

Offences without offenders

Vincenzo Ruggiero looks at the work of INQUEST.

There are a number of episodes which are significant for the origins of INQUEST, among which is the killing of Blair Peach in 1979. In that year, during the general election campaign, the National Front organized a rally in the large, well established Asian community of Southall. An anti-racist demonstration was also called, and violence erupted. Caught up in the clashes, Blair Peach received a fatal blow from a police officer.

'A search in the lockers of those SPG officers on duty on that fateful day in Southall revealed a frightening array of illegal weapons from a sledgehammer to a crowbar' (Ryan, 1996: 11).

INQUEST was founded in 1981 by friends and families of people who had died at the hands of the police and in custody, and it started campaigning for changes in the coroner's court system. Currently, its work extends to deaths in psychiatric and special hospitals, deaths at work and deaths involving issues of public health and safety, such as major disasters.

Deborah Coles and Helen Shaw, the two co-directors of INQUEST, explained:

Our work is concerned with two types of victimisation. We focus, on the one hand, on the victims of the state and, on the other hand, on the families who are victimised by the investigation process. These types of victims are not recognised as such. Let's give an example. If I walk down the street and I get murdered, my family will get all sorts of support, thanks to the Victim Support movement and other forms of institutional help. Those who are murdered while in custody will be treated, in a sense, as if they deserved death, because they should not have been in custody in the first place. In one case we have dealt with, the mother of a young man who had committed suicide in prison received no information, no explanation and no support when the tragedy occurred. But, when a few days later her car was stolen, within 24 hours she received a letter from Victim Support; she had been a victim of crime.

In the experience of Deborah Coles and Helen Shaw, blaming the victims is a frequent response to deaths in police custody and in prison. The victims are described as particularly aggressive, thus determining the decision to physically restrain them. Reacting to restraint, and struggling with the officers are then seen as the causes of escalating violent confrontation leading to death. In this sense, one could argue that all deaths in police custody or in prison are self-inflicted. As the co-directors of INQUEST remarked:

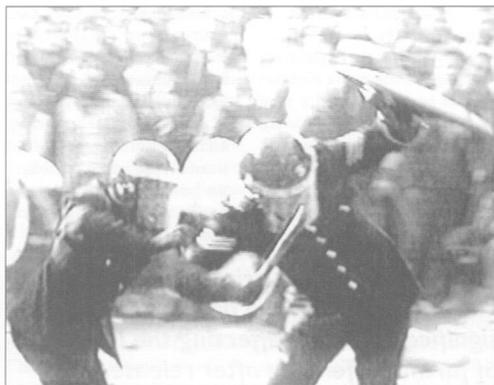
A manipulative use of the media gives validity to the descriptions of the causes of death which are most favourable to the institutions involved. As for the coroners, the idea that they are impartial members of the judicial system, and will carry out a thorough and objective inquiry, is totally wrong. Coroners do not carry out independent investigations; these are always shaped by police reports or by prison service internal investigations, which are then made available to coroners as the only possible truth.

Bereaved families do not receive the desired treatment from coroners, and often 'have to battle to discover what their rights are and what type of legal representation they are entitled to'. They also have to struggle to be given any information about the circumstances in which their relatives died. In this respect, members of the INQUEST Lawyers Group demand a reform of the inquest process, underlining how the current practice of most coroners not to disclose any evidence in advance of the hearing has contributed more than any other factor to public mistrust of the inquest system. The Group has also long argued for the provision of legal aid for some types of inquest, as was established but never brought into effect by the Legal Aid Act 1974 (Munyard, 1998/99). Deborah Coles and Helen Shaw added:

There is in the present system an inherent unfairness where a public body, for example a prison institution, can be represented at considerable public expense while the relatives of someone who has died within its walls cannot take up that right to representation.

Members of INQUEST argue that the increase in controversial deaths, including deaths in custody, is due to the failure of the relevant institutional actors to learn from previous tragedies. With the growth of the prison population, and the subsequent deterioration of conditions, prevention of deaths in custody becomes of secondary importance, while the management of overcrowding is prioritised. Deaths of young people in custody, as a consequence, are becoming particularly alarming.

The death of three black men in custody, in 1995, highlights the treatment of black people in the criminal justice system, and at the same time shows the failure of institutional bodies to learn lessons from previous deaths. The three young men died in almost identical circumstances, one after the other, and in all cases it was impossible to hold anybody to account. The message was clear: officers can use illegal force and all other possible means of restraint, and get away with it.



David Kidd Hewitt

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The establishment of a prison Ombudsman, who is expected to monitor issues concerning prison conditions, was said not to have brought significant change. The Ombudsman cannot consider complaints brought by families of people who died in custody, but can only take complaints from live prisoners.

Among the objectives of INQUEST are:

achieving more accountability and transparency in the way institutions operate, and to make institutions able to acknowledge where they have done wrong. Our aim is also to change the inquest system, to make it more open. In brief, to change the way in which society deals with its own victims.

INQUEST addresses questions of liability, which transcend demands for a democratic investigation of facts. Controversial deaths should stop being regarded as ‘offences without offenders’, and victims of powerful offenders should be given the opportunity to take legal action:

If your trip on the street you can sue the Council and get some money; if your child dies in custody, there is nothing you can do.

Among the groups operating within INQUEST there is an informal network of families who meet regularly, are available to provide mutual support, and are involved in campaigns. Families with experience of bereavement caused by powerful offenders offer families with similar, more recent experience that which the institutions are unable to provide. The ‘family group’ of INQUEST also suggests strategies for legal reform and contributes to the elaboration of policies.

Families involved in INQUEST are not out for what they can get:

money, compensation. Most families we work with want to know the truth, they want to know who was responsible for the death of their relative, and they don't want this to happen to anybody else. They don't want revenge. The partner of Blair Peach was interviewed recently and, twenty years on, she said all she wanted was the name of the person who killed him.

The acknowledgement that crimes are committed by institutional, powerful actors is among the objectives of INQUEST, an organisation which, sadly, has observed a dramatic expansion over the last years. After the UN Committee Against Torture, in 1998, condemned the UK for the growing number of people dying in police and prison custody and for the lack of investigation into suggestions that those people had been unlawfully killed, the work of INQUEST seems to be destined to expand further. Will there be a time when its workers and members will be made redundant?

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References:

Munyard, T. (1998/99), ‘No Prospect of Legal Aid for Inquest Representation’, *Inquest Law*, 1: 4.
Ryan, M. (1996), *Lobbying from Below. INQUEST in Defence of Civil Liberties*, London: UCL Press.

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Prisoners’ families - the forgotten years

Lucy Gampell considers the folly of ignoring the hardships faced by those who are left behind.

I felt so bewildered by everything that was happening, but I had to try and keep things together for the children when their dad went inside. I don't know how I would have coped without support. (a family member)

Last year approximately 125,000 were committed into custody resulting in an all time high prison population in England & Wales. As a result, an ever-increasing number of families are experiencing having a family member in prison and many of them are in touch with the criminal justice system for the first time. At all stages of the criminal justice process from arrest through to release, they find themselves side-lined and ignored.

Yet, maintaining good prisoner/family and community ties is one of the most significant factors affecting the likelihood of further offending after release.¹ The Woolf Report concluded that:

If the destructive effects of imprisonment are to be reduced so that the prospects of the prisoner not re-offending can be improved, it is critical that, where possible, the prisoner's links with his family and the community should be maintained.

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Despite this, little is done to support, sustain or strengthen family relationships whilst the offender is in prison. There is very limited information made readily available to such families directing them to appropriate services, support or financial assistance and many face the period of imprisonment unaware of even the most basic information about what is available to them. For example, many families have costly, arduous journeys to visit someone in prison. This could involve several changes in transport with young children. Those on low income and in receipt of benefit should be eligible for statutory support under the Assisted Prison Visits Scheme, yet time and again, families are not told about its existence for months, or even years after they start visiting. On arrival at the prison they may have to wait some considerable time before going into the prison yet many prisons still do not have a visitors' centre or waiting area. The visits process itself is frequently stressful and many families find the searching procedures and attitudes towards them demeaning. Yet the prison service readily acknowledges the importance of visits both to the prisoner's morale and prison stability. They depend on families to visit and initiatives such as the incentives and earned privileges scheme were formulated on the premise that families would obligingly meet the 'rewards' on offer.

Preparing for visits

There is no question of an ordinary prison visit providing a real opportunity for quality contact; however, the more visitors are prepared for the visit, the greater chance of that visit being a positive experience. An increasing number of prisons are now producing information leaflets for visitors and the Prison Service will shortly be publishing a general leaflet giving guidance to visitors to prison. This has been produced jointly with the Federation of Prisoners' Families Support Groups and the Prison Reform Trust. However, as ever, it is primarily left to the voluntary sector to ensure such material is both written and made available to families. For example, information on preparing children for visits has been produced by the Ormiston Children and Families Trust². A group of voluntary sector



Greenhill Jenner Architects

HMP Holloway Visitors' Centre

organisations including the Federation has also been involved in producing a *Visitors' Charter* which is currently being piloted in the Yorkshire and Central Prison Service areas.

Sentenced by association

Away from the prison, many families still find their lives dominated by what is happening around them. The families of those sent to prison live in the shadows of the offender's action. Treated by many as 'sentenced by association', they have to face many difficulties such as shame, isolation, financial hardship, guilt and stress. The lack of public understanding and largely unsympathetic media coverage place additional strain on families. Some even find themselves hounded from their homes or having to move their children to different schools to avoid victimisation or harassment.

Prisoners' children are at particular risk - over 140,000 children alone are estimated to have a parent in prison and the impact of the experience on them can have a lasting effect. A child's life is likely to be severely disrupted by the removal of a parent or sibling and the impact is generally greater where the offence is of a serious nature. Negative media coverage, demonising the offender as an 'evil monster' is particularly distressing to children. They may well have witnessed the arrest itself, resulting in possible antipathy towards figures of

authority such as teachers and prison officers.

Supporting children

When my Mum was arrested I thought I was never going to see her again.

All of this has a negative effect on children's education and can threaten their educational performance and future life-chances. Teachers are generally unaware of the needs of prisoners' children and until last year no attention had been given to the topic of prisoners' children in school. However, as a result of the growing concern amongst organisations such as Save the Children and the Federation, a steering group came together and produced a handbook for teachers on working with prisoners' children.³ For children, the primary concern is the confidentiality of anything they tell their teacher. Many children experience bullying, teasing or are worried about the teacher's own prejudices, yet still want to be able to talk with teachers or an appropriate person about what is going on.

For parents, what and when to tell the children is one of the hardest issues they have to face. Many find the task too daunting and choose to make up stories instead. They need advice and support to help them and their children through the experience, but most never receive specialist help. At present there are less than 25 organisations offering specialist support to prisoners' families and many of these are small voluntary groups, usually set up by someone

who has themselves been through the experience. Each year a number of people try to start up a new group but, due to the complexities of getting it established and the recognition of the enormity of the task ahead, many do not come to fruition.

Thus, whilst some progress has been made in addressing some of the practical problems faced by prisoners' families visiting prison, there is no statutory funding for support groups nor overall recognition of the immense contribution families could play in long-term crime prevention. Until the Prison Service and government starts to see prisoners' families as a resource and involves them more in prisoner programmes and rehabilitation, they will remain marginalised by a system that depends on them and ostracised by the community around them.

Lucy Gampell is Director of the Federation of Prisoners' Families Support Groups.

Notes:

1. *Family Ties and Recidivism: main findings of the literature.* J Ditchfield. Home Office Research Bulletin no. 36 (1994).
2. *My Dad's in Prison & My Mum's in Prison* series of information leaflets.
3. *Working with children of prisoners. A resource for teachers.* Save the Children Fund 1998.