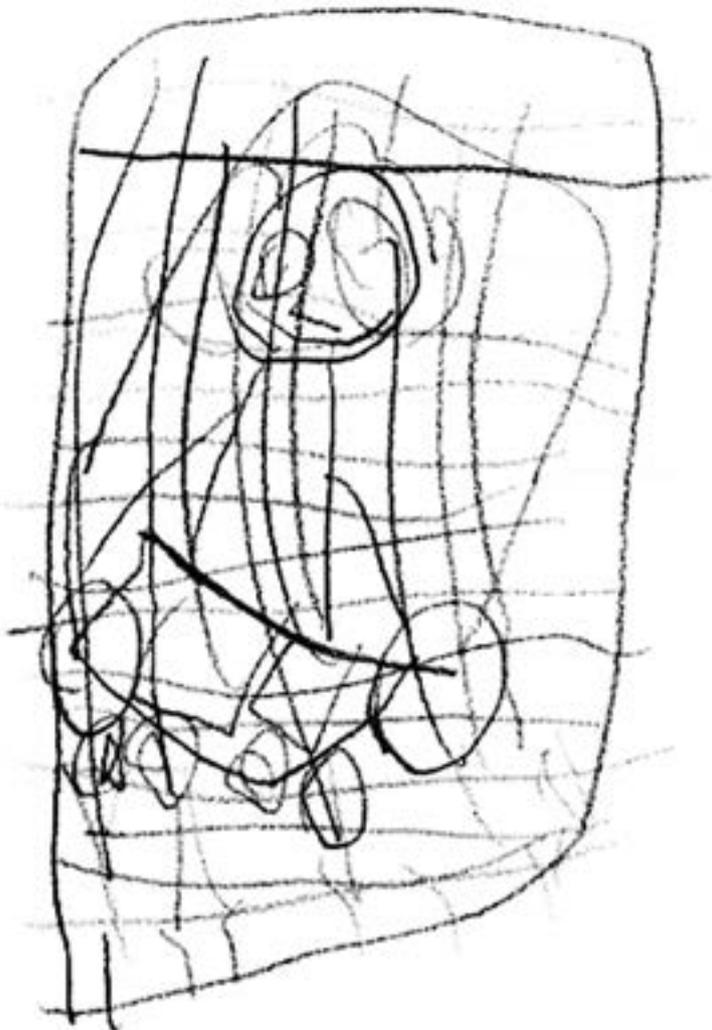


European Journal of Parental Imprisonment Resettlement and family ties





Children of Prisoners Europe

European Journal of Parental Imprisonment
Resettlement and family ties

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Children of Prisoners Europe (COPE) is a pan-European network of non-profit organisations working on behalf of children separated from an imprisoned parent. The network encourages innovative perspectives and practices to ensure that children with an imprisoned parent fully enjoy their rights under the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights, and that action is taken to enable their well-being and development.

The European Journal of Parental Imprisonment is a bi-annual publication that seeks to broaden the study of issues relevant to children affected by parental incarceration and meet a burgeoning interest in the development, implementation and evolution of entitlements, policies and practices that promote their well-being. With a view to fostering new perspectives for children with imprisoned parents, the journal features contributions by eminent scholars and experts in the fields of child rights, child welfare, criminal and social justice, psychology, penal affairs and other disciplines; published articles do not necessarily represent COPE's opinions. Selected articles are editorial screened but not peer-reviewed. The editor is committed to reasoned ideological diversity and welcomes suggestions for special issues and contributions.

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The views expressed in these articles do not necessarily reflect those of Children of Prisoners Europe.

Resettlement and the importance of family ties

Interview

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Translated from the French by Brianna Smith

Before discussing resettlement and family ties, there is an essential element that needs to be considered: from an anthropological perspective, family ties are made up of three key aspects:

1. Responsibility: the parent has a responsibility towards their child when the child is a minor (when the parent is old or elderly the roles of responsibility are reversed and the child becomes responsible for their parent);
2. Affection and tenderness;
3. Loyalty: this element differs from the first two due to the fact that loyalty ties survive even after the death of the parent or child. We always feel a certain duty to our parents even if we have never met them. These ties are put under particular strain by urban societies. Since the 1960s, the structure of large urban societies has contributed to the development of individualism that turns us in on ourselves, reduces our ability to relate to others, causing ties of loyalty to disintegrate. These are the ties that introduce feelings of obligation, the ties that help construct our sense of self and yet they are becoming less and less visible in modern society.

Child-parent relationships can be considered in relation to these three essential forms of ties. Responsibility, affection and loyalty are important aspects. Affection, however, is not the most important focus when exploring the bonds between a child and their imprisoned parent or questions of resettlement. When considering resettlement, responsibility and loyalty are key.

Responsibility

Feelings of loyalty and, in particular, responsibility are highly affected by imprisonment. Responsibility is one of the elements most affected. When you are imprisoned, you lose your sense of purpose, your responsibility for yourself, the control over your own voice, the control over your actions, you even lose control over what time you wake up in the morning:

When you are imprisoned, you lose your sense of purpose, your responsibility for yourself, the control over your own voice, the control over your actions: everything is decided for you. This lack of freedom completely hinders a person's ability to be a parent.

everything is decided for you. This lack of freedom—this lack of responsibility—completely hinders a person's ability to be a parent.

An imprisoned parent will often reverse the roles of responsibility in the child-parent relationship, causing their child to grow up too soon. The child will certainly assume responsibility for their parent one day, but this would usually happen much later. An imprisoned parent takes on the role of an elderly parent vis-à-vis their child. The child is forced to adopt the responsible adult's role¹ and this is painful. It is very painful when a parent tells their child to look after them, but this is what we often witness. This role reversal has serious consequences for the child-parent relationship: the parent is no longer a reliable source of safety for their child. Placing the child in the role of the adult leads them to either grow up too soon, or, in some cases, rebel.

Generally, this distortion of the relationship—this breakdown of the parent's sense of responsibility—has serious consequences on their capacity to feel a "citizen". The family unit is not a unit set apart from the rest of society. It is one of the major components of society. A person who is unable to find their place within their family will not have a better chance of finding their place in society. Indeed, if family relationships are damaged by imprisonment, the prisoner will be unable to find their place in the family upon release. When we are unable to find our place within our own family, we will seek out a place elsewhere and,—if we fail to settle or find true bonds of attachment—we will start to engage in risky or dangerous activities. Family relationships damaged by imprisonment therefore result in a major risk of reoffending. It is also important to highlight that not finding one's place in the family upon release from prison can lead to violence, particularly in the case of the father. Violence is the result of feeling as though you are intruding on the very place you feel you have a right to occupy, or the feeling that you are occupying a place without permission. When we cannot identify what is expected of us through what the other person is saying, we become blind to them and thus capable of violence towards them.

¹ Original French: *ancestralisé*

Imprisonment and the harm to the child-parent relationship caused by imprisonment are at the root of intra-family violence upon the release of the parent from prison or upon reoffending.

Loyalty

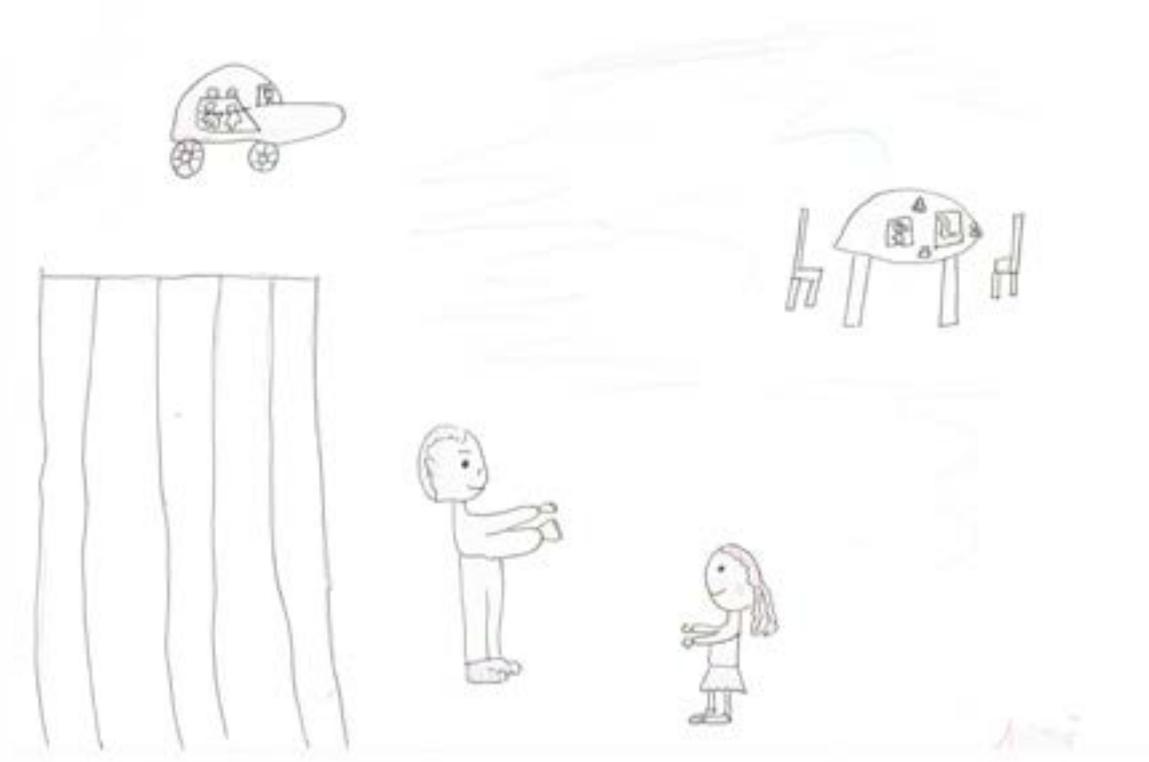
Finally, we must not forget the ties or bonds relating to loyalty. Loyalty is a complex subject that contributes to one's sense of identity. We do not choose our identity; we are subjected to it. Ultimately, we are always concerned by those who share our identity; by their potential to project a negative image of our identity. It is this that causes children of imprisoned parents to be ambivalent towards their parent. On the one hand, displays of tenderness push them towards their parent; on the other, they are held back by the anger they feel due to the shame that the parent has brought upon their shared identity. This ambivalence is muted in childhood, but becomes very clear in adolescence. This is why, when visiting their parent in prison, children should be accompanied by a neutral party—not neutral with respect to any tensions between the imprisoned parent and their partner or society, but neutral with respect to any tensions that might occur between the imprisoned parent and their child. The parent must be allowed to witness the anger of their child.

Feelings of disloyalty can cause feelings of shame. According to Aristotle, shame is a withdrawal into

oneself. In the *Nicomachean Ethics*, Aristotle is surprised at the torture victim who walks through a crowd with his eyes covered. Why does he do this? It is because he does not want to see himself being seen. Shame is the rejection of being seen. It is not the feeling of being at fault; one can feel ashamed despite not being at fault.

An imprisoned parent can provoke feelings of shame in their child, and when this happens, when a parent realises that their child is ashamed of who they are, they feel terrible. If the parent is not properly supported during this difficult period, they risk reoffending, since when we feel as though we have betrayed our own identity, we tend towards risky or dangerous behaviour.

These are the two major aspects that are important to know how to work through and support in order to avoid a breakdown in the bond between a child and their imprisoned parent leading to reoffending; in order to maintain the parent's ability to feel like a responsible adult and thus a responsible citizen; and in order for the parent to feel responsible for their child and for their shared identity. When a person is responsible for another, and when they are responsible for their own identity, as well as the image their identity gives off within their surrounding environment, then this person will become a good citizen. A citizen is no more than a person with responsibility who feels a sense of pride and dignity in their identity.



Since 2008, Status: M has been working with young men on violence prevention, gender equality, and promotion of positive masculinities and healthy lifestyles through its Young Man Initiative (YMI) programme implemented by CARE International in the North West Balkans along with local partners in Bosnia and Herzegovina, Kosovo, Montenegro and Serbia. The goal of this programme is to build a culture based on human rights, non-violence and healthy development among youth and the community in general among the Western Balkan states.¹

There have already been several thousand beneficiaries of Status: M's Young Men Initiative across Croatia, as well as its campaigns and group workshops based on Manual M: Young Men's Manual, a training manual for educators and youth workers. Aside from their work with minors, Status: M is also engaged in the global fatherhood campaign "MenCare", created by Instituto Promundo and the Men Engage network, which is being run as the campaign SUPERDAD in the Western Balkan region. By implementing the MenCare campaign in Croatia, Status: M has adapted "Program P" (a manual for engaging men in fatherhood, caregiving, and maternal and child health) for local use.

Status: M's three main approaches:

1. Primary prevention: This includes work with the general population (e.g., high school students and young fathers who voluntarily participate in the programme) on violence prevention and the promotion of healthy lifestyles by conducting group workshops and various public campaigns concerning violence, gender equality, health, engaged fatherhood etc.;
2. Prevention of the institutionalisation of adolescents: This programme includes youth work with young men who have been referred to Status: M by social welfare centres. This youth work takes a corrective, educational approach;
3. Prevention of reoffending and improvement of the parental competencies of young prisoners: The goals of these programmes are to reduce recurrence of criminal, violent and risky behaviours by improving attitudes towards non-violence and by building social and life skills of young men, fathers and future fathers in prisons; and to improve their parenting skills, encouraging them to work towards healthier and more equal relationships with their partners and empowering them as positive role models after their release. Status: M is currently delivering workshops in three prisons: Glina Penitentiary, Zagreb Prison and Turopolje Correctional Institution for Minors.

1 Program M (Program Young Men) [Internet]. *Program M*. YMI. Available from: <http://www.youngmeninitiative.net/en/?page=50>

The importance of working with men: A gender transformative approach

The work of Status: M is based on gender transformative programmes in working with men through informal education and public campaigns. A gender transformative approach requires transformation of gender roles and promotes gender-equal relationships between men and women.² There is still a general perception that gender inequality is a women's issue and that women are the only victims of this uneven distribution of power in society—the majority of intimate partner violence is perpetrated by men³; global World Health Organization estimates indicate that approximately one in three women (thirty-five per cent) have experienced either physical and/or sexual intimate partner violence⁴; globally, as many as thirty-eight per cent of murders of women are committed by a male intimate partner⁵. However, evidence also suggests that gender inequality is harmful for men. According to Manual M, the majority of physically violent criminal acts are committed by men; on average men have a lower life expectancy; more cases of alcohol and drug abuse are associated with men; they are more likely to commit suicide; more likely to die as a victim of murder; three times more likely to die in a traffic accident and less likely to seek health services.⁶ Furthermore, 95.1 per cent of all prisoners in Croatia, and indeed in most countries, are men.⁷ All of this can be seen as a result of culturally-conditioned gender roles and the learned behaviours that are underpinned by negative masculinity, rather than biological sex differences. Using a gender lens in working with men includes questioning the rigid gender roles and reshaping several key norms related to masculinity associated with harmful health outcomes.⁸ Benefits of engaging men in programmes with a gender transformative approach can result in positive change in reducing gender-based violence and violence in general,

2 Fleming, P.J., Lee, J.G., Dworkin, S.L., (2014). "Real men don't": Constructions of masculinity and inadvertent harm in public health interventions. *American Journal of Public Health*, 104(6), pp. 1029-1035.

3 Casey, E., Carlson, J., TwoBulls, S., Yager, A., (2016). Gender transformative approaches to engaging men in gender-based violence prevention: A review and conceptual model. *Trauma Violence & Abuse*, 2016 May 18.

4 World Health Organisation. [Internet]. *Violence against women*. 2016. Available from: <http://www.who.int/mediacentre/factsheets/fs239/en/>

5 *Ibid*.

6 CARE International, (2011). *M Manual: A Training Manual*. Banja Luka, BiH: CARE International.

7 Croatian Bureau of statistics. [Internet]. *Women and Men in Croatia 2015*. Available from: http://www.dzs.hr/Hrv_Eng/menandwomen/men_and_women_2015.pdf

8 Fleming, P.J., *op. cit*.

but also in the areas of sexual and reproductive health, HIV prevention, fatherhood and care, and drug abuse.⁹ Working with fathers in prison includes deconstructing features of patriarchal masculinity, supporting positive change in their relations to family members and children and encouraging them as fathers while in prison and after their sentence. “Decades of studies have shown that children who have supportive and affectionate role models in their fathers are more likely to be safer and better protected from violence, have more successful futures, and handle the stresses of life more easily than those with an absent father or male role model” (Program P).¹⁰ Furthermore, studies around parental incarceration and child psychopathology have shown that “parental incarceration is a strong risk factor for long-lasting psychopathology, including antisocial and internalising outcomes”¹¹ which is why it is even more important to support and encourage fathers in prison to be positive role models for their children.

Status: M is currently working with young men, fathers and future fathers in in prison through delivering group workshop cycles, thus implementing programmes for prevention of reoffending and strengthening parental skills. The workshops are based on raising awareness about gender equality, violence, criminal and risky behaviours, communication, emotions, substance misuse, positive parenting and providing care. In its work in prisons and penitentiary systems, Status: M is implementing programmes combining Program M (working with youth) and P (working with fathers and future fathers). This combined programme was piloted in 2014 and has since been adapted. It is in constant development.

Manual M: Young Men’s Manual is a training manual for educators and youth workers designed for work with young men on issues such as gender equality, sexual and reproductive health, emotional well-being and violence. Manual M was developed out of the Young Men Initiative programme by non-governmental organisation CARE International and its collaborative partners¹² and it is an adaptation of a programme (Program H) originally

9 Casey, E., *op. cit.*; Dworkin, S.L., Treves-Kagan, S., Lippman, S.A., (2013). Gender-transformative interventions to reduce HIV risks and violence with heterosexually-active men: A review of the global evidence. *AIDS & Behavior*, 17, pp. 2845–2863.; Pulerwitz, J., Barker, G., (2007). Measuring attitudes toward gender norms among young men in Brazil: Development and psychometric evaluation of the GEM scale. *Men and Masculinities*, 10(3), pp. 322–338.; Fleming, P.J., *op. cit.*, CARE International, *op. cit.*

10 Promundo, Cultura Salud and REDMAS, (2013). *Program P: A manual for engaging men in fatherhood, caregiving, maternal and child health*. Rio de Janeiro, Brazil and Washington, D.C. USA: Promundo.

11 Murray, J., Murray, L., (2010). Parental incarceration, attachment and child psychopathology. *Attachment & Human Development*, 12(4), pp. 289–309.

12 CARE International, *op. cit.*

developed by Instituto Promundo in Brazil and its partners.¹³ This life skills educational programme includes forty workshops divided into four sections: Reasons and Emotions, Fatherhood and Caregiving, Sexual and Reproductive Health, From Violence to Peaceful Coexistence. Some of the workshops from Manual M delivered to young fathers in prison include:

What is this thing called gender: the main objective of this workshop is understanding the differences between sex and gender and reflecting on the ways that men and women are expected to act.¹⁴ Participants consider norms of gender socialisation (how they were raised based on their gender and how they are raising their sons and daughters), communication and affection between parents and their children. Educators facilitate group discussion around masculinity and fatherhood, negative consequences of rigid gender stereotypes and ways of challenging these norms to promote more positive gender roles and relations in their lives, families and communities. This is one of the key workshops in the cycle, as it is strongly interconnected with other topics such as violence, division of caregiving, substance misuse and communication.

Expressing my emotions: the main objective of this session is to recognise the difficulties that men (especially young men) face in expressing certain emotions and the consequences for themselves and their relationships.¹⁵ Men often face difficulties in expressing their emotions especially when it comes to fear, sadness or even kindness, while anger is often expressed by violence. This session includes thinking and learning about basic human emotions, their purpose and the importance of emotional expression, emotional intelligence and mental health. One of the key points of this session is to recognise the clear distinction between anger and violence, to talk about positive and healthy ways of expressing anger, but also to encourage fathers to be positive role models for their children with respect to their emotional well-being.

Negotiation skills: this session deals with communication skills. It includes learning about conflict resolution and negotiation skills¹⁶,—learning about concepts such as active listening, using “I” statements, expressing ones needs and desires in a positive way, as well as being assertive. This session gives prisoners the opportunity to practice negotiation skills that can help them resolve conflicts they may encounter in different spheres of their lives (e.g., with other inmates, prison staff, their partners or children) and build healthier and

13 Program M, *op. cit.*

14 CARE International, *op. cit.*

15 *Ibid.*

16 *Ibid.*

more equal relationships. The prisoners can use these communication skills to make the most of the limited time they have when in direct contact with their partners and children during visits and phone calls.

Labelling: the main objective of this workshop is to recognise how labelling people can limit one's potential and affect various relationships. This session includes learning about prejudice, discrimination, stereotypes and other phenomena relating to social psychology, such as deindividuation or self-fulfilling prophecy. A critical discussion about labelling and sharing their experiences within the group can help prisoners cope better with the burden of their own labels as convicts, ex-convicts or criminals.

Violence: the group sessions around violence includes various workshops with diverse objectives, e.g., to identify different types of violence that may occur in intimate relationships, families and communities; to raise awareness about and sensitivity towards gender-based violence, emotional or psychological violence, sexual violence, self-directed violence, interpersonal and collective violence; to define violence as a learned behaviour and to understand the cycle of violence in various relationships including the ones with their peers or partners.

Manual M workshops also include activities related to alcohol, drug and other substance abuse and addictions, reproductive health, sexuality, contraception and pregnancy, distribution of power and respect in relationships, masculinity and caregiving.

Program P (P for “padre” in Spanish and “pai” in Portuguese, meaning father) is a manual used to engage men in fatherhood, caregiving, and maternal and child health. Program P was developed by Instituto Promundo, CulturaSalud/EME and Network of Men for Gender Equality (REDMAS) and was designed around a growing body of research, including results from the International Men and Gender Equality Survey (IMAGES), that highlights how men being involved in caregiving benefits mothers, prevents violence against women and children, and positively impacts family well-being.¹⁷ Program P is divided into three sections:

1. Fatherhood and the health sector: A guide for health professionals on engaging men in dealing with prenatal and early childcare;
2. Group activities for fathers and their partners (dealing with division of caregiving, non-violence, needs and rights of children);
3. Mobilising the community (a campaign guide).

Much like Manual M, Program P is a tool that provides the content, methods and guidelines necessary to facilitate gender transformative group education sessions with fathers. Hands-on activities and role-playing exercises with fathers create a safe environment for discussing and challenging traditional gender norms and practicing new, positive social behaviours related to men's caregiving and involvement in prenatal, newborn, and children's health. It consists of eleven sessions for delivering group workshops with fathers regarding family planning, pregnancy, birth, division of caregiving, non-violence and needs and rights of children.

Some of the Program P workshops delivered to young fathers in prison include:

My needs and concerns as a father: this is carried out in the first session of the cycle, after the group introduction. The main goal of this activity is to receive feedback on the needs, expectations and motivations of participants and to further use that information to encourage their participation in the group, but also to adapt future sessions to address the particular needs of the group.

My father's legacy: the main objective of this session is to reflect upon the influence that fathers and other male authority figures had on participants while they were growing up and to discuss how participants can take positive aspects of their fathers' influence as well as addressing any negative impacts, so as to avoid repeating harmful patterns. Due to its sensitive nature, this activity is performed in the middle of the cycle when a certain level of group cohesion and mutual support has been achieved. This session includes discussing the importance of being a positive role model as a father.

Put it into practice: Positive parenting: this session is about learning different positive parenting techniques that can replace the use of harsh punishments against children e.g., giving more attention and praise for good behaviour and less for naughty behaviour (rather than making punishment—and the associated attention from the parent—a reward). This session can also create space for discussing some social norms around upbringing.

Prisoners are showing great interest in the programme and are, on the whole, very motivated to take part. Process evaluation and focus groups carried out among participants at the end of the workshop cycles show that participants felt that they benefited from the programme and showed high satisfaction with the activities and educators. Implementation of the programme for strengthening parental competencies of young fathers in prison is proving to be feasible, replicable and, above all, called for. It has encouraged and motivated Status: M to continue and expand their work with fathers in prison throughout Croatia.

¹⁷ Promundo. [Internet]. *Program P*. Available from: <http://promundoglobal.org/programs/program-p/>

A holistic consideration of probation, resettlement and family life

Interview

Rob Canton is a former probation officer, who now teaches and researches at De Montfort University, Leicester. He has worked extensively with the Council of Europe and the EU to develop penal practices in several countries and contributed to framing the European Probation Rules and the European Rules on Community Sanctions and Measures.

The following interview focuses on the Council of Europe Probation Rules, where “probation” relates to the “implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety.”¹

Interview

Rob Canton: The European Probation Rules were drawn up as a complementary set of Rules to the European Prison Rules, although there are also Rules on Community Sanctions and Measures which overlap significantly with the former. The European Convention on Human Rights (ECHR), upheld by the European Court of Human Rights (ECtHR), enshrines the rights of all citizens in Council of Europe Member States. So what does it really mean for offenders before and after release? Article 8 of the Convention states we have a right to family life. What does that mean to a serving prisoner? It cannot mean the same thing as for someone who is not in custody. The Rules are constantly trying to work out what the Convention means for those in custody and under supervision in the community. There is always room for improvement and these Rules tend to be an “aspiration”; I unfortunately don’t know of any countries that are putting these Rules in place in their entirety, although, thanks to organisations like COPE, things are improving.

Indeed, Vagg and Dünkel² found that European treaties and instruments are often seen as the ultimate goal or aspiration, rather than a minimum standard to be taken further or improved upon. It is hoped that States will want to raise standards beyond the requirements of the Probation Rules, although I do not think that any State would be able to make the claim that they completely fulfil even the minimum with any confidence.

¹ Recommendation [CM/Rec\(2010\)1](#) of the Committee of Ministers to member states on the Council of Europe Probation Rules (Adopted by the Committee of Ministers on 20 January 2010)

² Vagg & Dünkel, 1994, cited in Loucks, N., 2000. *Prison Rules: A Working Guide. The Millennium edition, fully revised and updated.* Prison Reform Trust.

Rob Canton

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Why and how should Probation agencies support children and families in the resettlement of offenders?

Supporting children and families be supported in the resettlement of a prisoner-parent is of utmost importance. It is a matter of simple justice: impact on the child was never part of the punishment for the offence, so States have an obligation to mitigate this. For me, this is a compelling moral obligation. As for who should carry out the support, it is difficult to say. Probation has a role to play, but often lacks the resources and expertise to do that entire job on their own.

Resourcing is not the only issue. Increasingly, Probation looks at individual offenders and takes them “out of context”. When I first joined the Probation Service, the beginning of our contact with any offender was a home visit; a visit to their family setting, their “context”. Over the years, this has become rare (thanks to time constraints, financial restrictions, security concerns). Probation, increasingly, has lost sense of the context surrounding the people with whom it works. Further, the assessment forms used to take stock of an individual’s circumstances are very focused on the offender; the family context is barely touched on. The current mindset does not encourage thinking about boosting family ties, even though we know that this is of fundamental importance to desistance.

Although fairly vague and general, the Council of Europe Commentary to Rule 56 stipulates that Probation should try to “offer support, information, advice and assistance to families affected by the offender’s crime and punishment”.³ Probation agencies often rely on NGOs for this. Probation priorities are very different these days (focused on risk management), not lending themselves to rounded, holistic appreciation of people in their contexts.

³ *Work with the offender’s family*: 56. Sanctions and measures affect not only offenders, but also their families and dependents. [...] Where this is provided for in law, probation agencies should offer support, information, advice and assistance to families affected by the offender’s crime and punishment. This may include providing information about the sentence (for example, where the sentence is to be served, visiting and contact arrangements, likely date of release), advising about any welfare benefit entitlements (especially where the family has been financially dependent upon the offender) and, in general, helping to maintain family contacts. Such work is of value to the family and to the offender, not least because family relationships are an important contribution to rehabilitation and desistance.

Might supporting family ties ever do more harm than good? How can Probation measure this and are there ways to mitigate negative effects?

A good question. We must remember that the ECHR does not say that you have a right to family life “as long as your family is a good family and has a good influence on you”. It says you have a right to family life.

Where children are likely to be at risk, there are mechanisms to manage and mitigate those risks. In some cases only supervised contact is permitted; cases where the child’s safety is at risk. What is to be avoided, if at all possible, is the extreme case of permanent severing of ties, so that all contact is lost. This leads to secrecy—the idea of an unknown parent who is a remote threat, and secrets almost always have negative effects on children. Children know that the truth is being hidden from them, they just don’t know what that truth is, and they often imagine things much worse than reality.

Probation has a duty to protect the public, and that includes all children. You can usually work out a way to manage contact that is supportive and helpful to all parties. Doing so can be difficult, but it is in a very small minority of cases that support will do more harm than good. These exceptions are, of course, important to underline. Ideally, of most benefit would be a case-by-case analysis, even if unrealistic given the resources available.

We should also distinguish between those judgments saying, “this person is not—at this time—a good influence in the life of their child” and those cases where the parent may have committed a horrible offence but their relationship with their child is not otherwise a particular cause for concern. In most cases, despite the fact that they have done something horrible, the child still needs to know them, because they will always be their parent. The links between a child and his or her parent are never inert, and, indeed, never disappear; they are dynamic and changeable.

Similarly, what may not be safe circumstances for a ten-year-old, may not be the same for a teenager, and it is in the best interests of everyone to aim to explore all attempts at retaining that contact.

To what extent are Probation agencies obliged to support offenders in their social inclusion, in relation to fostering family ties?

Here, we must ask what we mean by “obliged”. Are Probation agencies morally obliged, legally obliged? I think there is a moral obligation. Where a State has

imposed a punishment that has an adverse effect on an innocent party, the State incurs a responsibility (a moral obligation) to mitigate that damage.

But as for the legal obligation, I’m not so sure. Some countries would certainly not acknowledge this. Some countries will say “the offender should have thought about the adverse effect on their family before committing the crime”; about as helpful as saying “I told you so”. We’re never in that world. They evidently didn’t take that sufficiently into account, and now we have an obligation to mitigate as much further damage as possible.

I’m never quite sure why we use this word “balance”. It makes us think of the scales of justice: that the needs of the child and the needs of the offender are in tension, whereas very often they absolutely coincide.

One of the challenges is a question of mindset. As mentioned, Probation, at least in England and Wales, has become offender-centred and individualistic. When Probation judges risk, it regards it as the “property” of individuals and it believes there are certain characteristics and features of these

individuals that can be assessed and measured to determine risk. But risk is not a property of individuals alone. It is a property of individuals in certain circumstances, contexts, relationships. The forms used currently—so individualised, involving tick-boxes and scores—lose that context and therefore lose something key. On the standard assessment form used in England and Wales (OASys), this question can come down to nothing more than “are family relationships a problem for this offender or not a problem?” This decontextualisation can be dangerous.

To what extent do/can probation agencies support families?

Variable, and in the worst cases, not much. However, they can facilitate communication and generally remain aware of the issues, offering advice, and, crucially, liaising with other specialised agencies. They can visit families, and if they find that a child is significantly struggling, can refer them to another agency. Sometimes other agencies are not aware of the particular difficulties that concern children with imprisoned parents, and Probation can help them fulfil their duties.

We cannot assume that the same factors fostering desistance in men apply also to women. Do probation agencies use different approaches when working with women offenders in comparison to male offenders?

Probation agencies would claim most provision to be gender-neutral, whether it be the design of assessment

forms or specific programmes. In reality, most is designed with men in mind. Some provisions are changing this. Women's centres exist in the UK, the important point here being that women are referred to those centres as "women", not as "women offenders". Often, they are not in need of different provisions to women who haven't committed crimes. Programmes like anger management or drug desistance may have a particular relevance for women who have committed crimes, but employment programmes, child-care support, managing money, problem-solving and so on are often challenges for everyone. Most mothers want to be the best mothers that they can be and that is true of offenders as of non-offenders. So, the provision and support available to them is much better conceptualised as "what are good services for women" rather than for "what are good services for female offenders".

In terms of gendered provisions, routes into crime are different for women, often, just as routes out of crime are different for women, often. For me, key to understanding the route out of crime is to provide them with the same services that any women in disadvantaged situations need, providing them with much more holistic, rounded support rather than an exclusive focus on "offending behaviour".

Balancing the needs of the child with the needs of the offender

I'm never quite sure why we use this word "balance". It makes us think of the scales of justice: the more there is on this side, the less there is on that side. As though the two sides are in tension. If we use the metaphor of "balance", to me this means that the needs of the child and the needs of the offender are in tension, whereas very often they absolutely coincide. Often, in political discourse, we hear "we need to balance the rights of the offender with the rights of the victim". Immediately, this implies that the offender cannot also be a victim. And in many cases, we know that offenders have at some point been victimised, particularly women offenders. Secondly, this projects the idea that those interests are somehow incompatible. Restorative justice is a way of trying to transcend this, saying that there may be ways of reacting to crimes that respect and advance the needs and rights of all parties.

Do we risk "utilising" the child or family for the benefit of the offender? What ethical concerns may be involved?

This is a very important point. We must be vigilant not to "utilise" the child, yes. But my assumption is that in the overwhelming majority of cases, it is plainly in the child's best interests to have a parent come out of prison, having

put offending behind them and who is supported to be a good parent. If a child can contribute to that, and in most cases the child would be keen to contribute to that, then I don't think we should think that the child is being used.

To what extent is this issue a question of "rights"? Do you know of any cases where the ECtHR has been solicited in this context?

The European Probation Rules are based on the rights of the European Convention of Human Rights. I don't know of any case where the European Court has been solicited on the basis of the Probation Rules, in marked contrast to the Prison Rules.

The case of Dickson v. the UK, for example, helps us understand the status of the European Prison Rules, and how the Court might come to regard families. The applicant, in custody, requested permission to use

artificial means to have a baby with his partner outside. The UK court refused him this right. This decision also prejudiced the rights of his partner—her right to have a child with the partner of her choice. The applicant took this to the European Court, invoking Article 8 of the Convention, having exhausted domestic remedies. The Court referred to the European Prison Rules, finding that, although not legally binding, they lay out which rights offenders retain and which rights they forfeit, and the underlining purpose of prison. Referring to the Rules, the ECtHR upheld the applicant's claim, and the UK lost the case. The Court's decision was that as an offender, you should not lose any more rights than those inevitably lost as a result of incarceration.

The European Probation Rules might be invoked in a similar way, one day, but they tend not to be as sensitive as the Prison Rules (rights of people in custody being much more in jeopardy than those on a community sentences).

Still, the boundaries between them are becoming quite interesting. There are countries that effectively regard electronic monitoring (EM) as "home imprisonment", stipulating that offenders under EM must remain in their home twenty-four hours a day. Recently, an offender under EM invoked the European Prison Rules, claiming her right to exercise outside one hour a day, and citing difficulties in taking her children to and from school—the way in which offenders are managed in the community can also have an impact on family life and parenthood. The applicant claimed that if this is a sentence of "imprisonment", then this sanction is governed by the Prison Rules. This is an example of someone under a community sentence using the European Prison Rules, but only since EM was seen in this particular country as a way of serving a sentence of imprisonment.

Well-coordinated cross-sectoral and holistic collaboration is key to preventing children of imprisoned parents from falling between the cracks.

To what extent should decision-makers take into consideration the rights of the child when considering an offender for release?

We're back to this word "balance": Lord Philips (UK) stated that there should be a balancing of the seriousness of a parent's offence with the rights and interests of the child. But I am not sure that these considerations are always in conflict or, as mentioned, that "balance" is the right way to think about it. If considering early release, similar questions arise. Often decision-makers have a blinkered view focused on the immediate risks of reoffending in the short term. Instead of "is it safe to release this person on parole?" the better question would be "when is the best time to release this person?" Current processes hinder these questions and decision-makers ought to take the longer-term interests of all involved into account.

How does one get enough information about the impact on the child? I do not know any country that manages this well. Usually, this is raised by the defence team, but then this is mixed up with mitigation—with what the offender deserves—whereas the rights and interests of the child should have an independent claim.

How can NGOs contribute to the promotion of the Probation Rules?

The first problem, in many countries, is that even Probation agencies do not know much about the European Probation Rules. Interestingly, Romania and Croatia have used the Probation Rules as a benchmark in building new Probation services, which is promising. England and Wales tend to assume they don't need Strasbourg's Rules, and indeed some practices are of a very high standard, but we must not become complacent: we must take the time to do audits to find out whether practice (as well as policy) meets the standards required by the Rules. At the very least, Probation agencies should contact other organisations to decide upon their respective responsibilities and opportunities to assist. For instance, they might contact an NGO focused on the well-being of children of imprisoned parents, explain that they are anxious a child is not getting the necessary support, provide information and leave the implementation of support mechanisms to the NGO. Probation agencies can enable other organisations to do what they themselves set out to do, while remaining responsive, in a dialogue. Well-coordinated cross-sectoral and holistic collaboration is key to preventing children of imprisoned parents from falling between the cracks.



Hope House: Keeping U.S. families connected and present

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This article describes non-profit organisation Hope House, based in Washington D.C., which serves families from the eastern region of the United States separated by prison. The author serves on the Hope House Board of Directors and is a researcher and professor of Adult Education at Virginia Commonwealth University in Richmond, Virginia. To contextualise the Hope House project, a brief update on the state of imprisonment in the United States is provided.

A Bleak Backdrop

Since the 1980s, the United States has been the paragon for how not to reform prisons. Severe and racially discriminating drug laws, political opportunism, the rise of neo-liberalism and an increasingly cynical public discourse resulted in the wholesale warehousing of people—disproportionately from communities of colour—that Michelle Alexander¹ famously refers to as “The New Jim Crow”². Since 1980, for example, the federal prison system alone³ grew by almost 800 per cent—from under 30,300 to over 210,000 prisoners in 2012. Over half of federal prisoners are non-violent drug offenders. The United States leads the world in the *scale* and *depth* of imprisonment as well as the negative *perceptions* of prisoners.⁴

For examples of the *scale* of U.S. incarceration, we incarcerate approximately 700 individuals per 100,000, over fifty per cent higher than Rwanda (492) and Russia (446), and over ten times higher than Sweden (60). U.S. women are incarcerated at increasing rates

1 Alexander, M., (2012). *The New Jim Crow: Mass Incarceration in the age of colorblindness*. New York: The New Press.

2 The Jim Crow laws were segregationist laws established in 1876, which legalised segregation and a second-class status for Blacks. These laws represented a time of overt prejudice and double standards for Blacks in every aspect of life—justice, education, work, housing, etc. Michelle Alexander names the mass incarceration epidemic in the US “the new Jim Crow” because of the disproportional representation of people of colour in prisons, and the fact that laws today mimic those during Jim Crow.

3 The US Federal Bureau of Prisons is only one of fifty-one prison systems in the US. Each state has its own system, and some, such as Texas and California, rival the Federal system in size and rates of expansion. In addition to prison systems, the U.S. also employs other forms of incarceration, such as local and federal jails (mainly used for individuals who are pre-trial or waiting to be sentenced, or serving short-term sentences) and detention centers (typically used to hold those waiting to be deported to other countries).

4 Warner, K., (2009). *Resisting the new punitiveness? Penal policy in Denmark, Finland and Norway*. Unpublished PhD thesis, University College, Dublin.

(for example, 172/100,000 in Oklahoma). One in three black men born in the United States in 2001 can expect to serve prison sentences.⁵

For examples of *depth* of the prison experience in the United States, the number of individuals serving life sentences has increased almost five-fold, from approximately 34,000 in 1984 to 160,000 in 2012. Sixty-five per cent of these are people of colour. In addition, despite the States’ eight-fold increase in spending on the prison system between 1985 (6.1 billion U.S. dollars) and 2013 (51.9 billion), programmes other than basic literacy have been significantly reduced and university-level courses have been eliminated.

For examples of how U.S. prisoners are *perceived*, consider the difference between this statement:

*Education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context.*⁶

5 The Sentencing Project (2015, December). *Fact sheet: Trends in U.S. corrections*. Washington D.C. Retrieved from: <http://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>

6 Council of Europe. (1990). *Education in Prison*. Strasbourg, p. 8. Retrieved from: http://www.epea.org/uploads/media/Education_In_Prison_o2.pdf



Figure 1. The eagle

And this statement⁷:

The Federal Bureau of Prisons strives to preserve “...security through the elimination of violence, predatory behavior, gang activity, drug use, and inmate weapons.”⁸

In the United States, prisoners are often portrayed as dangerous predators who have relinquished their membership in society, until they have paid their dues. But in many states, the branding of “criminal” is irrevocable. For example, my state (Virginia) imposes a lifelong ban on ex-prisoners’ enfranchisement, that is, even after they have served their time and returned to the community. One can only surmise that Irish prisoners, for example, are perceived differently, as they are encouraged to vote even from inside prison⁹. Among forty-five so-called developed countries, twenty-one place no restrictions on voting from inside prison and fourteen place limited restrictions.¹⁰ But only four of those forty-five countries, including the United States, place post-release restrictions on the voting rights of ex-felons.

The impact of incarceration on children and communities has economic, emotional, physical and interpersonal dimensions. These collateral costs have been found across the globe, wherever there are

7 Lest the reader think I am “cherry picking” these two statements to maximise the contrast, I refer you to Muth, Warner, Gogia and Walker (2016), where the comparison between the Nordic and American views of prisoners vis-à-vis their membership in society is fully developed.

8 Federal Bureau of Prisons, (2011). *About our agency: Mission*. Washington, D.C.: US Department of Justice, Federal Bureau of Prisons, p. 1. Retrieved from: http://www.bop.gov/about/agency/agency_pillars.jsp

9 Behan, C. (2014). *Citizen Convicts. Prisoners, politics and the vote*. Manchester: Manchester University Press.

10 ProCon.org. *International Comparison of Felon Voting Laws*. Retrieved from: http://felonvoting.procon.org/view_resource.php?resourceID=000289

prisons. They have been reported extensively, including in this Journal¹¹ and other publications supported by Children of Prisoners Europe¹². In the United States, Sykes & Pettit, drawing on a large U.S. National Survey of Children’s Health data set, found that children with imprisoned parents experience greater levels of “material hardship, unmet health needs and residential instability,” and that eighty-one per cent of these minors “are enrolled in at least one social program.”¹³

A Ray of Hope

This bleak portrait is the backdrop for Hope House. Unlike projects such as Exodus Netherlands that focus on resettlement after prison, Hope House aims to foster family presence while the parent is still in prison. The importance of remaining connected in real-time is obvious, especially to readers of this journal. But perhaps presencing is an even more urgent affair in the United States, given the long sentences and great distances that typically separate families here.

Hope House was founded in 1998 by Carol Fennelly, a social justice worker who wanted to help families stay connected after the U.S. federal government took over the Washington D.C. Prison System, transferring prisoners to facilities hundreds of miles away. Carol opened the first Hope House programme in Youngstown, Ohio.

11 See: Children of Prisoners Europe. (2015). *Child Impact Assessments and Sentencing*. *European Journal of Parental Imprisonment*, 2.

12 Children of Prisoners Europe. (2014). *Children of imprisoned parents: European perspectives on good practice*. Paris: Children of Prisoners Europe; Jones, A. D., & Wainaina-Woźna, A. E., (Eds.). (2013). *Children of Prisoners: Interventions and mitigations to strengthen mental health*. Huddersfield, U.K.: University of Huddersfield.

13 Sykes, B. L., & Pettit, B. (2015). Severe deprivation and system inclusion among children of incarcerated parents in the United States after the Great Recession. *The Russell Sage Foundation Journal of the Social Sciences*, 1, pp. 108-132.

Figure 2. The runway



Today, Hope House operates programmes in thirteen prisons. These include: bi-weekly father-child video teleconferencing at two prisons, bi-monthly book recordings at all thirteen prisons (where fathers and mothers make personalised recordings of children’s books that are then posted home) and fundraisers and social events for children and caregivers. In 2017, Hope House plans to launch a homework project that will provide further meaningful ways for families to remain present for each other in their day-to-day lives. The curriculum will focus on “current events, cultural and social events, values, and critical thinking on these issues”¹⁴.

Hope House’s most unique programme is “Summer Camp”, currently offered in five prisons in four states. For five days, the prison visiting room transforms into an art space for incarcerated fathers¹⁵ and their children. In the evening, the children—nine to fourteen-year-old boys and girls, mostly African American and Latino/a from low-income, urban communities from Boston to Richmond—build relationships with each other and the Hope House staff in a rustic campground near the prison. Approximately half of the camp participants return the following year. First-time children may not have seen their dads for many years; some have no memories of their fathers. The daytime experience

14 Fennelly, C. (2016). *The future may be uncertain, but we will still be here*. From Hope House newsletter, unpublished.

15 Although as of 2010, more (sixty per cent) mothers incarcerated in state prisons were living at home with one or more of their children prior to arrest than fathers (forty-two per cent), over ten times as many children have lost a father to prison (See: Glaze, L. E., & Maruschak, L. M. (2010, March). Parents in prison and their minor children. Special Report. Washington D.C.: Bureau of Justice Statistics. Retrieved from: <https://www.bjs.gov/content/pub/pdf/pptmc.pdf>). Camp programmes for mothers are scarce in the U.S., but until Hope House, there were no camp projects at all for U.S. children with incarcerated fathers.

inside the prison is filled with literacy events—skits, storytelling, singing, journaling, poetry jams—that structure and extend the social experiences of family reunification. At the heart of the experience is the mural project.

Art can be a transformative family building experience. This is clearly the case in terms of the Hope House mural project. Its open structure provides time and space for families to make contact at their own pace.

Art can be a transformative family building experience.¹⁶ This is clearly the case in terms of the Hope House mural project. Its open structure provides time and space for families to make contact at their own pace¹⁷, and the themes of the murals help to concretise and solidify family stories, memories and dreams. Here are some examples:

In Figure 1, the son is reaching out to save his father from falling off the cliff. An eagle swoops down behind the son to empower him. About the mural experience the father says about his son, “he takes what he hears and he internalises it, in such a beautiful...and profound way.”

In Figure 2, the father becomes the photographer for his daughter, who is becoming a fashion model walking across a runway. Here, the father explains, his daughter needed to hear that she was beautiful from her father, “so she didn’t have to go to the street to find out.”

In Figure 3, the father and daughter wanted to remind themselves of the last day they spent together before the father went to prison. The father explained: “When I left, my daughter was five years old. When I asked her what she wanted to do for her mural, she wanted for us to be at the pool. So that reminded

16 Gadsden, V. L. (2004). Family literacy and culture. In B. H. Wasik (Ed.) *Handbook of family literacy*, pp. 401-424. Mahwah, NJ: Lawrence Erlbaum.

17 Muth, W. R. (2011). Murals as text: A social-cultural perspective on family literacy events in US Prisons. *Ethnography and Education*, 6, 245-263.

Figure 3. The swimming pool



Figure 4. The graduation



me that she remembered things we used to do, like she was missing [the] things we used to do. When we brought that scenery back...it was like a gathering thing for me and her.”

In this last example, Figure 4, the daughter takes centre stage at the triumphant moment of her anticipated graduation, one year away, in the future. This father is “off stage,” in the audience, cheering on his daughter who is in full regalia. The mural is a concrete testimony to their faith in her to realise her dreams—to become the first person in the family to go to college.

These are the themes of Hope House murals—themes of empowerment and belonging drawn from idealised pasts and hopeful futures. In addition to becoming visual testimonials, the mural projects are also a kind of performance art that organises the time, space and energy of Summer Camp families as they defy the odds and build a new sense of belonging with and to each other.

Often, the bonds that are nourished through these art-experiences have a sustaining effect that lasts long after camp is over and can transform the way incarcerated parents and children experience time itself. Rather than being overwhelmed by the thought of the length of time left to serve, Hope House children begin to look forward to the next phone call, email, letter, or Summer Camp; and fathers are naturally drawn in to the day-to-day lives of their children¹⁸. It is difficult to measure these transformations; however, anecdotally we know that Hope House families are beating the odds: almost none of the hundreds of children who have attended Camp since 2001 have entered the criminal justice system themselves. Less

than twenty per cent of the fathers who attended camp before being released from prison recidivated back to a federal prison after three or more years on the street—a rate well below the national U.S. average of sixty-seven per cent. If this trend is verified by the study currently underway, it will further confirm the lasting beneficial effects of programs like Hope House on families, communities and society in general.

While Hope House is currently far too small to meet the *scale* of the needs of all families separated by prison in the United States today, it directly addresses the *depth* of prison privation and the *perception* of prisoners. It serves as an exemplar for policymakers and practitioners. Its success is based on the force of one remarkable woman—Carol Fennelly—and a few key beliefs: (a) children need their incarcerated parents; (b) most imprisoned parents love their children and want to be a responsible presence in their lives; (c) prison-based parenting programmes need to connect families now, not at some abstract time in the future when a parent comes home; (d) the role of practitioners is not to fix families but to provide safe spaces where they can rebuild themselves; and (e) loved ones can be present in meaningful and sustaining ways, even from afar.

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¹⁸ Muth, W. R., Warner, K., Gogia, L. & Walker, G. (2016). A critique of the prison reentry discourse: Futurity, presence and commonsense. *Prison Journal*, 96, pp. 392-414.

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