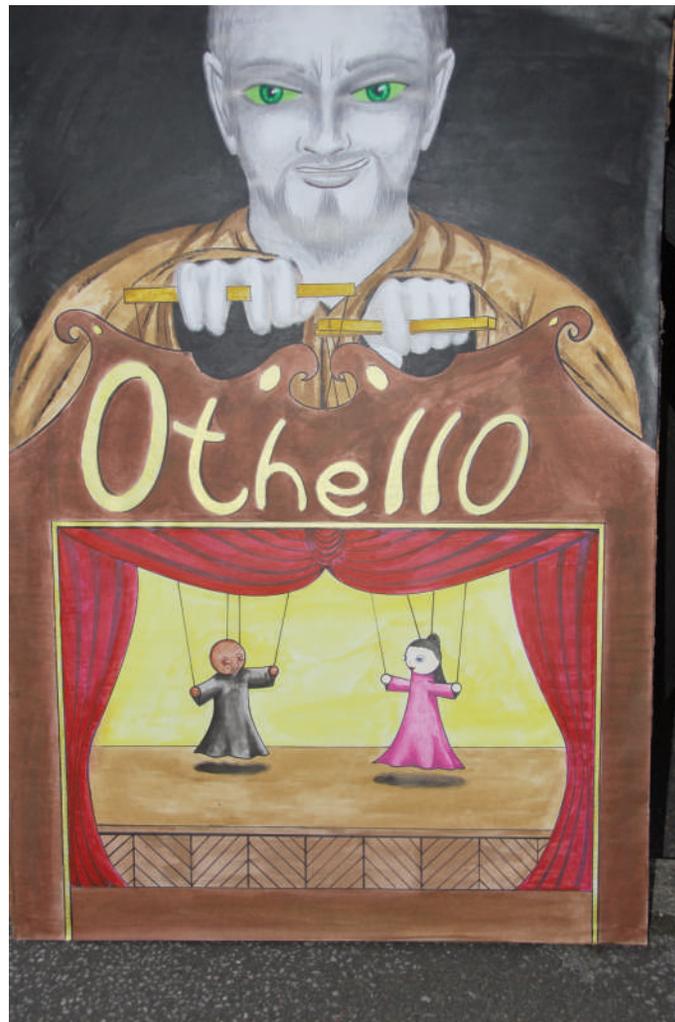
8. Key Workers (Band 3 Prison Officers) hold a small caseload of around six prisoners. They meet weekly (or fortnightly in some establishments) with each prisoner and provide supportive challenge to motivate them to use their time in custody to best effect. The introduction of Key Workers aimed to provide a consistent individual with whom prisoners can establish a relationship, build trust, and receive encouragement.

Throughout the article all names used are pseudonyms to protect the identity of those involved.

Getting Started

In 2019 the Governor asked me to begin working as a volunteer in this prison as he 'was keen to ensure that the men in his prison were enabled to develop the skills not simply to return to society without committing further offences but to contribute positively to the community and live a fulfilled life.'⁹ Initially I worked there on Sunday mornings, founding and facilitating a collaborative theatre company of men who chose to identify themselves under the name of 'Emergency Shakespeare'. At the time of writing, I believe this is the only collaborative theatre company in the world entirely for those convicted of sexual offences. I operate a similar model in other prisons; although each population has its own unique needs which influences the formation of the company. However, in all of the prisons I work the opportunity to co-own something is

an inversion of the loss of autonomy which imprisonment imposes on an individual. This way of working enables the participants to experience self-empowerment in their journey to develop their identity and define their rehabilitative pathway. The theatre company is co-owned by me and up to 15 prisoners at any one time; all decisions are made collaboratively, and every person has an equal voice within the company. All of the work I facilitate under the auspices of Shakespeare UnBard uses Shakespeare as the starting point, but there is scope for adaptation, appropriation, and modernisation if the group elects to do so. Emergency Shakespeare chooses which play they would like to work on, edits, and adapts as appropriate. The actors then rehearse the production (typically we work on a production cycle of 6-8 months) whilst also creating set, costumes, props, and music for the performances. Directing of the production is also a collaborative endeavour, and I take a role in the performance alongside the prisoners – I describe myself as the sixteenth member of the company.



Othello image created by Obun for the production in 2021.
Image reproduced with the kind permission of Pheelix Obun.

9. Mackenzie, R., Lubkowski, R., & Obun, P. (in press). 'If it were as easy as to know what were good to do': The rehabilitative potential of collaborative theatre companies in English prisons. In M. Pandey (Ed.), *Advances in Treating and Preventing Violence and Aggression*. Springer.

During Covid-19, all in-prison activities were suspended including Emergency Shakespeare and for almost 18-months the only contact I had with the actors was via written correspondence. I wrote Activity Packs which were delivered each week, and the men replied with creative responses addressing issues of characterisation, plots, and themes from the plays. These were intended to offer the men some mental freedom from the restrictive nature of the Covid-19 regime, which was essential to safeguard the health of both prisoners and staff. These packs were made available more widely than in the prisons I had been volunteering in, and the feedback I received from prisons suggested that 'they offered an opportunity for strengthening familial connections during a time of intense isolation and uncertainty' for those who used them as a topic of conversation with children or partners.¹⁰ As the Covid-19 restrictions were relaxed in line with HMPPS policy, I was able to return to the prison from November 2021 and began working there on a contractual basis one day per week.

Creative Workshops

Post-pandemic I developed a programme of Creative Workshops designed to introduce cohorts of men to drama and Shakespeare. The Creative Workshops are a potential gateway to joining the full theatre company, for those who wish to do so. These are a series of 12 sessions, delivered once a week for approximately three hours each. Men register to join the cohort through on-wing sign-up sheets, often recruited by those who have undertaken the workshops previously.

In the first session the participants are encouraged to share their own experiences of theatre and Shakespeare, both positive and negative, along with what they would like to get from the programme. Many have had limited exposure to Shakespeare previously, whilst others have completed performing arts courses either in prison or the community, and some have extensive theatre-going experience prior to incarceration. For the initial session I will have selected a play and prepared an activity pack which includes a synopsis of the play, a variety of edited scenes we will act out, and a series of creative activities for them to complete in their cell, should they wish to do so. Before

we begin with the first play I provide a brief verbal overview of Shakespeare's plays and ask the participants which of these they would like to include in the programme, the first ten sessions will explore a different play each week with the remaining two sessions focused on them creating their own performative piece which is then shared at the culmination of the cohort. I encourage them to choose a selection of comedies, histories and tragedies to widen their knowledge of Shakespeare but it is important that they make the selection themselves. The prison regime removes choice and decision making from those incarcerated and these 'limitations of everyday control and autonomy'¹¹ often impacts detrimentally on their sense of identity and selfhood. Through giving them the opportunity to make decisions and choices within the group, the intention is to enable them to develop 'positive autonomy'.¹²

In all of my work I try to give the group the opportunity to think through decisions for themselves, as well as practising the pro-social skills of negotiation and discussion to reach a group consensus. As Michael, a participant in The Gallowfield Players (another prison theatre company facilitated by Shakespeare UnBard), explained:

"Our weekly sessions allow us to have an opinion and a voice so that it can be heard. Not all of our ideas are achievable but, in the group, they are considered and this alone helps build confidence and raise self-esteem. We are treated as equals, as people and even this is often an alien concept within the penal system."

Whilst choosing which plays we work on may seem trivial in the grand scheme of things, it encourages the men to feel that their contribution is valued from the outset, creating an environment where "it's safe to open up and be myself without being judged". Once we have agreed the syllabus for the cohort we begin with the first play (often this is Macbeth as the plot is relatively straightforward and the themes of ambition, greed, and becoming trapped in a cycle of wrongdoing frequently resonates with the men). A verbal explanation of the story removes any

'Limitations of everyday control and autonomy' often impacts detrimentally on their sense of identity and selfhood.

10 See footnote 3: Mackenzie, R. (2023).

11 Crewe, B., Hulley, S., & Wright, S. (2019). *Life Imprisonment from Young Adulthood: Adaptation, Identity and Time*. Palgrave, Macmillan.

12 See footnote 3: Mackenzie, R. (2023).

issues with literacy from the first part of the session and ensures that the way in which the story is told can be very informal, accessible, and linked to any comments they make as we discuss the play. Often there will be contributions made about versions they have seen, school studies, or even films, and these are all woven into the conversation to make sure their experiences are acknowledged as a valid contribution to the group.

We then move onto a read-through of the shortened scenes; the language will have been simplified or modernised if necessary to ensure that it does not become a barrier to engagement. The scene is clearly set to make sure that all know that if they struggle with pronunciation or reading they must not feel self-conscious: Shakespeare uses many words which they may be unfamiliar with, and I always point out that we all find cold-reading a text challenging. The participants are encouraged to volunteer and are supported by myself and the two peer mentors in the group (men who have been involved with Emergency Shakespeare since the outset). In advance of a cohort beginning, I check for any additional needs the prison is aware of for those involved and will provide materials on coloured paper (such as for Irlens Syndrome which often goes hand in hand with dyslexia), and so on, as required. From the outset there is an atmosphere of support, with the group naturally assisting each other with difficult words and a round of applause following each scene that is read.

The read-throughs then segue into acting out each scene; the men volunteering for roles they would like to play, and each individual being encouraged to get on their feet and act, even if only in a small role. Most find that they feel less uncomfortable than they expected, and we rotate who plays each role throughout the session, with the peer mentors and me taking part as well. The session concludes with a discussion about the topics which have come to light through the session, people's emotional responses, and the creative activities for their in-cell pack completion. If anyone has had an emotional response to the topics I ensure the appropriate support is put in place through the relevant prison channels.

Each week we begin in a circle discussing the group's reflections on the previous play, and them sharing whichever of the creative activities they have completed and feel comfortable to share within the group (sometimes their response may be more

personal, and they prefer not to share with their peers). The activities range from artistic ones, such as designing book covers, DVD cases and creating a series of emojis for classical Rome, to more creative literary ones, such as composing journal entries, writing newspaper reports, and using the themes of the plays to reflect on their own lives. One such example involves Jeffery, who identified at the outset of the Workshops that he lacked empathy with others, which had led to his offences. He said that despite having spent thousands of pounds on therapy prior to prison, he felt this empathy deficit had altered little during his lifetime. Two particular activities he undertook seemed to help him with this: the first being one which asked him to consider how he would feel if he had to give up something important to him,

like Shylock being forced to denounce his religion in *The Merchant of Venice*. He identified that his offences have meant he has had to relinquish his "family, friends, career, home and place in society" but that thinking about this question also made him "recognise that [he] can be predatory, manipulative and coercive", which had led to his crimes and subsequent losses. Throughout the course of the activity he then developed his thinking into "is this remorse? Can I live a better life? Well it is something that I want to do differently now". A few weeks later he built on this in his responses to an activity based on

Henry VI, which asked him to think about the qualities he would wish to have mentioned in his own eulogy (the play opens with an effusive eulogy to the now deceased elderly King Henry V) and then to detail a pragmatic plan of how they can work towards gaining or developing these attributes. Jeffery's desired qualities were 'honesty and faithfulness' – starting with being honest with himself and then widening that out to encompass others in recognition that his secretiveness around his various addictions had caused emotional distress to his family, friends, and his victims. His plan of how he would achieve these objectives and keep motivated when it was challenging suggested that he was making definite progress in his desire to develop empathy, whilst acknowledging the potential setbacks he may encounter.

The final two weeks of the course are spent with the men working on their own creative response to the plays we have used; they can perform a scene directly from a play, write back to a theme or character, adapt one of the pieces, or create their own piece of

If anyone has had an emotional response to the topics I ensure the appropriate support is put in place through the relevant prison channels.

performative art – whether theatre, spoken word, poetry, or song. They choose whether to work alone or in groups and have time to create and rehearse their offering before sharing it during the final hour of the last session. These short performances at the culmination of the programme give the men the opportunity to showcase their talents, reflect on what they have gained during the sessions, and demonstrate their developing self-confidence. One such man was Habib who was initially very nervous about joining the group as he has a speech impediment (which he was very self-conscious of) and had both experienced and inflicted severe trauma (which he chose to disclose during the sessions and for which Psychology and OMU support was arranged). For his final piece he chose a scene from Julius Caesar which he had recently watched Emergency Shakespeare perform. He was supported by one of the Peer Mentors to perform a short piece from the play, and he spoke afterwards about the level of pride he felt when he had spoken confidently in front of his peers. The Governing Governor came to watch this cohort's performances and noted the 'sense of belonging, an increased confidence and fantastic relationship building' which the men identified as being intrinsic to the Creative Workshops, and a welcome relief from the pains of imprisonment. Habib has now gone on to join Emergency Shakespeare, recounting "this is something I never thought I would do but my self-belief is much better now I've done this".

Another notable example of this was Barney's solo piece which he created. When he joined the group, he said he was unsure if it was 'his sort of thing' and that he had little interest in theatre but had been 'talked into it' by a previous participant and so he would 'give it a go'. During the course he developed in confidence and engagement, and for the final sharing he produced a 5-minute theatre performance of an elderly man who shuffled onstage clutching a notepad, which he then used to compose a letter to his wife, Ethel. During the drafts of the letter which he read aloud the audience discovered that he had been a poor husband and father, felt that Ethel would have been better off if she had married someone else, and that he was filled with

remorse for this. He had suffered a stroke some years previously and Ethel had taken care of him, and now with the diagnosis of dementia he had received he wanted to explain to her his regret at his behaviour and say goodbye. The scene ended with him taking pills to end his own life: a very sad but sensitive piece of theatre which addressed multiple issues through the medium of drama. There were a number of the participants who felt tearful at this poignant performance, and afterwards Barney explained that the course had helped him to discover ways in which to express his emotions, which had previously eluded him.

He has also since joined the permanent theatre company.

These short performances at the culmination of the programme give the men the opportunity to showcase their talents, reflect on what they have gained during the sessions, and demonstrate their developing self-confidence.

Emergency Shakespeare

In addition to the Creative Workshop cohorts, is the permanent theatre company which is entirely collaborative and works to put on full-scale productions. The production cycle takes 6-8 months to select, edit, adapt, rehearse, and perform a full-length Shakespeare play, where we give four performances. There is a waiting list of men wishing to join the theatre company now (a far cry from the initial challenge of convincing a small group of the prisoners in 2019 that they may enjoy getting involved in a drama group). Many of those wishing to join have completed the Creative Workshops and want to continue to explore ways in which Shakespeare can enable them to use dramatic distancing

to explore their own experiences, as well as a desire to be a part of the theatre group. Across the prison there is an acknowledgement of the closeness of the community we have created, and even those not directly involved will make efforts to support this – through things such as offering materials for scenery, or to assist with the production in some small way. The main group is a combination of those who have been involved from the inception, and others who have joined in recent months; with few leaving unless they are transferred to another prison or released. Those who need to take a hiatus to enable them to undertake other activity (such as an offending behaviour programme) are always keen to confirm they will be able to return upon completion, as the group carries significant meaning for them.



Emergency Shakespeare performs *The Tempest*, 2022
Image reproduced with the kind permission of George Vuckovic

Since the formation of the company in early 2019, over 50 men have been members and we have performed *Macbeth*, *Othello*, *The Tempest*, and *Julius Caesar*, with rehearsals for *King Lear* currently underway. During Covid-19 there was an enforced break in activities where rehearsals were suspended, and the initial return to the prison was carefully managed in wing cohorts, impacting on the number of productions we could stage. We stage four performances of each production: three for other prisoners, staff members, and invited guests, and a fourth which is for the men's families. Sign-up sheets on the wings generate hundreds of names of those who would like to watch a production, and feedback from those who attend is overwhelmingly positive. As one audience member wrote, it is "*wonderful to have the normality of being able to see live theatre*". Staff are encouraged to attend, although in reality few are able to free themselves from their required duties, and there remains some scepticism from some uniformed staff (although that is slowly being eradicated as we encourage more of them to join us for rehearsals and performances). We also invite academics, theatre practitioners, local dignitaries (such as the Mayor and

High Sheriff), and senior leaders from other prisons. The men take great pride in having external visitors interested in the work of Emergency Shakespeare, and when we had two associate artists from the Royal Shakespeare Company attend *Julius Caesar*, they were delighted. One of the associate artists said of the production "*I thought the storytelling, pace and rhythm was superb! The performance didn't drop energy once and I felt that we were in the story rather than observing*",¹³ which the men were delighted to hear.

The most moving and powerful of the performances is always the Family Day which is the culmination of the production cycle. The positive impact of familial connections is acknowledged by the Ministry of Justice which cites: 'growing evidence that family support and maintaining family ties is not only important for the well-being of prisoners, but may also aid reintegration into the community following release from prison, and reduce reoffending.'¹⁴

The men are able to invite up to three friends or family members (although a proportion of the men have no contacts external to the prison, often as a result of their offences). We invite them to join us for an informal buffet lunch, where they get the opportunity

13. Written feedback from Tracy Irish (Associate Artist, Royal Shakespeare Company) at the production of *Julius Caesar* (March 2023).

14. Ministry of Justice (2019). *Strengthening Prisoner's Family Ties Policy Framework*. Ministry of Justice.

to spend time with their family member and to meet the other cast members, staff, and invited guests. After lunch the performance takes place, and this is an opportunity for the men to share with their families something which they are rightfully proud of. In another of my prison theatre companies, Rob (who is serving a life sentence), explained the importance of the family performance:

"This was something I could do to make them proud of me. This isn't something we ever really have the opportunity for in here, we can achieve things and tell family/loved ones about it but I can't think of anything else I have been able to share, something special like that, with them."

Families have cried with pride at what their loved ones have achieved, and often speak of the relief they feel to see them being part of a close-knit community which supports each other. At a Christmas visit in 2022, I spoke briefly to Joshua as I passed through the Visits Room and was touched when his mother said to me *"you're the closest thing to family he has in here, without the group he would not be coming home to his family when his sentence is done"*. Joshua was serving his first (and hopefully only) prison sentence and had been involved in the Creative Workshops I facilitate in another prison whilst on remand before being transferred following sentencing. When I saw him and invited him to continue working with me in Emergency Shakespeare his reaction was touching; he described that the only reason he had not wanted to leave the remand prison was the drama sessions. During his sentence he went on to perform in two productions

which his mother and daughters were able to attend. He has since been released.

What began as a voluntary project in the prison has developed into a fundamental part of the fabric of the establishment; Emergency Shakespeare also support events such as the King's Coronation, Rehabilitative Culture Days, Education Celebration Events, and Pride Events. The effort and commitment of those involved rarely waivers, and they provide each other with support both during rehearsals, and outside of them too. They look out for each other, and offer camaraderie and encouragement through each other's' sentences. When Bernard joined, at the suggestion of an Officer, as he was on an ACCT and felt isolated;¹⁵ he described his joining as *"pulling a helium balloon back down to earth, making me feel there was still a place available for me on earth"*. Whilst Shakespeare is the vehicle we use, the truly transformative impact of the group comes from the combination of Shakespeare, dramatic distancing, and living authentic pro-social behaviours. It is this which enables us to bring together a disparate group of men, many of whom feel their personal identity has been shattered, and who lack self-confidence and interpersonal skills to form a cohesive community, who support each other, behave with respect for themselves, each other, and me. This can often be the first progressive step for them, encouraging them to envision a future where they can contribute positively to society upon release. Obun has been a member since 2019 and has written of his belief that *"The power of self-empowerment cannot be underestimated and it could be argued that its effects are far more attainable with regards to reducing re-offending and returning citizens to communities, than the controlled enforcement approach which prisons widely use"*.

15. Assessment, care in custody and teamwork (ACCT) is the case management approach used in prisons and young offender institutions. ACCT plans are used to support people in prison or young people in our care who are at risk of self-harm or suicide.

Interview with Pia Sinha, CEO of Prison Reform Trust

Pia Sinha is CEO of the Prison Reform Trust. She is interviewed by Dr Susie Hulley, Senior Research Associate at the Institute of Criminology, University of Cambridge.

Pia Sinha started her career as a psychologist in HMP Holloway and spent 24 years working in HMPPS. During that time, she occupied a variety of roles across a range of establishments, including those holding men, women, and young people, and as Governor of HMP Liverpool Pia was recognised for turning the prison around after a damning HM Inspectorate report. Pia moved to HMPPS headquarters in 2020 to become Acting Deputy Director of the Probation Reform Programme and then Director of Women, before taking up the post of CEO of the Prison Reform Trust in 2023.

SH: So, you worked in HMPPS for a long time. I was interested in what attracted you to the role of CEO at the Prison Reform Trust.

PS: In my previous role as Director of Women, the stuff that really interested me was bringing about operational transformation and changing the lives of women that were coming into contact with the justice system. But I felt that I was getting further and further removed from that and doing much more of the managing upwards, senior civil servant role, which made me feel quite disempowered.

I think that if I am really honest with myself after 24 years of working within the system, I was becoming a bit disenfranchised with my belief in the system, and whether I was able to actually bring about change in the way that I wanted. I think that a really important role of the leader is to hold optimism for your team, for the system, to be the one that is plugging away towards change. And I could do that in a very, very limited way in the operational delivery, but not really in the wider systemic way that I wanted. And then I heard that Peter (Dawson – previous CEO of PRT) was retiring, and I had secretly always coveted that role. I guess it came a bit sooner than I would have liked it, I would have liked to have spent a bit longer doing my role as Director of Women, but it was an opportunity that I could not pass by. And so, I thought, 'OK, well, this is your chance now Pia, you have been saying that you have been within the system, you have been frustrated within the system, and now when you are outside of the system, perhaps you will be able to renew your energy and your optimism and be able to bring that direction of travel within this sector'. I guess that was probably what was going on in my mind when I decided to make the leap. And it is a scary leap, because having been a civil servant

for 24 years and having the safety that brings, to then go into the charity sector was a bit scary, but I am really glad I made the move.

SH: That is great, thank you. And what do you personally bring to this role?

PS: It is very interesting, now being on the outside, realising that people within the system actually have very little idea of how many people are doing a lot of work on the outside. They know of charities like Prison Reform Trust, of course, but they do not really know what we do and equally, for the charity sector, they have an idea based on their experiences of officials and the system, what might be the sort of burning platforms, but they do not necessarily know operationally what's realistic, what's possible, what are the pressures of that system. In order to push and pull the right levers, it is really important that you know someone who deeply understands the system in order to know how to influence it to best effect. So, I guess what I bring to the role is that deep understanding of how the system works and if we want to really influence change in a meaningful way, then it is really important that you know how to influence in a strategic and tactical way.

SH: Do you feel like you will have more opportunities to influence in this role than you did when you were working within the system?

PS: Well, you know, the proof will be in the pudding, I guess. But I do believe that. And one of the most liberating things of being on the outside is I can speak my truth to power. So pretty much every kind of right-thinking Governor that I have worked with, every senior civil servant, are not misaligned with the priorities that PRT might have, but they are frustrated with the system because they have to operate within the confines of that system, and they bring about change but it is very, very slow. Whereas from the outside, I am able to shine a light on some of the things and give voice to some of those individuals who want to do the right thing but are unable to do it in the same meaningful way from the inside.

SH: Do you think the timing is relevant, in terms of where the system is at the moment?

PS: Yeah, I think that there is a lot going on within the sector at the moment. We have got a new Secretary of State who seems to be giving fresh optimism to the system in terms of how he perceives the system, his own qualities,

which are about listening. And we have got a good combination between Alex Chalk and Damian Hinds, which I think might mean that some of those really tough, wicked problems that have been stuck might show some green shoots – there might be light at the end of the tunnel. And I think that it is a really great opportunity to capitalise on those changes. We are also at that place where we have got a general election in a years' time and possibly a different Government. What are their priorities? How do we influence them? Nobody knows what's going to happen, but it is a great time to position yourself in the right way. And PRT is excellent at doing that. It does feel like an opportune time to be at the right tables and giving voice to some of the things that PRT have stood for, for such a long time.

SH: I imagine the culture at HMPPS and PRT are quite different. How do they compare and have you had to adapt your leadership style and expertise in your new role?

PS: One hundred percent. Some of it is easier and some of it is far more challenging. I think that what rank and hierarchy give you is the ability to bring your influence to bear very directly and people, whether they agree with you or not, they are very action oriented. So, you are just given authority, just because of how it is structured. Whereas in the charity sector there is a lot more influencing that you have to do. When you come up with a crazy idea, you have to do a lot more to try and persuade and influence people to follow you on that idea. You have to intellectually really raise your game, because people are not just going to be satisfied with: 'I think this is a great idea, let's do it'. It is a bit more like 'convince me that this is a good idea'. But they also have a lot of knowledge around why something might not work. They have spent a lot of time really researching those issues, so you have to have a much more open mind to learning about those other ways of working.

And I feel like I am learning a lot in this role. I have come in as a CEO, and I am probably the least informed of everyone here and I have to do a lot, I have got to work harder. But the subject matter is just so gripping and there are so many different angles to it as well: how you influence parliamentarians and ministers is very different to how you might want to let prisoners and prison staff know that you are also working as an agent for them. They take very different approaches. One is a very direct, humble, immediate, and transparent approach to saying, 'hey, we are doing all of this to improve your lives and to bring about reform in the system'. But the approach that you need to take with parliamentarians and ministers is much more subtle and nuanced. You have got to understand that you have a lot of very versatile tools in your toolkit in order to be able to do that. So, leadership wise, it is a place of growth.

SH: And, is there anything you miss about governing prisons and working in HMPPS?

PS: Oh, I miss a lot of it. I miss the people. There is something about being in a prison environment, although it is really heavy, there is a lightness to it which comes about through the relationships you have with people. There is a camaraderie to it and it is more fun in a weird way. You know I cannot explain it in any other way, apart from there is a buzz to it because you are in the trenches and bad stuff is going on and you are managing crisis, and at the seat of your pants you are making decisions. It is a fast-moving environment, where you have got your people around you and you get really deeply connected with them because you are fighting those fires together and that suits my personality and suits my style. So, I miss that bit of the cut and thrust. Here...it is the difference between being much more physical in your leadership and this is being much more intellectual in your leadership.

SH: Yes, that is interesting. And what do you think the main challenges facing prisoners and prison staff at the moment?

PS: I think that we are battling a really long-standing legacy of seeing the criminal justice system as a bit of an experiment, through the various justice secretaries that we have had, through austerity, through just chopping and changing the justice system just because it was the preference of whoever was in power at the time. So now we are hugely overcrowded, we have a catastrophic staff retention problem, you have got a prison system that has come out of COVID, and there is real despair and hopelessness within the system. Also, we are using longer sentences as a way of signalling the 'tough on crime' narrative. It is become really populist. And at the end of the day, these are human beings who are literally killing themselves. You have to take your ideology right to the kind of end point of the person who's within the system and, unless you see the human being that is attached to the end of it, you are not really going to realise the implications of it. I think that the prison system is in a new phase of despair and hopelessness, and I think that one of the reasons why it is important that you have governors and leaders within the system that are values driven is that they realise that there is a human cost to all of this and, therefore, they try and minimise and mitigate against all of the policies that have that impact. But it becomes very easy in prisons to forget the human impact, especially if the system is sort of overwhelmingly telling you that the lives of prisoners do not matter. So, I remember when I was Governor, if you weren't holding the moral compass for the prison, it would deteriorate really quickly because what you are signalling to people is that it doesn't matter if you do not care about these individuals. Whether it is about cleanliness or whether it is about procedural legitimacy, they unravel really quickly. So, part of your role, part of

your mission as a leader is really to hold the line as far as those things are concerned. But when you have got a system above that, a political system which is putting on a huge amount of pressure to say 'do not care', that actually it is OK that you have people locked up for 22 hours a day and legitimising that process, it is OK to use weapons like PAVA to subdue them and to initiate order and control, then they will very happily default to that and it becomes very hard for leaders to fight the pressure of that system. And that is where we are right now. You know, so it is even more important that we have got someone holding a mirror to that and saying, let's not just sleepwalk into the kind of catastrophe that is unravelling for us.

SH: Yes, and so for you, what are the key areas of policy that PRT will prioritise under your leadership?

PS: So PRT have got a very strong foundation and that is the work that they do around long sentences, people who are deep in the system, so I want to maintain our pressure around the system's love affair with sentencing people to long sentences. We have done so much work around the IPP sentence and I want to keep that. I want to maintain the excellent relationship that PRT have with various people of influence, including parliamentarians and ministers, and how we lobby for change around various Bills and policies and carry on the influence of that. So, the way I see it is that this is the foundation of what PRT does, and I want to maintain that. I do not want to mess with it. It is good. It works. It needs to be protected.

But I find that at this moment, especially post COVID, governors have become uninspired, they have become really fed up and hopeless because of the stuff that they have to deal with day in, day out. The cycle is just coming back up again and how do you keep your energy levels and how do you keep imagining different ways of dealing with the same problems? And I think that the work that I want to do for PRT is that I want to be able to dock the amazing work, the information that we get, the research that we undertake, and take it to leaders to inspire them to say, 'this is what's happening in the world outside, get interested in it. Get some ideas from it so that when you are facing the kind of same old operational challenges to deal with, it gives you a new idea to try, to do things slightly differently, so that you feel that you are getting hope back. You are feeling inspired by what the possibilities are rather than what the limitations are'. So that is the kind of area that I want to focus our energies on and partly it is because I come from an operational background, I like doing things. So, I want to get PRT slightly oriented towards being able to deliver stuff to the operational frontline with the aim of changing the way that they interact with prisoners in the system so that it brings about change to their lives in prison.

SH: You have said that there is a strong foundation around long sentences. Are there other policy areas that you are particularly focused on? Areas that you want to channel the information that you have back through to the front line?

PS: Sorry, I remember that is what your original question was! So, I want to go back and start doing work with women again. I think we have been saying for a long time that fewer women need to be in prison. And that is just 100% true. It is trying to understand - why is the system not making the change happen? You know it worked for the Youth Custody Service. They managed to reduce their population and I want to learn from that. I want to take a more solution-oriented approach to say, 'what is happening in the system that is not making this vision, that everyone literally buys into, into a reality?'

And the other is, I want to create a leadership programme for prison, probation, and policy leaders. I am calling it Next Gen Leadership. So, using all the knowledge base that we have at PRT and through the sector to speak to governors and probation practitioners about what could be some innovative ways that they could bring about change to either their probation region or their prison or their policy area.

Also, through our 'Advice and Information Line', Building Futures programme and our prisoner engagement network we are hearing a lot about how the cost of living crisis is really impacting prisoners. The fact that canteen prices have gone up hugely. The fact that prisoners are not being able to access work and education, which earns them money. Prisoners are just getting incredibly poor, they are not being able to afford to buy stuff that helps them keep their well-being intact, but more importantly it potentially creates a debt culture within prisons that is leading to violence and self-harm. So, I want to look at the policy around prisoner wages and how the system is responding.

And the other is - any learning theory says you are more likely to bring change about through positive reinforcement than you are through punishment. But we do not recognise prisoners who are going above and beyond in becoming good citizens. Who are learning, who are using the arts in a way to enhance their lives and make the best of the situation that they find themselves in. I want to develop a prisoner reward and recognition programme, which is looking at some of the good stuff that prisoners are doing.

And again, I want to use our platform, our briefing papers to have a slightly different approach, so it is not just about what is wrong with the system, which is important and valid, but where is it working really well? To bring hope and optimism into the system, both from the way that practitioners might engage with us, but also how prisoners might engage. Sometimes when you are given a really long sentence, you have to almost have a radical

acceptance of that, but whilst you are in that system, whilst you are deep in that system, what are the things that make you feel hopeful and inspired to carry on regardless? You cannot wave the magic wand and suddenly say that your sentence is finished and off you go. You still have to help prisoners survive it and that is also a really big purpose of reform, is to help people to stay in that kind of place where they are optimistic about themselves. And I think that is something that we need to lean into a bit more.

SH: And so, what are the main challenges you face, in terms of your policy areas, but also in terms of getting your information to prison governors and probation leaders?

PS: I think the challenge will be funding. Prison Reform Trust pride themselves on not taking any government funding and that is good, that needs to be maintained. So, in producing this kind of course I need to persuade funders to give us some money to be able to do that. And I think that reading the tide, funders are much more interested in outcomes, and so they should be, you know, where is my money going? How is what you are doing actually making a difference to your objectives? And I think that this is a really good programme that will allow funders to see the end outcome and how it benefits prisoners and the system. But it is a challenge.

The other challenge with all of this is the sector. You know it has got comfortable in the position that it takes, it is quite easy to stand on the sidelines and point the finger and say, 'you are not doing this well', but to interact with the system and say, 'actually I want to help you and here are some solutions.' Some people will say 'well, are you sleeping with the enemy? Are you too close to the system?' and those are the challenges that you have got to try and face up to because part of coming in as someone new, with a different set of experiences and priorities and values, is that you have to try and change the system too. Because it can get very comfortable in the way that it is, which is 'let's just do what we have always done'. But if you are trying to do something different, you will meet resistance, you will meet challenge and you have got to be able to be strong enough in your belief system to say, 'actually let's try a different approach'. And that might be a challenge from within the charity sector. So, let's wait and see what resistance there will be, because I am anticipating that any change will bring about resistance.

SH: Thanks Pia. And so just moving on to the last few questions, which are mainly about your achievements and legacy. During your career, what are you proudest of and why?

PS: You know, I still have to go back to my Liverpool achievement, and I keep saying to people I cannot dine out on this forever. I am going to need something bigger than that to top it, but so far I have not been able to top it. I

think it was a lot of things that made me proud about it. But the thing that made me the proudest is that Liverpool was reinspected I think a year ago or 18 months ago and the progress that it has continued to make, because of its leadership there, it has sustained the changes that were made earlier on, and I think that is the legacy. That is something to be really proud of because you know, it is not falling on its arse just because you have left and so it is not just about you, it is actually about the fact that people believed in it. And that makes me really proud.

SH: So, it is about embedding change?

PS: Embedding change is the tough bit, especially in prisons, because you could get a new Governor who has a really different set of values and principles, and it goes a different way. But you know, the fact that it has not suggests that something of what has happened during those two and a half years while I was there has seeped into the DNA of that prison, which means that the culture has taken hold. And that feels like a really important thing to happen.

SH: Is there anyone who has particularly inspired you over the years? Also, who inspires you now and why?

PS: You know, when I was Governor and I found myself just stuck in my office, having to do just mundane bureaucratic stuff, the thing that inspired me was when I would just switch off the computer and go and walk on the landings and talk to prisoners and staff. The people who inspired me most were prisoners who, against all odds, were really trying to push themselves to educate themselves to keep learning new things. And despite all of their horrendous traumatic background, they managed to find that strength in them. And I think seeing that resolve in people who have probably come from the most devastating backgrounds, seeing people show that courage; the bravery of individuals, that is what inspires me.

SH: And so, finally, what is the one thing you would most like to achieve during your role here?

PS: I think that what I would be really happy with is that the PRT becomes a bit more of a household name, amongst governors and practitioners. So that they are using the intelligence PRT have as their go to place when they are thinking 'oh I want to do something different here. Let me just see what PRT has written about it'. So that the membrane between the external and internal becomes a lot more permeable, and so it is not just the charity sector doing its own thing and the prison sector doing its own thing. I want it to become a lot more integrated. That is what I would like to see.

SH: That is great, thank you so much for your time, Pia.

Serving the Courts, Believing in Others Until They Believe in Themselves, and Quiet Successes

An Interview with The Rt Hon Damian Hinds MP, Prisons Minister
until November 2023.

Damian Hinds was Prisons Minister until November 2023. He then moved to the Department for Education and is now the Schools Minister. He is interviewed by Dr Amy Ludlow, Chief Executive of SHiFT, a youth justice charity.

Damian Hinds is Conservative MP for East Hampshire and was appointed as Prisons Minister in October 2022. He has held several ministerial roles, including serving as Minister for Security from 2021 to 2022, and Secretary of State for Education from 2018 to 2019. This interview took place at the Ministry of Justice in August 2023.

AL: It would be great to start by getting a sense of who you are. What's your background and what makes you tick?

DH: That's a big question! I guess I'd start by saying I'm a Dad; I'm a Dad first, to three children, and this is one of the most significant prisms through which I think about myself and the world. And then, without telling my life story, if I focus on your second question about what makes me tick, it's really about what I can do to make the world a better place. I don't think anybody does the job as a politician unless they've got something of a sense of like, 'what is my role?', 'what is my responsibility?', 'what can I do to try and make the world a better place?'. But also, hopefully the humility to recognise that there's always a limit to that and that different people can make their contribution in different ways. I decided that my way was as a politician, but some people do it by being a teacher, others by being a prison officer. Those are unique sets of skills which I don't possess, so for me it's through politics and public administration that I hope I can make my contribution to the world. So that's what motivates me, though I have to say it's quite a weird job to do sometimes!

AL: Tell me more. Why is it weird?

DH: Well, I'm talking about being a politician now – being an MP – rather than being the Prisons Minister. It's like, well, first of all, you don't know what it's like before you do it. People often ask me at events, 'is your job as you expected?' And I don't know how anybody

manages to answer that because my own answer is I had no expectations – I literally had no idea what it's like being an MP. It changes everything really about life – neither better nor worse, it's just different. It's different in, you know, where you live, how you live. We don't really have days on and days off. It's all consuming and mostly in a good way. It's an immense privilege to do and there's a long queue of people who would like to be doing it so I'm very lucky to be able to.

Then within that, being able to do this brief as Prisons Minister, I think how we deal with people who are incarcerated it's one of the most kind of pivotal leveraged things that we do in society. And this is a, you know, it's a huge privilege, also a huge responsibility and also really, really interesting as a job.

AL: Before this you were in education, weren't you?

DH: Yes, well immediately before this role I was a Backbencher, but my previous ministerial job was Security Minister and then before that I was Education Secretary and before that Employment Minister. This is quite an interesting context for my prisons role because this job is really all about education, employment, and security. There are other aspects to it as well, but those three roles are a big part of it.

AL: What experiences and ideas about prisons and criminal justice did you bring to your role as Prisons Minister?

DH: Look, I think like most people, or many people at least, if I'm just straightforwardly honest, I knew little about prisons. Before taking up this job I'd been inside one, I think, twice in my life. Once was when I was Employment Minister, and I went to HMP Isis to look at some of what they were doing to reduce unemployment, which was, you know, fascinating. The only other time I'd been in the prison was at a, you know, theatre, a musical production, which happened

to be in a prison. So, I didn't know a great deal about prisons when I came to this brief.

I often say when I'm speaking at events that many of us will see signs for prisons as we are driving and for that moment you kind of think of that's where all that happens, but then you tend to put that out of your head because you know you are generally very thankful that somebody else is thinking about it, and those people are the readers of the Prison Service Journal. So yes, for myself, I did not know a whole lot about criminal justice. And in some ways, that's good by the way, because it means that you ask questions that might seem stupid or naïve. But actually, the stupid naïve questions that you ask on day one, or month one in the job, are some of the most important questions, and the questions I have found myself often coming back to.

AL: Talk me through your first day in post. What struck you? What were the urgent problems, what were the important problems, what were the urgent and important problems?

DH: Well, the thing of course is that things that are urgent and important are the relatively straightforward ones. The ones that are that most tricky are usually the ones that are important but not urgent. Inevitably in one of these types of roles you've got a mixture of very, very sort of 'here and now' human operational issues, like there's something happening at this moment that needs ministerial sign off or an approval or something like that. You've got general kind of management questions about how the business, or the operation is run, and then you've got longer-term strategic things. And they're all always operating in parallel, all of them at the same time.

Prisons have been running at high occupancy throughout my time here and that continues to be a very, very constant matter for us to deal with. But there are also other big themes that I want to devote my mental energy to. In particular, I talk a lot about how we've got an exploding opportunity on employment – exploding because it won't be around forever. We've had great success in growing employment outcomes for people who are imprisoned, thanks to the great work that prison governors have done and some far-sighted people in industry. In the last year or two, that success has been really helped by the heat of the labour market. It's very difficult to find labour in lots of sectors in different parts of the country and, while that's the

case, our calling card to get through the door, making the case for getting people who've been in prison into employment, is just that much more impactful. So what we need to do, and by 'we' I mean everybody reading this article and everyone who is involved in the secure estate one way or another, is to use this opportunity right now, like this year - not a five year plan but a this year plan - to create as many of those relationships with employers as possible so that they can then themselves be sustained. So, the opportunity for making real inroads on employment outcomes is like a one-off thing but the benefit from it should sustain.

AL: What drives, or shapes, your particular focus on employment and driving up employment outcomes for people who are imprisoned?

DH: I think it partly comes from my experience of being Employment Minister. So much flows from employment. There are of course other things that you need to have in place in order to be in employment, like having somewhere to live and personal stability and reasonable health. But then from employment comes dignity, comes stability, comes the ability to support your family, comes better nutrition, and better ways to use your time. So, all sorts of things flow from having a job.

Another thing I learned as Employment Minister, which may sound circular but it's true, is that what holds you back from getting a job is not having a job. Once you've got a job, any kind of regularised legitimate employment, from there, you can build a career and you can develop. But getting over that hurdle, of having any legitimate job, that's the key factor. And in turn, another big thing I learned from spending a lot of time at Job Centres that the single biggest thing that holds most individuals back from making that move is confidence. And that's the word you hear more than any other when you speak to people who work in Job Centres.

AL: And if you think about some of the people you've met in prison, what do you think sits underneath a lack of confidence from your perspective?

DH: Actually, I think it's more or less what you come into contact with a lot on the outside, which is kind of variations on the sentence, 'Well, why would someone offer me a job?' It's an understanding of self-worth, knowing you've got something to give, understanding how people value you, knowing that

I learned from spending a lot of time at Job Centres that the single biggest thing that holds most individuals back from making that move is confidence.

some people like you, you know, these things are important in life. And actually, you know, in the prison context, some of the voluntary work programmes that go on really help people to develop some of this self-belief, beyond the specific jobs skills that they teach.

AL: There are so many challenges in prisons, we know, and let's come to those, but let's for now stay in this more positive space. Since you've been in this role, what are the things that you've seen that give you greatest hope? Things where you think, 'yes, we're really making a difference there'.

DH: Look, I can name you long list of initiatives, which are encouraging - drug recovery units that incentivise substance-free living, psychologically informed prison environments, and some of the specific rehabilitation and development programmes we offer. But you know, fundamentally, what really excites me is individual people more than programmes. For example, I was at HMP Manchester yesterday, and just met some extraordinarily, engaged, and optimistic, smiling staff – people who clearly have a real sense of mission in what brings them to work in the morning, which is so powerful and uplifting, especially in the context of, let's face it, what can be a really difficult job.

And the same goes for individual prisoners I've met. I remember meeting a group of men at HMP Cardiff, who had just finished a Trackworks course. They were all coming to the end of their sentences, had completed this course, and were going to be given a job on the outside on the railways. And I remember one of the guys, who was quite young, talking about the person who had trained him whose name I think might have been Matt, saying, "no one's ever taken a chance on me before". And, you know, I was close to having a tear in my eye. But there is nothing soft about that. That's a situation where there's a company that needs employees, there's guys who need jobs. These people are about to be let out from being incarcerated. They've obviously done something bad to be in there. But for that young man, he's found someone who believes in him enough to give him a chance. Yeah, that's, that's not a soft outcome. That's a hard outcome for sure. For him, and for all of us – moments like those are why we're all in this line of work.

People who clearly have a real sense of mission in what brings them to work in the morning, which is so powerful and uplifting, especially in the context of, let's face it, what can be a really difficult job.

AL: So tell me, because I totally recognise those moments, and those stories, but what I don't know is what it's like encountering those things in your shoes as Prisons Minister. When you come away from those encounters, what are you thinking about? What can you do to enable more people like Matt, or to have more mission-driven, optimistic staff like those you met in HMP Manchester?

DH: So the problem is that you can't systematise everything. We repeatedly think that we can and, of course, there are some systems and processes and programmes you can put in place, and they are important. But fundamentally people like Matt, and people like the staff I met in HMP Manchester, are unique individuals. They bring a unique sense of 'magic' which you know when you see it. There are many other people like Matt out there who I'd love to have working in the organisation, but I can't recreate Matt out of Dave, they're different people. My point being at the end of the day, one of the most important things I can do is to try to hire the best people. And, given that you can't, you know, sitting in a corporate office, let alone being a government minister, run the recruitment process for you know, the estate of this size, the thing you can do is make sure in each operating unit, you've got a brilliant person running the recruitment.

AL: Is there anything else that you see as important from a cultural perspective here? Is there something you want to create culturally in the organisation that enables more people like Matt?

DH: I think there is a bit of a tension in the prison system, because it is still quite a traditional workforce and still quite a hierarchical workforce. And, of course, the nature of the work, and the fact that you're dealing with risk does make that to some extent inevitable. But there is a bit of a tension between that and, you know, letting a thousand flowers bloom and, you know, setting people off to do their creative thing. I would like to move a bit further towards the thousand flowers blooming to harness more or the creativity and leadership of individuals who can make a difference.

The other thing I think is that it's a great privilege in my job that every week I meet incredible people who

are doing incredible things. People like me need to be supporting those people to do what they do. Sometimes just naming it and recognising it is encouraging for people, I hope. And to be honest, that's not hard to do. I mean, the nice thing about my role is that it's such an engaging industry, it's really fascinating and just sucks you in. So, you don't really need to be given excuses, or, you know, pushed out to go visit prisons and meet people. It's just a great thing to do. And you meet such brilliant people.

AL: Do you think so? I'm taking you back now to the roads where you're looking at prison signs, and so many people just think, 'oh, there's a prison'. Do you think, considering things like the increased links between employers and prisons, that the relationship between prisons and the broader communities of which they are part is changing? Would you like to see greater porosity or connectedness between local communities and prisons?

DH: There is still a fundamental divide though, isn't there - there's a wall. Most people haven't been on the other side of that wall, and most never will. In some ways, including from a recruitment perspective, you want more people to come inside and see, but there's always going to be a limit to that because of security. Our number one job is to keep people where they are meant to be to help keep the public safe. But while they're there we also want to help them to get their lives back on track and with that in mind, in the business world, from an employment perspective, I think there is definitely greater porosity. There's a lot more that I think we need to do in that same vein though. Prison education, for example, is a small, but not insignificant part of education in this country. I would love there to be more links between mainstream education and prison education - more teachers who think about doing a one- or two-year sabbatical where they come and work with us, or even teaching in prisons as a standard placement offered as part of teacher training. I think this sort of mixing people up could be good for everyone - an opportunity to share ideas and you learn from one another, as well as attracting more good people to provide education in our prisons, which we know plays such an important role in helping people make positive changes.

AL: Let's talk about some of the challenges then. So, you mentioned it already, the question of capacity and population pressures - they've been on the top of everybody's agenda. What does that challenge look like from your perspective? How have you been thinking about it and responding to it?

DH: Nobody wants to be working over an extended period with an occupancy rate that is the level

it is at the moment. Everybody who works in the prison system has done a quite extraordinary job in managing the problem. They've done an extraordinary job in creating extra places to keep track with the growth in demand. But I don't underestimate in the slightest the stresses that running at such high occupancy puts on the operation in all sorts of ways, in kind of obvious ways, and less obvious ways.

AL: And so how have you been thinking about that for now and the future? The projections suggest things are likely to become worse. How are you managing that?

DH: We will make sure there are places for people to be imprisoned when that's what the courts direct. That's what we are here for - job number one is to serve the orders of the courts. HMPPS has done a remarkable job in finding places to put rapid deployment cells and, of course, we've had two new prisons recently built, with another to come before too long.

AL: In your shoes I would feel quite frustrated about that. Because what that means is you're constantly firefighting - managing the urgent things, and perhaps not having time for the important things. Does that resonate?

DH: Yes, but I mean, that doesn't just apply to me, I think a version of that point applies to pretty much everybody working in the system at all different levels, and it's absolutely true.

AL: Is there any opportunity for you to play an influencing role with your colleagues, to think about how we could respond differently to some of the harm, without the use of prisons?

DH: The starting point of course in our system is the separation of powers. There's the legislature, the executive, and the judiciary, and it is absolutely right that those three branches are separate and independent. We, as Ministers, are here to serve the outcomes judges determine and that's absolutely how it should be.

Within this, I think we do also play a role in making sure that there are options available beyond prison and that people know about those options and can have confidence in them - things like curfews and drug desistance requirements, and mental health treatment orders. There are great things you can do through unpaid work for example, things which are punitive, but are also really doing something positive for the community. And you can blend into it training and development towards work readiness, for example.

Technology plays a huge role here. Take tagging for example. Tagging technology has improved, even just in the last few years, in extraordinary ways. The use of this sort of technology will always need careful

consideration on an individual basis but what you can do with GPS tagging is way beyond what you can do with traditional RF tagging. And, as I say, we need to make sure that these options are available and robust. Alcohol tagging is another case in point – something that just didn't exist a few years ago.

I was at the Stockport Women's Centre in Greater Manchester yesterday. I think some of the really important work women's centres do is just not seen by most people and is not known about by most people. We're also piloting intensive supervision courts in three locations - Teesside, Liverpool, and Birmingham - two of them focused on drugs, one focused on women. And again, that's an innovative approach and an option available to the judicial system. All of these things might be innovations that keep people out of prison, but more importantly, might put them on a solid path again away from crime.

AL: What are some of the other key challenges you're grappling with? People are surely up there on the list!

DH: Absolutely. It's a people business. We build buildings, and when people think about prisons, that's what they think about. But it's really all about the people. It is really remarkable when you think about it, the ratio that we have of uniformed staff to the number of prisoners under their watch. And you can only do that by having brilliant people with excellent jail craft that means they can build the right relationships with prisoners.

During Covid, people didn't change jobs very much for obvious reasons. The back end of Covid coincided with the labour market becoming particularly tight and that was a really difficult time for us. It's still difficult now, but I would say we have seen signs of improvement in prisons, and actually in probation as well. Recruitment is absolutely fundamental but the thing we really, really must focus on is retention, because that jail craft doesn't come overnight; it comes with experience. Prison officers are obviously dealing with a cohort of people who can clearly be very difficult. As somebody new in the job, just being able to bounce things off, and get informal guidance from more experienced colleagues is incredibly important. So yes, all the management development programmes and the like are important, but informal ongoing learning with peers is, I think, even more important in this line of work.

AL: But the reality at the minute is that there has been huge staff churn, and some prisons are running with very inexperienced workforces. How were you grappling that issue?

DH: Yes, you're right. You're right to say to that, it's different in different places, of course. Because I was

in a prison the other day where I met somebody who had recently retired from the Prison Service, which was great. There are also people who leave the Prison Service and have gone to work in other roles, and then maybe the other industry hasn't turned out to be quite as anticipated. In some cases, I suspect that this might be because they've missed the intense sense of mission of really making a difference in someone's life that you can get in the Prison Service.

So that's part of this that I want us to really maximise our efforts to see who we can welcome back. And then, on the other hand, I want us to get even better at keeping great people in the first place. We're trying to make the range of different career paths available within the Prison Service clearer to people. I was surprised to discover when I arrived here, for example, that we didn't historically enable lateral moves between prisons. So, if you wanted to move from one prison to another you had to apply for a job rather than being more flexible and enabling internal moves as you would do where you've got a multi-site business where you've got talented people you want to hang onto. So that's important. There's also the wider kind of criminal justice system family and career moves you can make between the Prison Service and the Probation Service for example, and vice versa. We've got people who've been through the Unlocked Programme, making a difference in prisons as well as taking their experiences of prison work into other sectors or the broader criminal justice family.

AL: What are the other problems in our prisons that keep you awake at night?

DH: If I think about this in terms of my three top priorities, number one and number two are really easy because they are capacity and employment. There's quite a lot of things after that which vie for number three. Keeping drugs out of prison is high up there. Although I keep in mind that with drugs in prison you have to get multiple things right at the same time – so keeping the drugs out, but also about having the right treatment programmes inside, and keeping people mentally and physically busy and other things – just physically keeping contraband out of prisons is, I think, for anybody who does my job a daily priority. Again, it's an area where we've made brilliant progress with the specialist scanners for example, but there's always something else and something new.

AL: Talk to me about youth justice. The story here, as I see it, is that there has been some really powerful progress – quiet success – in diverting lots of young people away from custody, but youth custody is really quite a tough place to be.

DH: So you've summed it up. I mean, that is the truth. We talk about fewer under 18s being locked up.

This has been a huge change, like about an 80% reduction over the last 12 years. Rightly you have to think about public confidence, because we are here ultimately to keep people safe. Some people will need to be locked up for public protection or as a deterrent to others. But having said that, I think most people get the idea that if, with young people in particular, if you can keep them out of prison, which is a setting where inevitably they will mix with others with a criminal past and there is a risk that you become a more hardened smarter criminal as a result of it, then most people will think that trying everything we can to avoid custody is a worthwhile thing to do. It gives the State a chance to work with them to try and put them onto a better footing for the future. What that means though is that there is a hard core of the most challenging young people who are left in the youth custody estate - not exclusively, but more and more. And that is difficult to deal with.

AL: So, if I'm an Officer working at HMYOI Cookham Wood, for example, and reading this, what would you want them to know about how you're thinking about some of those challenges?

DH: Well, the first thing I'd want them to know is that I think they do the most remarkable job imaginable. Working with these young people is one of the jobs that has most leverage in the country. Some of the youngsters coming through a YOI will be on the first stage of their journey into the adult estate because they're serving long sentences, but for others, they're serving shorter sentences and they're going to be out one way or another in their early adulthood. For those people, if he can help turn their lives around then that makes such a difference to them, their families, and ultimately the safety of our communities. I've visited Cookham Wood myself. I see the motivation, the spark, the warmth of people working there to do that. The leverage effect of their work is enormous because that person's entire life is ahead of them.

But I would also want them to know that I totally recognise it is hard, and they do a very difficult job. Although it's a relatively small population, the difficulties of dealing with 'keep apart' – young people who can't safely be together – are huge. As you'll remember from the Cookham report, the number of keep apart there was greater than the number of boys in the YOI. So, you're trying to manage that while at the same time getting people out of their rooms for a decent period of time to do stuff, like get the education they need, that will turn things around for them. That is really hard.

AL: Is there any appetite for radicalism? Numbers are now so low in the youth estate.

Could we do something radically different? Smaller, local secure units, like Barton Moss?

DH: Absolutely. That is absolutely a legitimate debate. We do have some smaller YOIs and of course options for young people that are not YOIs. And within that we also have to remember that young people have lots of different needs, including very different ages. The small numbers make that even harder, right? So, you're taking what's already a small population, and then you're sub-categorising it into different types of people, and still trying to make them relatively accessible to where their families are living for resettlement purposes. It's all complex but definitely an important debate.

AL: What else is on your mind?

DH: Safety, yes, self-inflicted deaths and self-harm. It's really harrowing for colleagues who work in the Prison Service and tragic, you know, everyone who deals with it and is impacted by it. And it's incumbent obviously on all of us. It's trying to learn as much as we can from when these tragedies happen and try and do what you can to minimise the likelihood. But, you know, recognising that very sadly, you will probably never be able to get to a situation where that never happens.

AL: One of the things that we know can make managing violence and creating the sorts of environments where self-harm is less likely, or better managed, is population pressure. So if you've got lots of people in prison, and high churn through the local estate where we know that risk of self-harm or suicide is particularly high, that can set up a context that makes work around violence prevention or reduction really difficult. What are your thoughts on that?

DH: Yes, I agree with that. Population pressures do make it harder for us to keep people safe, as does not being busy in prison. Without wanting to claim some sort of clinical insight, if you're working full time, and by the end of the day you're mentally and physically ready to go to bed and properly nourished and so on, it strikes as pretty obvious that you'll have less motivation and opportunity for violence to yourself or other people.

AL: You touched on regime and that's also made me think here about education. We know post-Covid that there are ongoing challenges in providing adequate regimes. In some prisons we know some people are barely getting out of their cells, let alone getting access to really meaningful high quality activities. What's your thinking here?

DH: So, we often talk about regime in the context of pre- and post-Covid and kind of 'getting back from Covid'. And the first thing that strikes me about that is that I wouldn't talk in those terms anywhere really outside this building. If I talked to my constituents about getting back to normal from Covid, they would be like, 'what, this is 2023', you know. Covid changed everything for everybody, but I think most people now think of that as something in the past, and that we're now in a new phase.

I think it's always worth coming back to the remarkable job that prison staff did during Covid. The projections of how many people were likely to die in the pandemic were just terrible. And of course we did tragically have staff and prisoners die during the pandemic, but nowhere near the number projected and that is just the most remarkable tribute to the work that people did.

We've got quite a few staff now who because they joined during that period, a Covid regime was and is their norm. That has difficulties. There is some understandable nervousness about moving away a Covid era regime, which obviously had many downsides, but was also associated with lower levels of violence. You can understand a reluctance to revert, and in truth, I think it would be wrong to say, 'just revert to what you were doing before'. In the private sector, the small businesses were the ones who, when Covid came along, changed everything and then, when it was over, they didn't go back to what they were doing before; they had a new business model.

That isn't a perfect read across to the prison estate, but I think individual prisons and the system as a whole did learn things as a result of doing things differently during Covid, and it would be short-sighted not to learn from that.

All that being said, I want more prisoners doing purposeful activity, and having access to really high-quality activity that will set them up for success as contributing citizens when they leave prison. And again, if I go back to my experience as Minister for Employment when I was talking to employers, that does mean learning specific job skills, but more importantly it's about teaching what some people would erroneously call 'soft skills'. Employers have told me they can teach someone how to lay a track, for example, but what they can't easily teach them is how to turn up on time, or look me in the eye, be appropriately dressed, or be able to take criticism. And so obviously acquisition of skills is important, and some people come to us without formal recognition of skills they've developed. Being able to certificate things alongside having basic English and Maths in particular, is super important. But to my mind, the experience of

being in work, which feels like work on the outside, is what we should aim for, though I recognise doing that within the constraints of a prison isn't straightforward.

AL: That's made me think straight away about the idea of normalisation.

DH: Yes, one of the things the Prison Service does brilliantly is give people routine and discipline. So obviously, ideally, what we want is for people to have a routine that they carry on with when they get out, that keeps them on track. So, getting as many people to work as possible, I think, is really important from that perspective. I don't want to sound like I'm totally obsessed with work, but I do think it's just so, so important. Obviously we do that with ROTL (Release on Temporary Licence) in a big way, and that really is the work you'd be doing on the outside. That is a quiet success story in prisons. ROTL is a real success story for prisoners in the open estate, but also actually for some of those employers.

AL: ROTL requires a bit of bravery doesn't it on both sides – both someone to say we're as confident as we can be that you're going to be safe in the community, and also someone from the outside to say I'm going to give you a chance, which includes a chance that sometimes it will go wrong.

DH: Yeah, that's very true. And also bravery on the outside employer and company. I think what people quite often overlook is that companies don't employ people; people employ people. And we talk about an organisation being good at such and such. In reality there was, at one point, an individual in that organisation who had to persuade somebody that it was a good idea to take a risk that they didn't have to take. That individual is one of the great heroes or heroines of our story.

AL: What's the message you'd like to leave readers of the Prison Service Journal with, especially the staff who work in HMPPS?

DH: Please know how exceptional you are. The work you do is unique. It's takes someone very, very special to work in prisons and very, very skilled to be able to take that opportunity to leverage change. Having those skills to be able to help people to turn their lives around benefits everyone – we all rely on you, and yet so few of us could actually do the work you do every day in our prisons. What's amazing about what you do is that it's about keeping us safe now, but also about breaking cycles of crime for the future: stopping future generations coming into custody.

Book Review

The Older Prisoner

By Diète Humblet

Publisher: Palgrave Macmillan (2021)

ISBN: 978-3-030-60119-5

Price: £109.99

Reviewer: **Karen Harrison** is a Professor of Law and Penal Justice at Lincoln Law School, University of Lincoln.

The older or elderly offender in prison is an often-neglected research area, with such offenders described as “the forgotten minority” and having “double minority status” (p. 3) in the sense that they are older and also criminals. This has led many to describe this population as “doubly disadvantaged” (p. 3), as in addition to having to cope with the prison environment they must do so with greater morbidity and greater complex health needs. Despite the existence of some academic work,¹ there is still a huge gap in the literature, and so a book which devotes itself to this subject area is both timely and important. Part of the Palgrave Studies in Prisons and Penology Series, *The Older Prisoner*, by Diète Humblet is an exploration of how older prisoners experience prison life with a particular emphasis on two prison units in Belgium.

As with many other countries around the world, Belgium has seen a rise in the number of older prisoners and so the author was interested in charting what the prison experience was like for this specific subset of the prison population. In her ethnographic study, she focused on two prison sites spending eight months in prison 1 and four months in prison 2. Described in more detail

in the book, prison 1 is one of the largest prisons in Belgium and integrates older prisoners on the main prison wings. In prison 2, however, “frail, older and ill or disabled” (p. 7) prisoners live on a gero-medical unit and in this way are segregated from the main prison population. Data was collected through the author engaging with 20 older prisoners (of which the majority were men) and speaking to 30 prison officers, 10 nurses and several younger prisoners, including those who undertook a prisoner-servant role. The book, which presents the findings of this ethnographic study, is divided into 7 chapters. The first, the introduction, looks at some of the academic literature which is currently available and outlines the basis of the research project. Chapter 2 looks at the academic literature on how we understand older prisoners, while chapters 3 and 4 detail how older prisoners experience life in prison. Chapters 5 and 6 then look at how older prisoners have integrated these experiences into their lives and then finally chapter 7 concludes and brings the main points of the research together.

Chapter 2 begins by trying to clearly define who the older prisoner is and for the purposes of this study, classifies the older prisoner as being someone who had reached or were above the age of 65. What is really interesting about this chapter, however, is how it looks at age, not just from a chronological point of view but also from a number of other factors. So, for example it talks about

how we can be aged by our biological or physiological factors, our functional age, our social age and/or our psychological age. In short, while it does use chronological age (because that is how the prison system ages people) this can be problematic because you can have a young 75-year-old and an old 60-year-old. The chapter also talks about the “pain quotient” (p. 24) which describes the hurdles that must be overcome to make life in prison bearable. This, it is argued, is dependent on the time left to be served and the time left to live. The knowledge that time is running out, therefore makes the experience of older prisoners distinctive when compared to their younger counterparts. The chapter ends by looking at prison design and regimes and argues that both of these are designed for younger prisoners. In many cases this leads to what Crawley² calls institutional thoughtlessness, when it comes to accommodating older prisoners. When coupled with institutional ageism, which whilst often unintentional, nevertheless negatively impacts on older prisoners, this again makes their prison experience distinctive.

One of the key questions in this study is whether older prisoners should be segregated from the main prison estate, and it is this question which the remainder of the book largely focuses on. In chapter 3, we are introduced to the two prison sites in much more detail, with the chapter focusing on “the lived space” (p. 108) and how this space is

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1. For example, see: Chu, V. (2016). *Greying behind bars: The Older Male Offender's Experience of Prison Life and Preparations for resettlement*; available at: <https://howardleague.org/wp-content/uploads/2017/02/Greying-Behind-Bars.pdf>; Crawley & Sparks (2005). Hidden Injuries? Researching the Experiences of Older Men in English Prisons. *The Howard Journal*, 44(4), 345-356; Wahidin & Aday (2005). The Needs of Older Men and Women in the Criminal Justice System: An International Perspective. *Prison Service Journal*, 160, 13-22.
 2. Crawley, E. (2005). Institutional Thoughtlessness in Prisons and its Impacts on the Day-to-Day Lives of Elderly Men. *Journal of Contemporary Justice*, 21(4), 350-363.

experienced by the research participants. In prison 1, all had their own cell which offered some privacy and space to which they could withdraw. This was in direct contrast to prison 2, where many of them only had the perimeter of their hospital bed, with them having to pull their blankets up over their heads in order to get some privacy. Prison 1 was not adapted at all for those who had mobility problems or were in wheelchairs and there was very little natural light. Facilities were better in prison 2 but not all of these were accessible to those who had mobility issues and often prison officers did not see it their role to help the prisoners move around the unit. Chapter 4 then moves on to look at how older prisoners are perceived and treated by the prison as an institution, prison staff, and also the other prisoners. On the whole while the participants were critical of the system (citing many examples of institutional thoughtlessness), most saw the prison officers as individuals and on the whole were positive about them. For some the lack of conflict was because they held their tongue and knew that going up against the officers was pointless. This was in direct contrast to how the prison officers in prison 1 viewed older prisoners, with them treating them all the same, regardless of functional differences. While this attitude was slightly better in prison 2, even there the men were treated as a "homogenous bloc" (p.140), with for example, most of the activities designed to help those who had dementia or memory problems. Across both sites the good older prisoner was seen as someone who didn't require much attention with older prisoners on the whole seen as second-class citizens. Relationships with other prisoners could also be strained, with older prisoners in the mixed wings often distancing themselves from other negatively constructed groups such as drug addicts, younger prisoners, and

foreign national prisoners. On both units, many kept themselves to themselves, preferring solitude to companionship. Where the participants did find people that they could pass their time with, these were not classed as friends. Importantly, the study refutes the previous literature which suggests that if older prisoners are segregated, they will form strong amical relationships.

Chapters 5 and 6 then look at how older prisoners cope and thrive in prison. In terms of coping, it is noted how on the whole the participants were calmer and more accepting of their situation. Many had few or small social networks outside of prison, with the majority having already lost their parents and some their spouses. While volunteers helped to fill this gap, many remarked on how time passed quickly for them and how when compared to others they weren't that badly off. For some, drawing on previous life experiences of being at boarding school or in the military helped. Some, however, were able to do more than just survive, with the author exploring the concept of generativity, i.e., what is passed onto the next generation. She notes how for some there was a generative motive for taking part in the research, with them knowing that they would not live to see any potential changes. Some took on generative roles such as advice giver, or the parent/grandparent figure; with such roles much more difficult when older prisoners were segregated from the main prison estate.

The conclusions from this book are many but to include some of the most important ones: older prisoners are heterogenous, chronological age is less important than individual factors, there are additional pains of imprisonment for older prisoners and segregating older prisoners takes away their ability to engage in generative activities. This is a really important book, and I would

recommend to all those who work in prisons and those interested in both gerontology (study of aging) and penology. It is well written, easy to follow and will be of interest to academics, practitioners, and students alike.

Doing Indefinite Time: An Ethnography of Long-Term Imprisonment in Switzerland

By Irene Marti

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Reviewer: Lynn Saunders OBE is Professor of Applied Criminology at the University of Derby and a former Governing Governor in England and Wales.

Doing Indefinite Time is a fascinating and powerful exploration of the experiences of people detained in two closed prisons in Switzerland. Prisoners who are considered to be 'dangerous' and of posing an 'undue risk' to society, are likely to be detained for the rest of their lives in secure prisons.

The numerous photographs (some apparently taken by the prisoners themselves) add to the clear and inciteful descriptions of the physical layout of prisoner's cells, their work and recreation areas. The reader can almost envision themselves as a visitor to the prisons.

The author completed this ethnographic study as part of her PhD. It considers the experiences of elderly and ill people serving indefinite sentences and how the uncertainty about their future has an impact on how they manage to survive their existence.

Switzerland, in keeping with many western countries in recent years, has taken steps to detain people convicted of very serious

sexual and violent crimes indefinitely. However, as the author outlines most of the research into long term imprisonment has been confined to North America and the UK and has focussed on how prisoners find ways of coping with their predicament, by making their sentences meaningful by dealing productively with the time they have. She correctly points out that few of these are focused on those people who are sentenced indeterminately.

The author aims to 'move the analytic lens away from the familiar framework of power and resistance towards a phenomenological and pragmatist perspective' (p.10) using 'space time and embodiment' as key concepts. She also comments that her interest is not focussed on 'end of life' as 'living life'.

In order to gain an insight into the lived experience of those serving indeterminate sentences the author explains how she 'worked, played games or music, walked round, had lunch, coffee breaks and waited with prisoners'. She was, she says, 'sensing with' which involved 'feeling with' (p.15). In total she spent 155 days in two prisons, including 4 one-month periods in the prisons. She explains that she was given a telephone and keys and could move freely around the prison, was assigned tasks such as escorting prisoners and administrative work. This access and flexibility meant that she was able to see prisoners as 'people' and to look at prison differently, not as 'bad' or 'dehumanising'.

The book also explores the views of 10 staff members and 5 members of the enforcement authorities. She describes speaking to prisoners during walking tours of 'their' prison, during which she took photographs to illustrate the points they highlighted in their discussions.

In the second chapter the legal basis for indefinite detention in Switzerland is explained, together with the nature of in-patient

therapeutic treatment and mental disorder. The book explains that the Swiss Criminal Code (SCC) distinguishes between a prison sentence and a 'measure' which could be to provide therapy or ensure public security. The types of crime (intentional homicide, serious assault, or those crimes that have caused or are intended to cause serious detriment to the physical, psychological or sexual integrity of another person) and if a high risk of reoffending has been identified due to a) personality traits of the offender or b) a permanent or long-term mental disorder, played a role in the offence and it is not expected that imposing a therapeutic measure will be successful (p.48). The book outlines that in 2018, 144 people out of a total of a 7000-prison population were identified in this way.

The third chapter examines the theoretical framework of the experience of imprisonment using the concepts of space time and embodiment. The author aims to 'build a bridge between the studies in carceral geography and criminology' (p.96). She explores and utilises the three distinct areas in Swiss prison regimes - work time, resting time and leisure time - and uses this as a basis for her analysis. She concludes that it is important to understand that the prison is not a 'static container' that holds people, but is a formally established set of arrangements and (clock) time that is lived. She also comments that previous studies labelling prisoners' engagement with imprisonment as resistance, coping, or adaptation suggests that the prison space is a problem rather than a resource. Her observations take into account both the regime and culture of the prison as well as its everyday routines, rhythms and surroundings and how these factors affect an individual's experience of indefinite detention.

Chapters four to six are devoted to prisoners' lived experience of prison life and their

individual ways of dealing with indefinite time. Chapter 4 explores prisoners' experiences of being in the prison cell, chapter 5 their experiences of work and chapter 6 focuses on leisure time, which includes visits, sport education and outside 'courtyard' activities.

The book highlights the prison cell as the place where people spend most of their time, alone, and she suggests that it is 'the crucial context for the foundation and maintenance of the prisoner's sense of self and personal integrity'. The author suggests that 'prisoners' ways of arranging their cells are shaped by their personal attitudes toward their uncertain future' (P.180). She suggests that those people who try to accept their imprisonment concentrate on the present and turn their cell into a home, and those who continue to hope and fight for their release reflect this by suggesting that the cell is a place where they currently 'have to be' rather than making themselves comfortable. There are also a number of insights into the different regime and security concerns and staff/prisoner relationships, the importance for some people to have a view of the outside world, and for others to block it out.

Chapter five considers the importance of work and relationships with the 'foreman' of the prison work areas and how these relationships are an important reference point for long term prisoners. The author suggests that as a recognised and appreciated worker they may (re) gain 'the feeling of being unique as well as still a member of society'.

The chapter also explains how much prisoners are paid for their work (the equivalent of approximately £22 per day) and how prisoners are expected to save for their eventual release. The contrast with other penal regimes in other countries is fascinating. Again, photographs of the work areas

provide insight into the inner working of the prison and the actual experiences of prisoners.

Chapter six focuses on prisoners' use of leisure time, such as sports or education. The author describes the mood of the wing as 'relaxed' and 'filled with the sound of music and the smell of food' during leisure periods (p.238). She explains what leisure time consists of in Swiss prisons. This includes a daily walk of one hour, going to the gym, yoga, political education, language, or music classes. Access to the library, computers or games consoles, and access to nature (the courtyard) are also features of leisure time (p.248). Interestingly the author says that she associated time in the courtyard as the opportunity for a sense of freedom for prisoners, but some people suggested that it was a place where they experienced harassment due to other prisoners' views of their offences. Other activities for older people include cooking classes, playing cards and crafting sessions. Prisoners were also allowed visits, although 8 of the 32 people in the research did not receive visits, and the rather liberal view of the prison management to sexual activity between visitors and prisoners in the visits toilets was something of a contrast to contact between visitors and prisoners in prisons in England and Wales.

This enjoyable book provides an important insight into the experiences of people serving indeterminate sentences in Switzerland. It's use of photographs and detail about the intimacy of prison life provides an interesting and enlightening opportunity to those working and studying other penal systems to compare and contrast their knowledge and experience with that of the Swiss system.

The Stains of Imprisonment. Moral communication and men convicted of sex offenses

By Alice levins
Publisher: University of California Press (2023)
ISBN: 9780520383715
Price: £30 but available as open access at:

(<https://luminosoa.org/site/books/m/10.1525/luminos.143/>)

Reviewer: **Karen Harrison** is a Professor of Law and Penal Justice at Lincoln Law School, University of Lincoln.

In the wake of a number of historical sexual abuse scandals, the #MeToo movement and a general increase in the support of and belief in sexual abuse allegations, the number of men who have been convicted of sexual offences has dramatically increased in the last decade or so. This has meant that the proportion of convicted sex offenders in the prison system, in England and Wales, has increased, with this leading to a number of prisons functioning as sex-offender only prisons. HMP Stafford, the subject matter of this book, is one such prison. *The Stains of Imprisonment* is therefore a very timely book looking at the function of sex offender prisons but also importantly how they act as moral communicators.

The first chapter of the book begins by detailing the backdrop of carceral feminism, in terms of explaining why we use prison to punish those who commit serious crimes. In this sense, the book is a rich account "of one of the worlds created by the feminist push for punishment . . . [including] what it communicates to prisoners about their offending and their moral status" (p. 7). In short, the book is looking at what messages prisons send to those it detains, with the study here interested specifically in what messages are sent to men who have been convicted of sexual offences. The book argues that Stafford functioned as a morally communicative institution, in that it said something to prisoners about who they were and what they had done. Being punished at Stafford,

therefore, "imparted an exclusionary and stigmatising message – that you are an inherent sexual offender, a bad person, a dangerous object – with the effect that most prisoners focused their energy on challenging the label rather than engaging with the moral connotations, meaning and effect of the offense" (p. 8).

Chapter 2 then goes on to introduce in more detail the methodology of the study, including HMP Stafford and the concept of moral communication, with the idea of staining being first introduced. In brief, the prisoners knew that their imprisonment was a condemnatory response to their crime and that this was at its highest when the conviction was for a sexual offence. Since the participants had been convicted of sexual offences, they acknowledged that this had stained them and how this affected their whole incarceration experience. While most penologists accept that prison as a sentence communicates that a person has broken the law and therefore needs to be punished, it can also be used to make people feel guilt and shame and it is this which the book argues Stafford was doing. However, rather than the communication focusing on the shamefulness of the act, it focused on the "shamefulness of the wrongdoer" (p. 21). In terms of methodology, the author spent five months in Stafford starting in May 2015. She was there up to four days a week, often at weekends and largely hung out, although interviewed 42 prisoners and 12 prison officers. This section of the book also includes a really interesting section on what it was like being a young, female, white, woman undertaking research in a sex offender prison, with this being very useful for those who are considering similar research.

While the idea of staining is introduced in chapter 2, chapter 3 looks at this in more detail and explores the stigma of being a sex offender, including how the social

identity of a sex offender is a stain. In this sense a stain, "is something which seeps into your whole being, which sets you apart, and which pollutes you" (p 43). The author also notes how prisons reinforce these stains, which can also spread to family and others who visit. Interestingly, while many of the research participants were aware of the stain "it rarely sank beneath the skin", with there being three reasons for this: 1) the sex offender label was due to a complex legal process which had sometimes unreliably convicted them and therefore was something which did not truly represent them, 2) many saw themselves as not as bad as others (child sex offenders) or it not really applying to them because they did not act or behave like a sex offender, and 3) the scale of the punishment and consequences of the stain were disproportionate to their behaviour, turning them into "victims of the state" (p. 50).

The book then moves onto detailing the main research findings of the project, with chapters 4 and 5 talking about how sex offenders did their time at Stafford. In this regard, the author divided her participants into seven different typologies. In brief these were:

1. The repentant: those who felt extreme guilt and shame and saw their sentence as deserved and an opportunity to redeem. They used their time to change, "conscious of their stained identities, but believed that their authentic, reformed selves, were still visible through the murk" (p. 67).
2. The redeemed: a subsection of the repentants, they accepted guilt but now saw the prison as blocking their progress in terms of release.
3. Fatalists: most admitted guilt but were not morally troubled

about their offences, rather being concerned about the consequences of their convictions. Prison, for them, was to be endured.

4. Negotiators: most had admitted 'technical' wrongs but didn't feel morally blameworthy and didn't think their sentences were fair. They contested their convictions, the sex offender label and thought Stafford was inappropriate for them.
5. Mainstream prisoners: those detained at Stafford because they were vulnerable and therefore rejected the sex offender label.
6. Activists: these claimed they were innocent and victims of false allegations and an unjust system. They took pride in refusing to submit to the power of the prison and rejected not just their conviction but also the legitimacy of the prison.
7. The resigned: also maintained their innocence but tried to come to terms with their situation. The resigned found ways to cope with prison life, while the activists found ways to challenge the legitimacy of it.

Chapter 6 then describes the two faces of the prison officers working at Stafford, with these falling into backstage (critical and dismissive of sex offenders) and front stage (professional courtesy) personas. While many officers believed that they always displayed "frontstage impartiality" (p.105), prisoners nevertheless knew "what they think of us really" (p.105). For many of the prison officers, those in their charge were stained, with this stain also affecting them in terms of them having to work at Stafford. In

short, the chapter explains how despite wanting to be "impartial automatons, they had become morally expressive agents, and what they expressed was condemnation" (p. 105). Despite prisoners being aware of how they were viewed by both society and prison officers, chapter 7 discusses how there was still a moral community at Stafford, with this displayed when one prisoner said that he would like to rape the author. Despite a fear that people who are stigmatised/shamed create their own subcultures, which in this situation would normalise deviant behaviour, this didn't happen at Stafford, with evidence of the same moral code as witnessed in mainstream society. What was apparent, however, was a "distinct moral microclimate" (p. 128), with the chapter used to explain what this was. Finally, chapter 8 summarises the main findings of the book, but also looks at ways in which we can communicate better. While I can't do justice to this section here, there is an interesting discussion on the use of transformative and restorative justice and also the creation of spaces where honest conversations can be held about a person's offending.

Overall, I really enjoyed reading this book. The contents are fascinating, it is written in a really engaging way and I have already encouraged my students to pick it up and read – particularly because of the open access option. I would recommend the book to all those working with men convicted of sexual offences, all those who are thinking of this as a career option and also those who have an academic interest in the subject. I write this in April, but definitely my top read of the year so far!

PRISON SERVICE JOURNAL

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The *Prison Service Journal* is a peer reviewed journal published by HM Prison Service of England and Wales. Its purpose is to promote discussion on issues related to the work of the Prison Service, the wider criminal justice system and associated fields. It aims to present reliable information and a range of views about these issues.

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