

# PRISON SERVICE JOURNAL

September 2017 No 233



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Cover photograph courtesy **Dr Jamie Bennett**, Governor of HMP Grendon and Springhill.

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

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

Set in 10 on 13 pt Frutiger Light

Circulation approx 6,000

ISSN 0300-3558

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# Editorial Comment

This is the first edition of *Prison Service Journal* produced since the General Election in June 2017. The election campaign itself had little focus on prisons, but this was an issue that featured in the election manifestos of the main parties.

The Conservative Party re-emphasised the aims of the prison reforms they have been developing since 2015 and formalised in the White Paper, *Prison safety and reform*.<sup>1</sup> Their manifesto stated:

*'Prisons should be places of reform and rehabilitation, but we should always remember that incarceration is punishment for people who commit serious crimes'*.

The £15 billion annual cost to society of reoffending shows we have so much more to do to make the penal system work better. Prisons must become places of safety, discipline and hard work, places where people are helped to turn their lives around. They should help prisoners learn English, maths and the work skills they need to get a job when they leave prison, whilst providing the help prisoners require to come off drugs and deal with mental health problems.

We will invest over £1 billion to modernise the prison estate, replacing the most dilapidated prisons and creating 10,000 modern prison places. We will reform the entry requirements, training, management and career paths of prison officers. We will create a new legal framework for prisons, strengthening the inspectorate and ombudsman to provide sharper external scrutiny'.<sup>2</sup>

The Labour Party struck a different tone. Inevitably, as the main opposition, the language was more confrontational towards government policy. They stated:

*'Labour is tough on crime and tough on the causes of crime, but we won't make the lives of workers in the criminal justice system tougher. Prison officers, probation officers and other workers need the resources to do their jobs safely, effectively and successfully.'*

*Our prisons are overcrowded. Staffing levels are too low. The situation is dangerous and violence against prison officers is rising. Riots and disturbances in our*

*prisons are increasing. Prison escapes cause distress to people living near prisons*

*A Labour government will publish annual reports on prisoner–staff ratios, with a view to maintaining safety and ending overcrowding.*

*We will recruit 3,000 more prison officers and review the training and professional development available. We will publish prison officer to prisoner ratios for all prisons. Our proposal to lift the public sector pay cap will help to increase the recruitment and retention of both prison officers and probation officers.*

*Reoffending rates are too high. The Conservatives talked of a rehabilitation revolution, and then just gave up. Their proposal now is to lock up more and more individuals, ignoring the evidence that our prisons are too often dumping grounds for people who need treatment more than they need punishment. Labour will insist on personal rehabilitation plans for all prisoners.*

*Prison should always be a last resort—the state's most severe sanction for serious offences. It should never be a substitute for failing mental health services, or the withdrawal of funding from drug treatment centres. We will review the provision of mental health services in prisons.*

*Under a Labour government, there will be no new private prisons and no public sector prisons will be privatised.*<sup>3</sup>

Despite the antagonistic rhetoric, and some sharp divisions on issues such as the role of the private sector in prisons, there is significant commonality across the manifestos. In particular the shared concern with reducing reoffending through education, employment, drug treatment and mental health services. While this is a perennial issue in penal policy and practice, the prominence given to this issue does convey a developing consensus about the priorities and purpose of imprisonment. Both parties also recognise the challenge of resources in prisons, attention is given in the manifestos to the need for additional staff. It is too early to say how this emerging agreement on investment and rehabilitative values will play out, it is a notable shift in discourse.

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1. Ministry of Justice (2016) *Prison safety and reform* London: Ministry of Justice available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565014/cm-9350-prison-safety-and-reform-\\_web\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf) accessed on 28 June 2017.
  2. The Conservative Party (2017) *Forward together: Our Plan for a Stronger Britain and a Prosperous Future* available at <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf> accessed on 29 June 2017 p.45.
  3. The Labour Party (2017) *For the many not the few* available at <http://www.labour.org.uk/page/-/Images/manifesto-2017/Labour%20Manifesto%202017.pdf> accessed on 29 June 2017 p.82.

This edition of *Prison Service Journal* touches upon issues in rehabilitation, including three articles addressing different aspects of prison visiting and the experience of prisoners and their families. This is an area that has attracted some additional investment recently and is one of the recognised pathways towards reducing reoffending. There is also an article by Dr Helen Nichols on the experience of education in prisons, another area that has attracted prominence in policy and practice in recent times, particularly as a result of Dame Sally Coates's review.<sup>4</sup> Dr Nichols article particularly addresses the ways in which education can be a vehicle for enriching personal relationships within the prison and outside with families. An important

and substantial article is contributed by Dr Caroline Gorden. This is a literature review digesting and analysing the published research on the experience of transgender people in prisons. Given that this is a rapidly developing area of policy and practice, and that there has been growing concerns about the adverse experiences of transgender people in custody, this will be a valuable resource to many in prisons. Finally, this edition also includes an interview with Pamela Dow, a former senior official in the Department for Education and the Ministry of Justice. This is an inside account of the policy thinking that has shaped major areas of public sector reform over recent years.

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4. Coates, S. (2016) *Unlocking potential: A review of education in prison* London: Ministry of Justice available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524013/education-review-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf) accessed on 28 June 2017.

# Encouragement, Discouragement and Connection:

## The Role of Relationships in Prison Education Experiences

*Dr Helen Nichols* is a Senior Lecturer in Criminology at Leeds Beckett University.

### Introduction

**Existing literature in the field of prison education often focuses on rates of reoffending, conceptions and understandings of personal change and the correlation between increased educational attainment and employability. More recently, with the publication of 'What is prison education for? A theory of change exploring the value of learning in prison',<sup>1</sup> it has become more widely recognised that we cannot focus on education in prisons purely as a means to employment. Instead, prison education is beginning to be seen a vehicle for continuous personal, social and cultural development. A broad interpretation of the value of prison education has been central to my own research on prison education<sup>2</sup> and this article focuses on one theme arising from this research by examining the role and importance of relationships for men experiencing education within a custodial setting.**

Until relatively recently, the existing academic literature on prison education has been relatively small and narrow in its focus.<sup>3</sup> The aims of this article are two-fold; to contribute more broadly to the gap in research on prison education, but specifically to focus on how educational engagement feeds into the development and nurturing of relationships inside and outside of prison. In particular, I will discuss the importance of shared experience, reparation and communication in relationships and overall it will be argued that the so called 'soft skills' developed through education participation are key to the maintenance and improvement in prisoners' personal and social relationships.

### Background

This study was conducted as part of a doctoral research scholarship at the University of Hull. The central concern of the research was to explore what motivates prisoners to undergo education, what they hope to

achieve from it and how they experienced education in prison. The research used a qualitative approach combining one to one interviews and the use of documentary evidence. In total, 30 interviews were conducted (13 serving category C prisoners, 13 prison staff [operational and non-operational], three ex-prisoners, one prison governor). In addition, 80 letters written to the Prisoners' Education Trust by serving prisoners pursuing funding for education courses, were analysed to further draw out some of the core themes of the study.

It emerged that educational experiences can result in a fundamental shift in prisoners' thinking about who they are, their lives to date and how their lives might be different (or indeed better) in the future. Understanding educational experiences in the prison setting was enhanced by accounts of how those who deliver and shape education (those who constitute the prisoners' 'ecology') understand what they are doing and its significance, which often differs from official policy on offender learning. The research also considered how the experiences of education can, in part, be formed by prior educational and broader life experiences. By understanding how prisoners interpret and give meaning to their experiences of education in the prison environment, this research evidenced the ways prisoners perceive the personal outcomes achieved.

Reviewing existing research on prison education revealed a gap for the study to contribute further, particularly in providing more exploration into prisoners' experiences to uncover and illuminate how motivations to become educated manifest into different forms of personal change and transformation. Speaking with staff as well as serving and ex-prisoners and considering more closely prisoners' relationships with their families set the research findings in the biographical context of prisoners' lives as well as in the organisational context. It has therefore focused on how prisoners themselves interpret the experience of education and importantly contextualised this experience within the contemporary penal climate.

1. Champion, N. and Noble, J. (2016). *What is Prison Education for? A theory of change exploring the value of learning in prison*. Prisoners' Education Trust.
2. Nichols, H. (2016) *An Inquiry into Adult Male Prisoners' Experiences of Education* (unpublished doctoral thesis, University of Hull).
3. Pawson, R. (2000) 'The Evaluator's Tale'. In Wilson, D and Reuss, A. (Eds.). *Prison(er). Education: Stories of change and transformation*. Winchester: Waterside Press.

The wider research project from which this article is drawn, revisited some of the key themes in existing work, namely identity, self-esteem, employment and passing time.<sup>4</sup> Additional themes were also generated to build a more in depth picture of prisoners' experiences by locating them in the wider context of their lives. Incorporating participants' backgrounds also meant exploring past experiences of education at school as well as relationships with parents, families and authority figures in general.

This article explores the importance and role of relationships in the educational experiences of prisoners. It considers how relationships have the power to encourage or discourage educational engagement and the means by which it can provide a greater sense of connection between prisoners and other individuals during a prison sentence. First, this article will examine the theme of social capital in relation to prison education and personal change.

### Relationships and Educational Experiences

The theory of change framework developed by New Philanthropy Capital (NPC) in partnership with the Prisoners' Education Trust (PET) sets out five broad themes around the benefits of education. Alongside Prison Culture, Wellbeing, Human Capital and Knowledge, Skills and Employability, Social Capital poses a potential strand through which to further consider how relationships can be a distinct value emerging from educational engagement. In this context, Social Capital has been referred to as 'Belonging and Community and Active Engagement to reflect the role education can play in: a) improving people's ability to relate to others and b) empowering them to actively participate in and positively contribute to society and their family'.<sup>5</sup>

... desistance is a likely outcome for most offenders as criminality is not a permanent state of being.

Within the Social Capital strand of the framework, the core themes discuss prisoners' feelings of exclusion and shutting the world out. It is suggested that the short and long term outcomes of education in relation to this are 'belonging', 'community' and feeling 'part of society'.<sup>6</sup> These senses of the need to reintegrate in both the micro and macro sense relate significantly to control theories<sup>7</sup> which consider social bonds as a key element in refraining from engaging in deviant behaviours. Weak family bonds, structures and support in particular have been heavily cited in explaining the causes of criminal actions and lifestyles. As such, identifying factors that help to maintain these bonds during custodial sentences are crucial in the effort to halt the revolving door of reoffending.

Theories of desistance differ and range from the natural 'aging out of crime'<sup>8</sup> to having a steady job and a good relationship. However, as the offender ages, they may simply become better at avoiding detection by the police or they may move towards less risky types of criminal activity.<sup>9</sup> In reality, desistance is a likely outcome for most offenders as criminality is not a permanent state of being. From this viewpoint, perpetrators in fact drift in and out of criminal activity over time.<sup>10</sup> The desistance process is argued to be an unlikely outcome of imprisonment itself as the prison experience disrupts normative processes by cutting off opportunities for achieving success in employment and other key life events such as marriage.<sup>11</sup> Maruna argues in fact that no institution is better than the prison at separating individuals from their social responsibilities and civic duties.<sup>12</sup> Thus, education as an arguably normative process, may be a vehicle through which to achieve, maintain and/or nurture the 'good relationship' that forms part of the desistance journey.

4. Costelloe, A, Warner, K. (2014). Prison education across Europe: policy, practice, politics. *London Review of Education* Volume 12, Number 2, July 2014; Duguid, S. (2000). *Can Prisons Work?: The Prisoner As Object and Subject in Modern Corrections*. Toronto: University of Toronto Press Incorporated; Duguid, S. and Pawson, R. (1998). 'Education, Change and Transformation: The Prison Experience'. *Evaluation Review*, 22(4):. 470–495; Hughes, E. (2012). *Education in Prison: Studying Through Distance Learning*. Surrey: Ashgate Publishing Company; Reuss, A. (1997). *Higher Education and Personal Change in Prisoners*. Unpublished thesis, University of Leeds; Warner, K. (2007). Against the Narrowing of Perspectives: How Do We See Learning, Prisons and Prisoners? *Journal of Correctional Education*, 58(2)., pp.170–183.
5. Champion, N. and Noble, J. (2016). *What is Prison Education for? A theory of change exploring the value of learning in prison*. Prisoners' Education Trust.
6. Ibid.
7. Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
8. Glueck, S. and Glueck, E. (1940). *Juvenile Delinquents grown up*. 1st ed. New York, N.Y.: Kraus.
9. Maruna, S. (2001). *Making Good: How Ex-convicts Reform and Rebuild Their Lives*. Washington D.C., American Psychological Association.
10. Matza, D. (1964). *Delinquency and drift*. 1st ed. New Brunswick: Transaction Publishers.
11. Maruna, S. (2007). *After prison, what? The ex-prisoner's struggle to desist from crime*. In Jewkes, Y. (Ed.). *Handbook on Prisons*, Cullompton: Willan.
12. Ibid.

This research found that relationships had a distinct power over when, how and why prisoners made choices about their education opportunities, both as young people and adults. Relationships, whilst relatively hidden in the current literature, have a significant role to play in understanding the outcomes of prison education. Whilst prisoners' life histories or narratives are often used in prison education research,<sup>13</sup> this research has provided a more nuanced understanding of how the differing nature of family involvement can both encourage *and* discourage education in early life as well as the experience of education on either side of the prison walls.

*i. Empathy and Encouragement from the Inside*

One source of encouragement for prisoners to engage in education, aside from family, came from educators within the prison. Educational spaces can be one of few 'alternative emotional zones'<sup>14</sup> providing respite from the realities of prison life. Applying Goffman's<sup>15</sup> 'frontstage' 'backstage' concept as a theoretical framework, Crewe et al.<sup>16</sup> discussed the process of prisoners lifting their masks during a philosophy class, and exposing their vulnerabilities. Participants in this study were also able to 'lift the mask' and opened up to different kinds of relationships to be formed with education staff. Prisoners' perceptions of teachers in prison varied distinctly from that of officers and other operational staff. Although teachers in prison carry keys, which are a significant symbol of power, authority and discipline,<sup>17</sup> their presence as an educator allowed them to overcome this power dynamic and they were often seen as non-threatening. In the present study, a teacher commented: '*They have a different relationship with tutors than with officers. Officers are there to make them do certain things but we're there to educate them so they see us as helping them.*' Similarly, Liebling et al.<sup>18</sup> found that education was facilitated by staff who were trustworthy in the eyes of many prisoners because they were not commissioned to gather security information on prisoners and only viewed them as learners.

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One teacher in particular felt a certain empathy with her students following her own experience of poor educational attainment. Having left school not being able to spell, she associated this with feeling '*thick*'. She described how her one wish was to be intelligent because '*it empowers you and broadens your horizons*'. Her previous lack of confidence enabled her to feel empathy for her learners. It was evident that her passion for education had become a key characteristic of the teaching environment she had created and the relationships she developed with her students. Our discussion revealed that her role in the classroom was that of a matriarch and she saw this as something very positive. She said: '*We see their human side in education. If you've got any compassion in your heart you have to have a kind word sometimes ... I tell the lads in here I want the best for them. I do sort them out when I need to.*' Replicating a matriarchal family structure there was also the presence of rule-abiding 'older siblings' in the classroom. It was evident through our discussion that those who had studied on the course for a longer period reinforced the ground rules and reaffirmed the consequences of rule breaking to those new to the course. Rule breaking had consequences for all members of the classroom 'family' and thus the learning environment was characterised by self-governance and respect.

Teachers openly talked about the nature of their relationships with prisoners. Although the kinds of relationships differed between participants, it was clear that creating a stable environment of trust and respect was viewed as essential by all. A teacher commented: '*There's no question you form relationships with these guys and you like some of them and to see them in that environment is quite a shock. Unless you've worked in prison you don't really get it.*' Having recently experienced the partial transition from prison researcher to prison teacher myself, I have come to understand more fully the need to form some kind of relationship with learners in prison; a relationship that sees offences committed as entirely irrelevant information within that

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13. Prison Reform Trust (2003). *Time to Learn*. London: Prison Reform Trust; Hughes, E. (2012). *Education in Prison: Studying Through Distance Learning*. Surrey: Ashgate Publishing Company.
14. Crewe, B., Warr, J., Bennett, P. and Smith, A. (2014). The emotional geography of prison life. *Theoretical Criminology*, 18(1), pp.56–74.
15. Goffman, E. (1959). *The Presentation of Self in Everyday Life*. Harmondsworth: Penguin.
16. Crewe, B., Warr, J., Bennett, P. and Smith, A. (2014). The emotional geography of prison life. *Theoretical Criminology*, 18(1), pp.56–74.
17. Jewkes, Y. (2012). 'Autoethnography and Emotion as Intellectual Resources: Doing Prison Research Differently'. *Qualitative Inquiry*, 18(1): 63–75; Sim, J. (2003). 'Book Review' [Review of the book *Captive Audience* by Jewkes, Y]. *Theoretical Criminology*, 7(2): 239–242.
18. Liebling, A., Arnold, H., and Straub, C. (2011). *An Exploration of Staff-Prisoner Relationships at HMP Whitemoor: 12 years on*. London: Ministry of Justice.



context. In doing so, one then enters the complex realm of personal moral negotiation whereby, as identified by the previous teacher, seeing the pains of imprisonment first hand amongst those you view as your students becomes difficult. Many teachers in the study did not know and did not wish to know the offences committed by their students, not only to avoid engaging with any of their own preconceptions regarding offences, but also because knowing had no beneficial outcomes in enhancing educational provision. It must be acknowledged however that this is not unique to the prison. In other learning environments, such as universities, where declarations of offence records are only required on application for courses, students are not then asked by individual lecturers about any offending history. Therefore, from the prison teacher's perspective, the education department becomes an educational 'island' where achieving senses of environmental normality is paramount.

The 'unwritten policy' of non-disclosure in the classroom facilitates a continued process of humanisation through the development of a relationship with a student rather than a specific type of offender. An ex-prisoner participant reinforced the importance of being seen as human in the prison education department when describing how well he was treated by the teaching staff. In his case, a prison officer had encouraged the beginning of his learning journey. Having previously been proud to be called 'a fully-fledged criminal' by 'one of the screws' when he became 21 (and thus able to mix with older prisoners), this sense changed when his learning began. Becoming frustrated with sewing mail bags, 'one of the nicer screws' helped him to find a place on an education course which he found surprisingly enjoyable given how much he had disliked school.

Removed from the 'prison-like' features of other areas of the prison establishment, the learning environment in prison provides a consciousness of normality; something that educators consciously try to reinforce. However, this is a challenge in an institution which by its very nature is abnormal, and destructive of the personality in a number of ways.<sup>19</sup> Teachers agreed that this 'normality' provided an opportunity for

prisoners to temporarily escape the struggles of prison life, alleviating, if only in small part, the damage done through imprisonment.<sup>20</sup> For officers in this study, education was viewed as a way to prevent negative behaviour in the wider prison environment; in particular, on the wings. It was however identified that not all operational staff shared the same enthusiasm for prisoners undertaking education and this contributed to 'us and them' attitudes (between operational and non-operational staff). In considering relationship dynamics, for the most part, prisoners viewed teachers as civilians and the lack of black and white uniform was an important factor in this. One teacher commented: *'If someone is wearing black and white, their role is discipline. If I'm in as a civilian, I'm an enabler for something. The relationship we have*

*with prisoners is different and we often see a different person to those seen on the wings and we're often told that by officers ... I know if I was to wear black and white that the initial interaction would be different—there'd be far less trust.'*

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ii. Discouragement

While the primary focus of the research was to understand what motivates prisoners to engage with education and their experiences of a range of different programmes, I was also interested to explore whether prisoners had experienced negative attitudes toward or even been actively discouraged from engaging with education. While there is a broad consensus that education ultimately is something 'good', some perceptions of education are negatively shaped by socio-economic factors, lack of opportunity and disdain for figures of authority. In the case of the participants in this study, some such views had been developed via their own first hand experiences whereas others had come from the influence of others for whom education had little or no value.

During the interviews, a number of prisoner participants described participation in education classes in negative functional terms, as the prison's need *'to fill courses and tick boxes'*. Such respondents claimed that education was not being provided because it could genuinely help prisoners to reform but instead as a method for making the government and indeed prison

19. Council of Europe (1990). *PRISON EDUCATION AND TRAINING IN EUROPE CURRENT STATE-OF-PLAY AND CHALLENGES*. European Commission.

20. *ibid.*

establishments look better to the outside world—to be seen to be more humane and proactive in rehabilitating the prison population. This was a view expressed by ‘Darren’ who had engaged in a number of education courses during his numerous terms of imprisonment because there was ‘*nowt else to do*’. He described himself as having been rebellious and unwilling to engage with education in prison until he was 21. When he arrived at the current establishment he was not given a skills assessment and was assigned to a ‘*bricks*’ course. He felt that he was ‘*just filling a place on a course*’ so the prison would be seen to be operating as expected. During a prison sentence that Darren had served 17 years earlier, he learnt to read and write in order to write letters to family and friends. Now Darren’s perception of education in prison was only as a time-filling activity and not something that changed the overall prison experience drastically or indeed the prisoners who engaged in such initiatives.

From Darren’s perspective and indeed other respondents with similar views, prison education was delivered to uphold the image of the prison. It was suggested by some prisoners that courses such as ‘victim awareness’, which at this time was done via paperwork in prisoners’ cells, are delivered in a way that contradicts or undermines the purposeful image being projected by policy makers. What I understood from Darren’s perspective in particular was that prisoners who were not motivated to engage with education were not necessarily opposed to the delivery of education programmes entirely. However, a point of frustration for some was the delivery of education courses, that for them, did not seem to have a meaningful purpose. In the case of the victim awareness course, another respondent, ‘Andrew’, found neither the process nor the outcome of the course of any real value due to a lack of opportunity to discuss the topics in a meaningful context. He said: ‘*this doesn’t give prisoners incentive to change, even when they do courses.*’

Despite the negative views expressed by Darren above, his experience of various educational courses had in fact made him more aware of the importance of education in a broader sense. This was particularly notable when he discussed the education of his 10-

year-old daughter. He had become consciously supportive of her education to the extent that he would reward her educational achievements with ‘*books rather than sweets*’ to encourage her to continue to make an effort at school. So whilst on the surface it may have appeared that Darren did not value education this was separated from aspirations and guidance of his daughter and his commitment to seeing her succeed educationally.

In other cases, where discouragement was identified, wider social implications (particularly financial) were found to be the origin of barriers to educational encouragement. ‘Dave’s’, father’s infrequent presence and repeated criminal activity had a significant impact on his life. His early years had been spent replicating his father’s criminal behaviour rather than seeking education and he expressed this in terms of filling a paternal gap. Although Dave later reconnected with his father, this didn’t impact favourably on his academic achievements. Frequently in and out of his life, Dave described his father’s comings and goings as a regular feeling of abandonment. Furthermore, when his father returned, Dave was actively discouraged from going to college as his father did not want to continue to pay child maintenance costs.

While there was evidence of active discouragement to engage in education, this tended to be overshadowed by the more prominent theme of disillusionment. Rather than identifying examples of disillusionment with education specifically, participants tended to show a sense of disillusionment with the criminal justice system more broadly. In many cases, interviews with prisoners highlighted a sense of disillusionment with the law. A 2011 report in the *Guardian* discussed the story of Malcolm Sang, a serving prisoner studying for a law degree during his sentence. The report told of Sang’s motivation through disillusionment with the law having been convicted of murder rather than manslaughter, as his co-defendant was. It also noted that prison officers told Sang it was not suitable for prisoners to study law and actively tried to dissuade him from pursuing this educational route.<sup>21</sup> Due to such difficulties and in some cases active dissuasion experienced by prisoners, The Longford Trust introduced the Patrick Pakenham

While there was evidence of active discouragement to engage in education, this tended to be overshadowed by the more prominent theme of disillusionment.

21. Moorhead, J. (2011). Prisoners sign up for law degrees. *The Guardian*. [online] Available at: <http://www.theguardian.com/education/2011/apr/25/prisoners-law-degrees> [Accessed 31 Jul. 2015].

Awards as part of their scholarship programme. The aim of the annual scholarship is to offer support to young serving and ex-prisoners who wish to continue their rehabilitation by going to a UK university or equivalent institution to read Law.

### iii. Connection

Education was found amongst some participants to be a way to establish, maintain and nurture connection between prisoners and their families. This was notable when it came to the 'products' or outcomes of education such as the award certificates or the completion of artwork. It has been suggested that the emotions experienced by the families of prisoners are similar to that experienced during bereavement. In the case of imprisonment however, families have constant reminders of how their situation differs as they support convicted relatives through the criminal justice process, prison sentence and beyond which<sup>22</sup> terms as 'living death'. In such situations, 'products' of education act as a token of reminder of the presence of the prisoner despite their physical absence.

An interview with 'Richard' highlighted this issue. The neighbours and friends of Richard's parents had responded to his imprisonment by visiting to offer their condolences, no doubt well meaning, this was felt as a bereavement-like experience. Neighbours regularly took flowers to Richard's mother as if she were grieving a loss, reinforcing the 'living death' concept. Richard enjoyed 'showing off' his education certificates to his mother during her visits and made a point of giving them to her to take home. This provided a symbolic way of maintaining a presence in the family home and in part acted as a form of attempting redemption.

In a letter written by a prisoner to the Prisoners' Education Trust, another prisoner spoke of a connection he was able to establish through the pursuit of his own education. In comparison to other letters analysed, this letter was short, yet powerful in explaining how education had created an opportunity to maintain a good relationship with his youngest son. He wrote: '*I am extremely excited to be doing this course as I believe education is 'a gift'... My youngest son is studying for a marketing degree [at university] and during a recent phone call he reminded me that we should both*

*graduate at the same time if I get my head down and study hard! So you see education not only offers opportunities for the future but it also brings families together.'* It is evident that the relationship was good between the writer and his son because of the exchange of humour between them. In telling his imprisoned father that they could graduate together if he 'got his head down', the son jovially took on the role of the parent giving his father advice and setting him an educational goal. The bond between the writer and his son had clearly been strengthened by the fact that he was doing a degree during his prison sentence because it gave them common ground on which to communicate. They had a shared experience and a common goal, which they could work towards together. During this time they were able to provide each other with encouragement and support.

It became evident during the documentary analysis that doing an education course in prison can help to improve family relationships, however, the reasons behind this need further clarity and exploration. In letters seeking support for educational courses, prisoners often cited improved family relationships as a motivation. Often this was also relating to gaining employment on release and the ability to financially support their families. Yet the improvement of family relationships more broadly, for

example, improving and maintaining relationships with children through reading, or shared understanding or experience as in the above example, although less tangible, is highly significant. Interestingly, research has shown that parental education may have an impact on children's aspirations<sup>23</sup> and arguably, despite the barriers between prisoners and their children, written communication can still allow for the transmission of ability and aspiration from parent to child.

For other prisoners in this study, their experiences of connection to, or with education, came from relationships with a partner on the outside. One ex-prisoner spoke about '*getting the bug*' for using his mind when studying for an access course prior to being sentenced. It was whilst studying on this course that the participant met his partner and together the '*two extremes*' of their backgrounds came together and connected within this educational setting. Despite receiving a custodial sentence the relationship with his

It has been suggested that the emotions experienced by the families of prisoners are similar to that experienced during bereavement.

22. Condry, R. (2007). *Families Shamed*. Cullompton: Willan.

23. Ermisch, J, Pronzato, C. (2010). 'Causal Effects of Parents' Education on Childrens' Education'. *Institute for Social and Economic Research Working Paper Series*, No. 2010-16.

partner continued and centred on the continuation of his studies. She organised tutors and learning materials in order that he could study throughout his sentence before being released and enrolling at university. It was clear that one of the fundamental factors in surviving prison life for this respondent was the continuation of educational engagement. This was made possible due to the strength of the relationship between the participant and his partner. While it is recognised that imprisonment can put significant pressure on the partners and families of prisoners,<sup>24</sup> it has been identified that a mutual push towards an educational goal can also serve to maintain and strengthen relational bonds.

### Conclusion

This article has explored the role of relationships in prisoners' engagement with and participation in prison education. Examining prisoners' relationships past and present provides some insight into the role of relationships in both motivating and discouraging prisoners to engage in education.

It has been argued that there is a disconnect in the relationships between prisoner learners and teachers and those between prisoner learners and operational staff. This can cause different types of prison staff to ascribe a variety of characteristics to individual prisoners and may be part of the cause of 'them and us' attitudes to emerge between prison staff (educational and operational). There is evidently some ambiguity in the 'self' the prisoner presents to those who work in prisons. Given the difference in the nature of prison work (between educational and operational staff), those working in prisons are identifying prisoners in different ways depending on their location at a given time and how prisoners

respond to particular environments. The prisoner on the wing may present a different 'self' to the prisoner in the classroom suggesting there needs to be a more joined up approach to prison work whereby the positive behaviours and engagements seen in prison education departments continue into other locations within the prison.

This article has also highlighted the wider familial impact of attitudes towards education. Negative engagement with education in the prison setting does not automatically equate to such attitudes being transferred to prisoners' children. The value, or lack thereof, that prisoners ascribe to prison education can still positively manifest into a broader appreciation of education more widely. Despite some feelings of 'box ticking', prisoners can develop a sense of value of education on the whole by evaluating how it could be better delivered in a more meaningful way. Consequently, prisoners who are disillusioned with prison education may provide more encouragement for their children to engage with education in the community outside.

It is clear that education in the prison setting has the capacity to develop, maintain and nurture relationships both on the inside and the outside of prison walls by providing a means of communication through which connectedness can be experienced. Whether via a shared learning experience, the ability to share 'products' of education, or the establishment of a common goal, the outcomes of education in prison reach far beyond employability offering mechanisms of personal development, coping and a sense of belonging. Good relationships are a fundamental part of the process of rehabilitation and reintegration and consequently, prison education must be recognised as a way that such relationships can be formed.

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24. Codd, H. (2007). Prisoners' Families and Resettlement: A Critical Analysis. *The Howard Journal of Criminal Justice*, 46(3), pp.255–263; Condry, R. (2009). *Families shamed: the consequences of crime for relatives of serious offenders: crime ethnography series*. 1st ed. Taylor & Francis; Condry, R. (2011). Prisoners and their Families. In: B. Crewe and J. Bennett, ed., *The Prisoner*, 1st ed. London: Routledge; Mills, A. and Codd, H. (2008). Prisoners' families and offender management: Mobilizing social capital. *Probation Journal*, 55(1), pp.9–24.

# A Literature Review of Transgender People in Prison:

## An 'invisible' population in England and Wales

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### Introduction

The last few decades have witnessed a growth in advocacy for Lesbian, Gay, Bisexual and Transgender (LGBT) people, and that this activism for equality is now increasingly visible within the Criminal Justice System.<sup>1</sup> The Ministry of Justice report *The Care and Management of Transsexual Prisoners PSI 07/2011* provides guidelines about the duties and responsibilities that prisons must comply with in ensuring that all transsexual people are treated fairly and in accordance with the law. However, two high profile cases highlighted issues of inequality for transgender people in the secure estate. In late 2015, Vikki Thompson and Joanne Latham, two transgender women placed in male prisons in England, committed suicide in their prison cells within weeks of each other. While it is understood that Joanne Latham had not requested a transfer to a women's prison, it is reported that Vikki Thompson said she would kill herself if placed in a male prison.<sup>2</sup> Following their deaths, it was announced that a review into the care and management of transgender people in prisons would be undertaken in light of a number of concerns that the current system does not adequately address their specific needs. In addition, the Minister for Women, Equalities and Family Justice, Caroline Dinenage indicated that the review extend to transgender people being managed in the community.<sup>3</sup> The review was published in November 2016 that aimed to ensure that the care and management of

transgender people in prison was 'fit for purpose and provides an appropriate balance between the needs of the individual and the responsibility to manage risk and safeguard the wellbeing of all prisoners'.<sup>4</sup> According to Caroline Dinenage, there are approximately 80 transgender people in prison in England and Wales and although the exact number is unknown, she estimates that the population is increasing. Referring to prisons in the USA, Simopoulos and Khin Khin<sup>5</sup> argue that the true estimate of transgender people may be unknown because people in prison are reluctant to disclose their gender identity for fear of transphobia and abuse. However, the recently published review indicated that there will be a data collection exercise across the prison estate (that has already been commissioned) and there will be a new equality information form that among other equality questions, will be a question on gender identity.<sup>6</sup> The experience of transgender people in prison is an under-researched area generally but particularly in the UK. The majority of research about transgender people who offend has been undertaken in the USA. This is despite existing research (discussed in this literature review) indicating that transgender people in prison are significantly more likely to experience more problems than other prison populations.

Transgender people in prison pose a set of unique challenges to the prison environment. These include breach of rules about clothing and makeup; risk of sexual, physical and emotional victimisation from other people in prison; safety; and health care.<sup>7</sup> Additionally, studies from

1. Stohr, M. (2015) 'The hundred years' war: The etiology and status of assaults on transgender women in men's prisons.' *Women and Criminal Justice*. 25: 120–29.
2. BBC (22nd November 2015) 'Vikki Thompson: vigil held over transgender prison death.' Available at: <http://www.bbc.co.uk/news/uk-england-leeds-34894734> Accessed 29.02.15.
3. Dineage, C. (2015) Written statement to Parliament: Review into the care and management of transgender offenders. Available online at: <https://www.gov.uk/government/speeches/review-into-the-care-and-management-of-transgender-offenders> Accessed 29.02.15.
4. Garton Grimwood, G. (2015) 'Transgender Prisoners'. House of Commons Library, Briefing Paper. No. 07420.
5. Simopoulos, E. F. and Khin Khin, E. (2014) 'Fundamental Principles Inherent in the Comprehensive Care of Transgender Inmates.' *The Journal of the American Academy of Psychiatry and the Law*. Vol. 42: 26–36.
6. Ministry of Justice (2016) Review on the Care and Management of Transgender Offenders. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/566829/transgender-review-findings-print.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/566829/transgender-review-findings-print.PDF) Accessed 21.12.16.
7. Brown, G. R. (2014) 'Qualitative Analysis of Transgender Inmates' Correspondence: Implications for Department of Correction.' *Journal of Correctional Health Care*. Vol. 20 (4): 334–342.

the USA indicate that transgender people in prison do not receive adequate physical and mental healthcare provision in prison<sup>8</sup> and few American prisons have developed adequate solutions.<sup>9</sup> This article will highlight these issues and outline the need for qualitative research in prisons in England and Wales. The Equality Act 2010 defines nine protected characteristics including gender reassignment and sexual orientation. However, the HM Chief Inspector of Prisons (HMIP) for England and Wales concluded in the Annual Report (2012) that the protected characteristics in prisons receiving the least protection under the Equality Act 2010 is sexual orientation and gender.<sup>10</sup> Moreover, Dunn's HMIP inspection findings reveal inadequate management and treatment of the LGBT prison population. However, Dunn does not expand further on this issue. There are two specific issues: inadequate policy and lack of research. The lack of research and inadequacy of prison policies might be explained by the transgender person's 'invisibility'<sup>11</sup> in the prison system. Dunn argues that prison staff suggest there are no specific provisions because 'we don't have many here'. The absence of research serves to ignore and diminish the opportunity for transgender people in prison to live within an equal, fair and safe environment. However, the recent review highlights that although the number of transgender people in prison is small, they 'are not difficult to find in prisons' and therefore, issues affecting transgender people in prison is worthy of attention.<sup>12</sup> The inability of prisons to adequately foster equality for transgender people in prison and protect them from victimisation has severe consequences. According to Coleman et al.,<sup>13</sup> whilst in prison transgender people are more likely to suffer with mental health problems including depression and suicidality. The lack of research

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in England and Wales coupled with examples of inadequate treatment reveals an urgent need for qualitative research to be undertaken in prisons in England and Wales in order to explore the experiences of transgender people in relation to their specific issues and needs. It is also important to explore the experiences of transgender people in prison regarding the quality of care and treatment that they receive on a daily basis so that informed recommendations for improvement can be made.

## Method

A systematic review of the literature identified all the publications available concerning the issues related to transgender people in prison. The review indicated a serious dearth of research; the publications were predominantly from the USA with very few studies found in the UK context. The review was carried out using the search engines Google Scholar and Athens. A variety of key terms were used such as 'transgender/transsexual prisoners', 'transgender/transsexual inmates', 'transgender/transsexual offenders', 'transgender prison policy', 'and LGBT prison policy'. The searches predominantly identified the work of Valerie Jenness, Professor of Criminology at the University of California, Irvine who has authored and co-authored several research articles and book chapters stemming from research projects concerning transgender people in prison. Jenness and her colleagues have researched extensively around issues of placement of transgender people in the prison establishment and their victimisation of physical and sexual assault.<sup>14,15,16</sup>

8. Routh, D., Abess, G., Makin, D., Stohr, M., Hemmens, C., and Yoo, J. (2015) 'Transgender Inmates in Prisons: A Review of Applicable Statutes and Policies.' *International Journal of Offender Therapy and Comparative Criminology*. 1–22.
9. Simopoulos and Khin Khin (2014) see note 5.
10. Dunn, P. (2013) 'Slipping off the equalities agenda? Work with LGBT prisoners.' *Prison Service Journal*. 206: 3–10.
11. Dunn (2013) see note 9.
12. Ministry of Justice (2016: 4) see note 6.
13. Coleman, E., Bockting, W., Botzer, M., Cohen-Kettenis, P., DeCuypere, G., Feldman, J., Fraser, L., Green, J., Knudson, G., Meyer, W. J., Monstrey, S., Adler, R. K., Brown, G. R., Devor, A. H., Ehrbar, R., Ettner, R., Eyster, E., Garofalo, R., Karasic, D. H., Lev, A. I., Mayer, G., Meyer-Bahlburg, H., Hall, B. P., Pfaefflin, F., Rachlin, K., Robinson, B., Schechter, L. S., Tangpricha, V., van Trotsenburg, M., Vitale, A., Winter, S., Whittle, S., Wylie, K. R., & Zucker, K. (2012) 'Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7.' *International Journal of Transgenderism*. 13: 165–232. World Professional Association for Transgender Health.
14. Jenness, V. (2011) 'Getting to Know 'The Girls' in an 'Alpha-Male Community': Notes on Fieldwork on Transgender Inmates in California Prisons.' In *Sociologists Backstage: Answers to 10 Questions About What They Do*, edited by Fenstermaker, S. and Jones, N. New York: Routledge Press.
15. Jenness, V. and Fenstermaker, S. (2014) 'Agnes goes to prison: Gender authenticity, transgender inmates in prisons for men, and the pursuit of "The Real Deal."' *Gender and Society*. 28: 5–31.
16. Sumner, J., Sexton, L., Jenness, V. and Maxson, C. (2014) 'The (Pink) Elephant in the Room: The Structure and Experience of Race and Violence in the Lives of Transgender Inmates in California Prisons.' *The International Handbook of Race, Class, and Gender*, edited by Jackson, S. A. London: Routledge.

Other identified articles from the USA include those by Brown and McDuffie;<sup>17</sup> Brown;<sup>18</sup> Oparah;<sup>19</sup> Sandor von Dresner et al.;<sup>20</sup> Stohr;<sup>21</sup> and Routh et al.<sup>22</sup> Studies in the UK include those by Poole, Whittle and Stephens,<sup>23</sup> Jones and Brookes,<sup>24</sup> and Dunn.<sup>25</sup> HMP Inspectorate reports and the Ministry of Justice report *The care and management of transsexual prisoners PSI (07/2011)* (hereafter PSI)<sup>26</sup> were also drawn upon. In so doing, this helped to identify three key areas that represent specific issues for transgender people in prison: placement in the prison establishment; victimisation and treatment; and healthcare provisions. It is these issues that provide the basis for this literature review and inform future research recommendations. Before discussing the specific issues identified in the literature, it is necessary to first discuss the nature and prevalence of transgenderism as well as offering an explanation as to why transgender people are over-represented in the Criminal Justice System.

### **Nature and scope of transgenderism and the journey towards the Criminal Justice System**

Simopoulos and Khin Khin<sup>27</sup> suggest that a person's sex is their biological characteristics relating to chromosomes and genitalia. Gender, on the other hand, is socially constructed according to characteristics typically associated with sexual roles.<sup>28</sup> 'Transgender' is an umbrella term for 'individuals whose gender identity or expression does not conform to the social expectations for their assigned sex at birth'.<sup>29</sup> It is important to note that not all transgender people can or will undertake hormone treatment and sex reassignment surgery (hereafter SRS).

The term 'transsexual' is not an umbrella term and is typically preferred by some people who have, or intend to, permanently change their bodies through medical intervention.<sup>30</sup> For the purposes of this article, we shall use the umbrella term 'transgender' except where quoting from a study that specifically uses the term 'transsexual'. Transgenderism challenges the sex category binary that constitutes two categories only: male and female. Newborns are assigned a sex category and behaviours that conform to social norms are practiced throughout a person's life and non-conformity may lead to negative consequences. However, most people identify their gender according to their sex.<sup>31</sup> According to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision; DSM-IV-TR,<sup>32</sup> when an individual does not identify with their sex, and if they demonstrate a 'strong and persistent cross-gender identification' and a 'persistent discomfort with his or her sex or [a] sense of inappropriateness in the gender role of that sex', and if this causes distress and inhibits proper functioning in their life then they may be diagnosed with gender identity disorder (GID). However, the DSM-5 published in May 2013 reveals a name change to GID, which is now known as gender dysphoria. This is in recognition of the stigma associated with gender-variant people and removing the word 'disorder' serves to remove an emotive label.<sup>33</sup> Once the condition is diagnosed, the person is treated with hormone treatment, SRS and psychological treatment. Oparah<sup>34</sup> points out that although SRS is commonly referred to as a 'sex change', it is more accurately described as a 'sex correction' since individuals are undergoing surgery so that their physical body identifies with their true and identified gender.

Simopoulos and Khin Khin<sup>35</sup> argue that although it is difficult to estimate the scope of worldwide

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17. Brown, G. R. and McDuffie, E. (2009) 'Health Care Policies Addressing Transgender Inmates in Prison Systems in the United States.' *Journal of Correctional Health Care*. Vol. 15 (4): 280–291.
  18. Brown (2014) see note 6.
  19. Oparah, J. C. (2012) 'Feminism and the (trans)gender entrapment of gender non-conforming prisoners.' *UCLA Women's Law Journal*. 18: 238–71.
  20. Sandor von Dresner, K., Underwood, L. A., Suarez, E. and Franklin, T. (2013) 'Providing Counseling for Transgendered Inmates: A Survey of Correctional Services.' *International Journal of Behavioural Consultation and Therapy*. Vol. 7 (4): 38–44.
  21. Stohr (2015) see note 1.
  22. Routh et al. (2015) see note 7.
  23. Poole, L. Whittle, S. and Stephens, P. 'Working with Transgendered And Transsexual People As Offenders in The Probation Service.' *Probation Journal*. Vol. 49: 227–232.
  24. Jones, L. and Brookes, M. (2013) 'Transgender Offenders: A Literature Review'. *Prison Service Journal*. (206): 11–18.
  25. Dunn (2013) see note 9.
  26. Ministry of Justice (2011) *The Care and Management of Transsexual Prisoners PSI 07/2011*. Available online at [https://webcache.googleusercontent.com/search?q=cache:J-XS8L9Dy90J:https://www.justice.gov.uk/downloads/offenders/psipso/psi-2011/psi\\_2011\\_07\\_care\\_management\\_transsexual\\_prisoners.doc+&cd=1&hl=en&ct=clnk&gl=uk&client=safari](https://webcache.googleusercontent.com/search?q=cache:J-XS8L9Dy90J:https://www.justice.gov.uk/downloads/offenders/psipso/psi-2011/psi_2011_07_care_management_transsexual_prisoners.doc+&cd=1&hl=en&ct=clnk&gl=uk&client=safari) Accessed 29.02.16.
  27. Simopoulos and Khin Khin (2014) see note 5.
  28. Marcovitch (2005) cited in Simopoulos and Khin Khin (2014) see note 5.
  29. Currah (2006: xiii-xiv cited in Oparah (2012: 244) seen footnote number 17.
  30. GLAAD (2016) *GLAAD Media Reference Guide – Transgender Issues*. Available online at <http://www.glaad.org/reference/transgender> Accessed 30.03.16.
  31. Oparah (2012) see note 17.
  32. DSM-IV-TR cited in Simopoulos and Khin Khin (2014: 27) see note 5.
  33. Simopoulos and Khin Khin (2014) see note 5.
  34. Oparah (2012) see note 17.
  35. Simopoulos and Khin Khin (2014) see note 5.

transgenderism, data shows that it is rare. They refer to ten studies about transgender prevalence across eight countries. The studies reveal a wide range of estimates: 1:11,900 to 1:45,000 male to female (MTF) and 1:30,400 to 1:200,000 female to male (FTM) individuals. It appears to be a worldwide phenomenon that more biological males than females are transgender. Although the prevalence of transgenderism is unclear, the challenges and issues transgender people experience is highly evident. According to Lev,<sup>36</sup> transgender individuals are at more risk of suicide, depression and hate crimes. They are also more likely to be living among high rates of crime, poverty and drug dealing and are therefore at risk of becoming involved in the Criminal Justice System.<sup>37</sup> In particular, Sandor von Dresner et al. suggest that research demonstrates a correlation between gender dysphoria and offending<sup>38</sup> and they refer to a study that indicates approximately 40 per cent of transgender people have been involved in prostitution.<sup>39</sup>

Oparah<sup>40</sup> states that gender conformity begins in childhood whereby children are encouraged to behave and dress according to their assigned gender. For a teenager who is not conforming to their gender, they might experience significantly more conflict with parents, authorities and peers when it is obvious that their non-conforming habits are not limited to childhood or something they will grow out of. The conflict can result in the young transgender person being forced to leave home or run away. The literature also highlights how gay, lesbian and bisexual adolescents are at increased risk of homelessness because of conflict (with family members) regarding their sexuality.<sup>41</sup> It has been argued that this is particularly apparent in the case of LGBT males who are at greater risk of violent expulsion from home than females, following

... gender conformity begins in childhood whereby children are encouraged to behave and dress according to their assigned gender.

disclosure or discovery of sexual orientation.<sup>42</sup> In this context, young homeless transgender people can resort to survival strategies resulting in offending such as prostitution, theft and selling and using drugs. In addition, populations at higher risk of victimisation are also reportedly more wary about accessing communal services. A US study of victimisation among Runaway LGBT adolescents found that because these young people often had been bullied at school and rejected by adults prior to running away, they may avoid traditional shelters.<sup>43</sup> Because these young people are likely to be overrepresented in runaway populations, the authors argued that shelters, currently not catering to LGBT adolescents, are missing some of the most vulnerable runaways.

Transgender people are also more likely to experience poverty because of discrimination in the workplace.<sup>44</sup> They are also more susceptible to insecure housing and homelessness because of discriminatory landlords and unstable employment or unemployment.<sup>45</sup> This means that the transgender prison population is likely to be over-represented in comparison to the general transgender populace. As Stohr<sup>46</sup> observes, '... people who are societal outcasts are more likely to exist on the margins in a community and so are more likely

to wind up in a jail or a prison, as they may be more prone to engage in illegal activities in order to survive'. Simopoulos and Khin Khin refer to a study of the transgender people in San Francisco that indicated almost 14 per cent of transgender people had been in prison on at least one occasion. This is twice the imprisonment rate in America.<sup>47</sup> Moreover, Oparah<sup>48</sup> argues that once transgender people are released from prison, they continue to remain caught in a cycle of exclusion and marginalisation.

36. Lev (2004) cited in Sandor von Dresner et al. (2013) see note 18.

37. Blight (2000) cited in Sandor von Dresner et al. (2013) see note 18.

38. Peterson, Stephens, Dickey and Lewis (1991) cited in Sandor von Dresner et al. (2013) see note 18.

39. Hoenigh, Kenna and Youd (1970) cited in Sandor von Dresner et al. (2013) see note 18.

40. Oparah (2012) see note 17.

41. Whitbeck, L. B., Chen, X., Hoyt, D. R., Tyler, K. A., & Johnson, K. D. (2004) 'Mental disorder, subsistence strategies, and victimization among gay, lesbian, and bisexual homeless and runaway adolescents.' *Journal of Sex Research*. 41(4): 329–342.

42. Hein, L. C. (2011) 'Survival Strategies of Male Homeless Adolescents.' *Journal of the American Psychiatric Nurses Association* 17 (4), 274–282.

43. Whitbeck et al. (2004) see note 39.

44. Oparah (2012) see note 17.

45. See also Sexton, L., Jenness, V., and Sumner, J. (2009) 'Where the Margins Meet: A Demographic Assessment of Transgender Inmates in Men's Prisons.' *Justice Quarterly*. 27 (6): 835–866.

46. Stohr (2015) see note 1.

47. Minter and Daley (2003) cited in Simopoulos and Khin Khin (2014) see note 5.

48. Oparah (2012) see note 17.



## Placement of transgender people in prison

Simopoulos and Khin Khin<sup>49</sup> argue that most prisons worldwide have basic housing policies based on the biological sex binary of male and female. Mann's<sup>50</sup> is the only article to date to offer a comparative analysis of the treatment of transgender people in prison on an international scale. Mann found that the USA and Canada locate people in prison according to their anatomical sex. In the USA, Sandor von Dresner et al.<sup>51</sup> found that the most significant issue for transgender people in prison is housing. They reported that every state in America involved in the survey did not have a transgender specific housing unit; a finding reflected internationally. Moreover, they found that most prisons surveyed in America indicated that decisions about placement were based on the person's genital sex and only transgender women who had undergone SRS would be placed in a female prison. Similarly, in England and Wales, most people must be allocated to a prison according to their gender as recognised by the law. The Gender Recognition Act 2004 enables transsexual people to apply for legal recognition of their acquired gender. If the legal requirements are satisfied, then the Gender Recognition Panel will grant a full Gender Recognition Certificate (GRC).<sup>52</sup> A transgender person in prison is normally required to have a GRC in order to be placed in a prison according to their recognised gender. For those without a GRC then their case will be discussed via a case conference and multi-disciplinary risk assessment as per the National offender Management Service (NOMS) policy guidance and they will make a discretionary decision.<sup>53</sup> Transgender people in prison in Scotland are not required to have a GRC for them to be acknowledged and respected in their acquired gender.<sup>54</sup> This is important because the GRC is not a reliable benchmark to use when making decisions about where

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supports  
rehabilitation.

to place a transgender person in a prison establishment. It cannot be assumed, for instance, that all transgender people wish to undergo a full SRS as they may not deem it necessary, or, as Stohr<sup>55</sup> emphasises, they might want to avoid the associated physical pain of such significant surgery. Indeed, the recent review recognises that many transgender people live successfully without SRS or GRC and therefore the policy should evolve to reflect the need to respect a person in the gender with which they identify. In addition, the review remarks that enabling transgender people to experience prison in the gender they identify with, is humane, safe and supports rehabilitation.<sup>56</sup>

Stohr argues that because of the limited housing policies in America, transgender women placed in male prisons are more susceptible to sexual assault than if they were placed in a female prison. To reiterate, in England and Wales, transgenderism is a protected characteristic under the Equality Act 2010 meaning public authorities like NOMS, must also prevent discrimination, harassment and victimisation.<sup>57</sup> Despite this, Dunn's<sup>58</sup> findings indicate that physical and sexual assault against transgender people in prison is also a British problem. Lamble<sup>59</sup> also suggests that evidence from individual people in prison and advocacy groups support these findings. Transgender people in American prisons are typically protected from physical and sexual assault via administrative segregation. Lamble argues that this also occurs in prisons in England and Wales although Lamble does not indicate the prevalence of such incidents. As well as reduced access to education and recreational activities, Lamble emphasises the impact on the psychological welfare of the transgender person in prison. Lamble further argues that the method of segregation is symptomatic of treating the transgender person as the 'problem' rather than

49. Simopoulos and Khin Khin (2014) see note 5.

50. Mann, R. (2006) 'The Treatment of Transgender Prisoners, Not Just an American Problem—A Comparative Analysis of American, Australian, and Canadian Prison Policies Concerning the Treatment of Transgender Prisoners and a "Universal" Recommendation To Improve Treatment.' *Law and Sexuality Law and Sexuality: A Review of Lesbian, Gay, Bisexual, and Transgender Legal Issues*.

51. Sandor von Dresner et al. (2013) see note 18.

52. Ministry of Justice (PSI 07/2011) see note 50.

53. Garton Grimwood (2015) see note 4.

54. Scottish Prison Service and the Scottish Transgender Alliance 2014 cited in Garton Grimwood (2015) see note 4.

55. Stohr (2015) see note 1.

56. Ministry of Justice (2016) see note 6.

57. Ministry of Justice (PSI 07/2011) see note 24.

58. Dunn (2013) see note 9.

59. Lamble, S. (2012) Rethinking gendered prison policies: impacts on transgender prisoners. *ECAN Bulletin* (16): 7–12.

addressing the underlying issues of transphobia. Similarly, Stohr<sup>60</sup> suggests that such methods are indicative of less respect afforded to transgender people in prison and as a consequence, they are not provided with the same level of security. The recent review suggests that care must be taken to avoid isolating transgender people in prison and that being transgender should not in itself be used as a reason to isolate a person. Emphasis is made on the importance of day-to-day contact and integration with peers.<sup>61</sup> Jenness and Fenstermaker<sup>62</sup> assert that transgender women in prison housed in a male prison will occupy a low level status by virtue of living in a hypermasculinised culture. It is the occupation of this culture that exposes transgender women in male prisons to become vulnerable targets of repeated abuse. Although the recent review indicates a desire to house transgender people according to their identified gender, it is also noted that issues may arise when this cannot be achieved. An example the review offers relates to the possible lack of evidence or counter evidence relating to the person's gender identity or concerns raised following an assessment of all known risks that indicate they cannot be safely managed according to their identified

gender. In addition, the review suggests that decisions about the transfer of a transgender person should be based on clear criteria although the review does not indicate what the criteria might be based on. It suggests that it should be taken in account that women's estates will include people who have been the victims of domestic violence or sexual abuse.<sup>63</sup> The review does not indicate the possible remedies to this.

Simopoulos and Khin Khin<sup>64</sup> refer to an Australian approach, specifically the Queensland Corrective Services whereby in 2008, transgender people were to be treated according to their gender identity. Upon

... some people may not want to identify themselves as transgender for fear of abuse and violence from those in prison, including staff.

declaring their identified gender, they are placed in a single cell during which time, the decision about their stay is assessed according to the safety and security the transgender person poses to the prison and other people as well as the risks posed to themselves; the nature of their offence(s); their personal circumstances; medical and psychiatry recommendations; stages of hormone treatment; and importantly, the transgender person's preference. However, without such an approach that ensures safety, Stohr<sup>65</sup> argues that some people may not want to identify themselves as transgender for fear of abuse and violence from those in prison, including staff.

Simopoulos and Khin Khin<sup>66</sup> indicate the possibility of men claiming they are transgender so that they can be placed in a female prison for the purposes of sexual predatory behaviour. Similarly, Sandor von Dresner et al.<sup>67</sup> suggest that the motivations of transgender people's housing preferences must be assessed for the prevention of drug activity and prostitution. Jenness' (2008)<sup>68</sup> found that transgender women expressed their desire to be housed in a men's prison as opposed to a women's prison. This was typically cited in the context of wanting to avoid women to be in the company of men. The participants reported that being housed with

men was an advantage because of sex and the possibility of establishing romantic relationships.<sup>69</sup>

The California Department of Corrections and Rehabilitation (CDCR) funded Jenness<sup>70</sup> for a study concerning transgender people in prison that set to explore a specific area concerning their safety: where and with whom should transgender people be housed in the interests of reducing risk of sexual assault and other forms of victimisation. Jenness and her colleagues collected self-report data from transgender people in prison, demographic data, and information on where transgender people are

60. Stohr (2015) see note 1.

61. Ministry of Justice (2016) see note 6.

62. Jenness, V. and Fenstermaker, S. (2016) 'Forty Years After Brownmiller: Prisons for Men, Transgender Inmates, and the Rape of the Feminine.' *Gender and Society*. Vol. 30 (1):1 4–29.

63. Ministry of Justice (2016) see note 6.

64. Simopoulos and Khin Khin (2014) see note 5.

65. Stohr (2105) see note 1.

66. Simopoulos and Khin Khin (2014) see note 5.

67. Sandor von Dresner et al. (2013) see note 18.

68. Jenness, V. (2008) cited in Jenness, V. (2014) 'Pesticides, Prisoners, and Policy: Complexity and Praxis in Research on Transgender Prisoners and Beyond.' *Sociological Perspectives*. Vol. 57 (1): 6–26.

69. Jenness, V. (2008) cited in Jenness, V. (2014): 12) see note 63.

70. Jenness, V. (2014) 'Pesticides, Prisoners, and Policy: Complexity and Praxis in Research on Transgender Prisoners and Beyond.' *Sociological Perspectives*. Vol. 57 (1): 6–26.

housed. Jenness interviewed over 300 transgender people in 27 prisons and were asked about their housing situation as well as other experiences relating to sex and violence. The study revealed that although there is a significantly high incidence of transgender women in prison experiencing sexual assault, it is not clear what the solution should be. This is because there was not a statistically significant relationship between where transgender women were housed (either with the general population or with fellow transgender people only) and the likelihood of sexual assault and other types of assault. Rather, significant predictors of sexual assault included having been in a marriage-like or sexual relationship with another person in prison.

Jenness and Fenstermaker<sup>71</sup> state that because prisons are one of the most sex-segregated institutions, they are therefore organised around gender in several ways. Here, the authors suggest that transgender women in men's prisons in California express a desire to be seen as a 'real girl' or the 'best girl'. Their gendered practices provoke a culture of male dominance, heteronormativity and an acceptance of inequality.<sup>72</sup> Jenness<sup>73</sup> concludes that to keep transgender women safe, they need to be separated from the 'real men' and in particular those who they have had or are having intimate relationships with. However, Jenness coins this finding 'safe but sad' because the separation means denying transgender people in prison the ability to live in a meaningful way. Understanding victimisation of sexual assault in the context of living within a hypermasculinised environment is discussed in detail in the next section of this review.

### The victimisation of transgender people in prison

The literature concerning the victimisation of transgender people in prison can again, be found in US studies. The physical and sexual victimisation of transgender people in prison is understood

predominantly from Jenness<sup>74</sup> work, which explains the victimisation in the context of the hypermasculinised culture of Californian male prisons. However, it is important to note that cultural differences exist between American and British prisons. James et al.<sup>75</sup> suggest that American prisons operate within a more coercive context and many American prisons allow staff to carry firearms. Dervan<sup>76</sup> found important cultural differences between federal and state prisons in America. The federal establishment visited was clean, well-cared for and the people in prison were occupied by meaningful employment or education. Importantly, Dervan describes a sense of community within the federal estate. In contrast, the state prison observed was described as uncared for, over-crowded, with no sense

... prisons serving as little more than warehouses tend to experience more violence than those that promote a community atmosphere.

of community whereby people spent a significant amount of the day laying on their bunk beds with little to do other than watch television. This is important when examining why victimisation of physical and sexual assault occurs in prisons. The fact that the American research concerns transgender people in state prisons is important to acknowledge in light of Dervan's findings because he argues that prisons serving as little more than warehouses tend to experience

more violence than those that promote a community atmosphere.

In Jenness and Fenstermaker's article Agnes goes to prison an insight is offered into the daily workings of gender in prison. Transgender women in prison strive to be seen as 'natural' females and behave in a way that gives them gender authenticity or what is referred to as 'the real deal'.<sup>77</sup> Transgender women cannot simply 'pass' as female in a prison environment by virtue of being housed with men. Thus, they go in pursuit of becoming established and seen as a 'real girl' or 'the best girl'.<sup>78</sup>

In order to achieve respect and status as a girl, they embrace the hypermasculine culture and accept the inequality of a male dominated environment whereby femininity is associated with weakness.<sup>79</sup>

71. Jenness and Fenstermaker (2016) see note 58.

72. Jenness and Fenstermaker (2013) cited in Jenness (2014) see note 65.

73. Jenness (2014: 19) see note 65, p.19

74. Jenness (2008) see note 63.

75. James, A. L., Professor, Bottomley, K., Liebling, A., and Clare, E. (1997) *Privatizing Prisons: Rhetoric and Reality*. London: Sage.

76. Dervan, L. E. (2011) 'American Prison Culture in an International Context: An Examination of Prisons in America, The Netherlands, and Israel.' *Stanford Law & Policy Review*. Vol. 22 (2).

77. Jenness and Fenstermaker (2014: 13) see note 58.

78. Jenness and Fenstermaker (2014: 7) see note 58.

79. Mann (2006) see note 48.

Gender expectations mean that the transgender woman must behave in a manner that is inherently feminine as if they were 'really and truly female'.<sup>80</sup> It is within this context, Jenness and Fenstermaker argue, that we can begin to understand the high prevalence of rape of transgender women in prisons. They refer to this as 'the rape of the feminine'. Moreover, Dunn<sup>81</sup> argues that 'Men who feel less powerful in prison than in their lives outside may despise gay or transgender prisoners as a means of restoring their self-image'. Indeed, studies of rape and sexual assault in men's prisons demonstrate that the environment of hypermasculinity and dominance contributes to assaults of feminine, young and new people in prison. Transgender women with a feminine appearance make this population particularly vulnerable and the denial of appropriate feminine clothing compounds their sexual objectification.<sup>82</sup> Lee argues that guards may overlook assaults in a bid to control social hierarches and maintain order.<sup>83</sup>

There is currently very little known about consensual and nonconsensual sexual activity in prisons in England and Wales.<sup>84</sup> Stewart<sup>85</sup> highlights how the sexual behaviour and sexual health of prisoners has been neither a research or a policy priority, noting that the National strategy for sexual health and HIV only mentioned prison health once, sexual health is not a specific category in The Prison Health Handbook and that prisoners, like the homeless are missed in most population samples and a mapping exercise aimed to highlight current trends and gaps in sexual health identified only one study of prisoners out of 346 projects. The Howard League for Penal Reform created the independent Commission on Sex in Prison in 2013, which sought to examine the nature and prevalence of sex in prisons and to make recommendations for safer establishments. There were three broad themes: consensual sex in prisons; coercive sex in prisons and the healthy sexual

Gender expectations mean that the transgender woman must behave in a manner that is inherently feminine as if they were 'really and truly female'.

development among young people in prison. The Howard League's Briefing paper 1 highlighted a number of issues including how there is little reliable evidence available on both consensual and coercive sexual activity in prisons and it is not known to what extent men and women who identify as heterosexual may have sex with other prisoners while in prison. While there is no prison rule prohibiting sex between prisoners but prison staff do not allow prisoners to have sex. It is difficult, if not impossible, for prison staff to distinguish between consensual and coercive sexual relationships.

Permission to interview current people in prison about their sexual experiences in prison was denied by the Ministry of Justice. Therefore, people who had formally been in prison were invited to partake in the study and 26 people were subsequently interviewed. The final report indicates that sexual activity between people

in prison is prevalent and that some heterosexual men engaged in homosexual activity because they considered it necessary.<sup>86</sup> Additionally, the availability of condoms varied between prisons, rather than being subject to national policy. A HM Prison Service report 2001/2002 found that there was a recognition of sexual activity within prisons evidenced by the supply and use of condoms by prison officers, although some governors may not allow the distribution of condoms, and in some prisons, condoms are

only available via prescription. The participants in Stevens' study generally considered the prison officers were sometimes aware of the sexual activity but chose not to intervene. Importantly, the majority of participants considered coercive sex a rarity although three of them disclosed rape by fellow people in prison.<sup>87</sup> Stevens points out that this perception is echoed in Edgar, O'Donnell and Martin's<sup>88</sup> study. She further argues that rape in prison is most certainly under-reported. In a study conducted by Single Banbury in 2004,<sup>89</sup> it was estimated that approximately 10,000 of 200,000 who pass through the prison system annually may have been coerced sexually.

80. Jenness and Fenstermaker (2014: 18) cited in Jenness and Fenstermaker (2016: 22) see note 58.

81. Dunn (2013) see note 9, p.4.

82. Daley (2005) cited in Stohr (2015) see note 1.

83. Cited in Stohr (2015) see note 1.

84. Stevens, A. (2015) 'Sex in Prison: Experiences of Former Prisoners.' Commission on Sex in Prison. The Howard League for Penal Reform. Available online at [https://d19y1po4aovc7m.cloudfront.net/fileadmin/howard\\_league/user/pdf/Publications/Sex\\_in\\_prison\\_web.pdf](https://d19y1po4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Sex_in_prison_web.pdf) Accessed 30.03.16.

85. Stewart, E. C., (2007) 'The Sexual Health and Behaviour of Male Prisoners: The Need for Research.' The Howard Journal of Criminal Justice. Vol. 46 (1): 43–59.

86. Stevens (2015) see note 79.

87. Stevens (2015) see note 79.

88. Cited in Stevens (2015) see note 79.

89. Banbury, S. (2004) 'Coercive Sexual Behaviour in British prisons.' The Howard Journal of Criminal Justice. Vol. 43 (2): 113–130.

This study highlighted how subsequent psychological problems are difficult to deal with in the prison environment and upon release. Surprisingly, the recent review does not discuss in any detail the issue of transgender victimisation in prison. It refers briefly to the training of staff, who, the report suggests, should undergo training to ensure their understanding of the rights of all transgender and non-binary people. In relation to victimisation specifically, the review states, 'All staff should understand their responsibility to confront discrimination, bullying or unwarranted attention aimed at transgender people'.<sup>90</sup> No further guidance is offered.

### The management of transgender people in prison

Simopoulos and Khin Khin<sup>91</sup> suggest that the management of transgender people in prison refers to their daily treatment including the use of the person's preferred name, clothing, personal items, and how searches are conducted. They suggest it is a worldwide phenomenon in prisons that transgender people are not permitted to wear clothing according to their identified gender. However, in England and Wales, should transgender people be housed according to their birth sex, the PSI guidelines indicate that people in prison must be permitted to live permanently in their acquired gender and this means being permitted to dress in gender-appropriate clothing and adopting a gender-appropriate name. The report emphasises that all transsexual people in prison must be treated fairly and in accordance with the law. The recently published review suggests the adoption of a 'facilities list' containing a list of items for purchase that can be used in both male and female establishments as well as standardised rules on what is considered acceptable clothing.<sup>92</sup> However, according to the HM Inspectorate of Prisons for England and Wales, Annual Report (2014–15),<sup>93</sup> although most prisons had a relevant policy, the quality of care for transgender people varied between prisons. Good support was found at Altcourse, Elmley and Wormwood Scrubs (although

... it is a worldwide phenomenon in prisons that transgender people are not permitted to wear clothing according to their identified gender.

the nature of this support is not described). Good one-to-one support was identified at Northumberland but was 'undermined by insensitive staff continuing to refer to the transgender prisoner as a man and not always ensuring she had separate shower access'. The Inspectorate reported a custody officer at Kent prison referring to a transgender person as 'it', highlighting an example of poor treatment that a transgender person may be subjected to. Emphasis is placed on terminology in the recent review whereby it is suggested that staff should 'always be respectful' and guidance should be offered by NOMS in relation to what terminology is appropriate.<sup>94</sup>

Dunn<sup>95</sup> refers to findings from inspectors of prisons in England and Wales and LGBT issues do not feature in equalities action plans. Additionally, homophobic incident reports were not analysed or discussed by senior management and Dunn concludes that because of the few numbers of this population, little is being done to address homophobia within the prison establishment. Dunn further argues that staff often failed to address homophobic abuse and that there was no mention during staff induction that abuse would not be tolerated. Moreover, some prisons could offer no information about LGBT support organisations. If they did, information was provided without asking people in prison what their concerns were. Dunn points out that this might have given the impression of a lack of interest or incompetence. Similarly, Sandor von Dresner et al's.<sup>96</sup> survey administered to prisons in the USA found that prison officials lacked knowledge and understanding in how to manage the specific issues of transgender people in prison. Having reviewed inspection reports, Dunn argues that diversity managers in prison should review staff training needs in relation to transgender people in prison. Additionally, Dunn suggests that staff should communicate and relate more with transgender people in prison with senior staff asking them about their experiences more often and then discussing and addressing the relevant issues. The recent review seeks to address the need of training staff to understand the rights of transgender and non-binary people that is inclusive of their safety and dignity. In addition, the

90. Ministry of Justice (2016: 8) see note 6.

91. Simopoulos and Khin Khin (2014) see note 5.

92. Ministry of Justice (2016) see note 6.

93. HM Chief Inspector of Prisons for England and Wales Annual Report (2014-15). Available online at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444785/hmip-2014-15.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444785/hmip-2014-15.pdf) Accessed 29.02.16. p.47

94. Ministry of Justice (2016: 7) see note 6.

95. Dunn (2013) see note 9.

96. Sandor von Dresner et al. (2013) see note 18.

review suggests that staff need to understand how to access support from specialist colleagues.<sup>97</sup>

### Healthcare provisions for transgender people in prison

Coleman et al.<sup>98</sup> offer a very important point of view in understanding the mental health issues often experienced by transgender people. They argue that the resulting psychological distress is 'socially induced' and 'not inherent to being transsexual, transgender, or gender-nonconforming'. Despite the fact that many transgender people live in a variety of social and cultural contexts across the world, stigma and prejudice are apparent among all societies.<sup>99</sup> The PSI outlines that transsexual people in prison diagnosed with gender dysphoria can expect to receive the same quality of healthcare provisions as they would from the NHS if they were living in the community. Jones and Brookes<sup>100</sup> refer to Petersen et al's.<sup>101</sup> review of prison policies relating to transsexual people in prison. The review covered Europe, Australia, Canada and the USA. Their findings included: only 40 per cent of prisons had a formal or informal policy addressing issues such as hormone treatment; people are placed in prison according to their genital status; in almost all prisons, there was no specialised counselling available; in most cases SRS would not be considered; there was no agreed determination of risk of sexual or physical assault; most institutions fostered the 'freeze-framing' approach whereby hormone treatment is only provided for those who have already started it prior to entering prison. The freeze-frame approach is based on the argument that prison does not reflect the 'real world' and therefore assessing gender dysphoria is more difficult in such a controlled setting.<sup>102</sup> Prison is described as an artificial environment and fosters a culture of rigidity and control.<sup>103</sup>

Despite the fact that many transgender people live in a variety of social and cultural contexts across the world, stigma and prejudice are apparent among all societies.

However, Sandor von Dresner et al.<sup>104</sup> argue that it 'condemns' transgender people in prison who are serving life sentences to live the rest of their lives untreated. Stohr refers to Colopy<sup>105</sup> who highlights a case whereby a transgender person became depressed and self-mutilated as a result of stopping hormone treatment. The guidelines for the standards of care for transgender people in the World Professional Association for Transgender Health state that a 'freeze frame' approach is not considered an appropriate course of action in the majority of situations. Its guidelines outline the consequences of preventing the initiation of hormone treatment for people in prison such as autocastration and suicide.<sup>106</sup> Coleman et al.

point out that the Standards of Care guidelines apply to all transsexual, transgender, and gender-nonconforming people in its entirety—that is, regardless of where the person lives. Therefore, people in prison should not be discriminated against when they attempt to access healthcare.<sup>107</sup> Additionally, Coleman et al. argue that outside consultation from specialists should be sought if in-house expertise is unavailable.

In recent years, the recognition to protect transgender people from discrimination can be observed through The Patient Protection and Affordable Care Act 2010 and there have been significant changes within the health care system that similarly aim to treat transgender people equitably. Despite the implementation of the Act, Sandor von Dresner et al's.<sup>108</sup> survey found a lack of psychological and physiological treatment for transgender people in US prisons and importantly, nearly all prisons indicated that they provide no specialised therapy. More recently, Routh et al.<sup>109</sup> analysed state statutes and DOC policies on the management of transgender people in prison and found inconsistencies between states in their approaches to counselling, hormone treatment and SRS. They found

97. Ministry of Justice (2016).

98. Coleman et al. (2012: 168) see note 11, p.168.

99. Peletz (2006); Winter (2009) cited in Coleman et al. (2011) see note 11.

100. Jones, L. and Brookes, M. (2013) 'Transgender Offenders: A Literature Review'. *Prison Service Journal*. (206): 11–18.

101. Petersen et al. (1996) cited in Jones and Brookes (2013) see note 91.

102. Peterson, Stephens, Dickey and Lewis (1996) cited in Sandor von Dresner et al. (2013) see note 18.

103. Stohr (2015) see note 1.

104. Sandor von Dresner et al. (2013: 41) see note 18, p.41.

105. Colopy (2012) cited in Stohr (2015) see note 1.

106. Brown (2010) cited in Coleman et al. (2012) see note 11.

107. Brown (2009) cited in Coleman et al. (2012) see note 11.

108. Sandor von Dresner et al. (2013) see note 18.

109. Routh et al. (2015) see note 7.

that there is a lack of guidance concerning the medical issues of transgender people in prison. They argue that until each and every state fosters a written policy regarding the classification, protection and treatment of transgender people in prison, there remains much work to ensure that such people are adequately taken care of.

In another recent study, Brown<sup>110</sup> reviewed 129 unsolicited letters from transgender people in prison from various states across the USA. A number of themes were identified in the letters and the main concerns cited by transgender people included access to healthcare, social issues, legal issues, physical abuse, gender dysphoria, sexual abuse, poverty, housing, suicide and mental health problems. Brown argues that it is worrying that healthcare provisions were most often cited as an issue faced by transgender people because when gender dysphoria goes undetected and undiagnosed, morbidity and mortality becomes significant.<sup>111</sup>

Brown found that a small proportion of letters from people in prison (five per cent) reported having carried out autocastration and suicidality (eight per cent) that included past attempts and current thoughts about it. Brown further suggests that there are several examples of autocastration occurring in other prisons in various countries.<sup>112</sup> Importantly, Brown found that suicidality was linked to gender dysphoric feelings and not having proper access to healthcare. Brown recognises the limitations of his research because of its naturalistic manner. However, he does assert that the number of complaints about inadequate treatment warrants further consideration and claims that not treating gender dysphoria is no different to not treating diabetes or heart disease. Addressing healthcare needs properly, Brown argues, would improve health and wellbeing of transgender people in prison as well as reducing the cost of associated litigation when the system fails this particular group.

Sandor von Dresner et al. refer to Israel's<sup>113</sup> observations of transgender people's self-reports, that

some prisons will make every effort to avoid providing treatment to transgender people resulting in the majority of people not receiving adequate medical and psychological care. Although Israel's study is now 13 years old, it is important to remain aware of the possibility of such obstruction and prevention despite statutes and policies being in place. The HMP Inspectorate of Prisons for England and Wales, Annual Report (2014–15)<sup>114</sup> findings offer a hint to the possibility of cultural differences between prisons and that some prisons may not foster and promote fair and equal treatment towards transgender people in prison. The studies conducted in the USA reveal an important finding. It cannot be assumed that recent legislation and policies protecting the rights of transgender people in prison have been implemented properly and accordingly. Although the PSI explicitly states that transsexual people in prison should be

afforded the same quality of care as they could expect if living in the community, there is no research to help ascertain if this is occurring. The only clue currently provided is the recent suicides of two transgender women in English prisons and the recently published review was undertaken in light of a 'number of representations expressing concern that the present system doesn't sufficiently address the needs of

Brown ... claims that not treating gender dysphoria is no different to not treating diabetes or heart disease.

transgender prisoners'.<sup>115</sup> Not anywhere did it state what these concerns actually were and the review invited a number of key stakeholders to take part in a survey that asked them a series of questions about how transgender people are managed in the Criminal Justice System.<sup>116</sup> The recently published review does indicate that the views of stakeholders and transgender people in prison were sought. However, the review does not refer to the healthcare provisions that transgender people in prison might need. It mentions that if transgender people choose not to disclose their preferred gender identity, then they risk not receiving the services deemed necessary to support them in their daily lives that in turn, will help them in their journey towards rehabilitation.<sup>117</sup>

110. Brown (2014) see note 6.

111. Brown (2010); *Gammett v. Idaho Department of Corrections* (2007) cited in Brown (2014) see note 6.

112. Blight (2000); Brown (2010); Conacher and Westwood (1987); More (1996) cited in Brown (2014) see note 6.

113. Israel (2002) cited in Sandor von Dresner et al. (2013) see note 18.

114. The HMP Inspectorate of Prisons for England and Wales, Annual Report (2014–15) see note 86.

115. Dineage (2015) see note 3.

116. See *Trans Equality Inquiry* (2016) 'Review on the care and management of transgender offenders. Available online at <http://uktrans.info/offendersreview> Accessed 29.02.16.

117. Ministry of Justice (2016).

## Conclusion

In an American context, Jenness and Fenstermaker<sup>118</sup> argue that although transgender people in prison were once a forgotten group,<sup>119</sup> they are no longer. However, this literature review reveals quite a different finding in the UK context. Although there is a significant dearth of UK research, the current available literature indicates that transgender people in prisons across England and Wales remain, to some extent, invisible. Dunn<sup>120</sup> highlights the current mind-set of 'we don't have many here' in British prisons, which leads to the 'cycle of invisibility'. The lack of support, therefore, is seemingly justified because of the low numbers of the LGBT prison population. It is promising, however, that the recent review has acknowledged this issue and emphasised the importance of addressing issues associated with the transgender prison population.<sup>121</sup> The LGBT prison population might also explain why there is more research in the USA (although the research there is still somewhat lacking). For instance, there is a significantly higher general population and prison population in the USA (and therefore higher transgender prison population) and the number of interviews Jenness has gained with transgender people in prison demonstrates this point. Perhaps a higher population puts demands on authorities to 'do something' and address the specific issues and needs of transgender people in prison. More focus and attention on this area is likely to catch the attention of academics. Furthermore, perhaps the cultural difference of the more coercive context of American state prisons serves to help understand why more attention is paid to transgender people in US prisons where there is seemingly more awareness regarding the prevalence of coercive sex in prisons. In contrast to the US, the work of Stevens<sup>122</sup> reveals that people who have served time in prison seem unaware of sexual assaults taking place in British prisons. In the USA, Jenness was also afforded the unusual opportunity of access to such prisons. Stevens' denial of such requests to British prisons is revealing. It appears

that perhaps the exploration of sexual relationships and sexual assaults is an unwelcome area of research in British establishments.

Whilst acknowledging cultural differences, indicators from the UK research literature appear to reflect similarly to that of the USA. The key issues highlighted in this review offer a solid starting point at which to begin undertaking research in the UK. Because of the lack of research in the UK, there is no way of knowing how effectively these guidelines are implemented and why they have failed to meet the needs of transgender people in prison. In summary, future research should begin by conducting a content analysis of the relevant prison policies to examine guidance on placement, victimisation and management, and healthcare provisions. The research would help to identify areas of good practice and follow up semi-structured interviews with prison staff and transgender people in those identified establishments should be conducted. It is reasonable to anticipate problems accessing prison establishments similar to those experienced by Stevens,<sup>123</sup> particularly since an important aspect of the study focuses on victimisation of sexual and physical assault. A similar study to Stevens' (Commission on Sex in Prisons) could be conducted in order to examine transgender people's experiences of coercive sex in prison by interviewing people who have previously served custodial sentences. Such access issues are most unfortunate because without it, the most important people's voices cannot be heard. Although the recently published review demonstrates some promise for the care and management of transgender people in prison, it only provides a brief outline of the care and management, offering no specific and detailed information on how specifically needs will be met. Only transgender people experiencing the prison system can explain the more subtle and unobvious concerns that might relate to the issues highlighted in this review. Excluding them from such a process is to inadvertently continue the 'cycle of invisibility'.<sup>124</sup>

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118. Jenness and Fenstermaker (2014) see note 13.

119. Tewksbury and Potter (2005) cited in Jenness and Fenstermaker (2014) see note 13.

120. Dunn (2013) see note 9, p.6

121. Ministry of Justice (2016) see note 6.

122. Stevens (2015) see note 79.

123. Stevens (2015) see note 79.

124. Dunn (2013) see note 9, p.6.



# Prisoner-family ties during imprisonment:

## Reassessing resettlement outcomes and the role of visitation

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Prison life can be hard time for both those serving time and for their families on the outside. Prisoners who maintain ties with family members during their sentence can often see their relationships tested by the physical isolation and social strains which imprisonment brings and the value of a family support network for prisoners has been recognised across a number of prison service policies.<sup>1</sup> Successive studies have shown that familial ties are important for prisoners as a mode of social support during their sentence, as a motivation to behave inside prison in order to improve their chances of early-release, as well as for resettlement outcomes including finding accommodation, desisting from drug use, and reducing reoffending risk.<sup>2</sup> Despite these important positive outcomes, few studies have sought to understand what actually happens to prisoner-family relationships across the course of a sentence. During any prison sentence a lot can happen to an offender, whether it be anxiety adapting to a sentence, victimisation, loss of privileges, or a host of other events which may impact on the overall experience of confinement. These experiences no doubt are dynamic and open to change, not least because some prisoners are able to adapt to their sentence more effectively than others.<sup>3</sup> They also have obvious implications for ties with family. For the families of offenders too, life paths may change—family members may die, new romantic relations may be developed, and children may be born. Taking stock of these factors, policy makers require a clearer insight into whether or not prisoner-family ties change during a prison sentence, and what the implications of these

changes are for resettlement outcomes such as reoffending, drug use after release, and chances of gaining employment.

This paper summarises key implications for prison practitioners and policy makers from recent research into prisoner–family dynamics over the course of custodial sentences in England and Wales.<sup>4</sup> We discuss the main results of this study, and orientate these findings towards practical steps which the prison service and its partner agencies can take to implement effective policies working with prisoners and their family members.

### Prisoner–Family Ties: What we know, what we don't know

Previous studies in the area of prisoner–family ties have focused on the question of whether visitation contributes towards positive resettlement outcomes, especially reduced recidivism risks.<sup>5</sup> It is generally accepted that those prisoners who maintain contact with their family during a sentence have greater levels of commitment to behave well during custody and upon release due to the motivation of re-acquainting with their family at the earliest opportunity. Although many studies have indicated positive associations between contact and lower recidivism risk, the extent to which this is a causal association remains questionable. More recent efforts to account for this methodological problem<sup>6</sup> have looked at the quantity and timing of visits during a sentence as ways of differentiating between prisoner groups to test the impact of contact. Visitation effects have still held up when such measures have been employed.

1. Her Majesty's Prison Service (2001) Prison Service Order 2300: Resettlement, London: HMPS; Her Majesty's Prison Service (2011) PSI 16/2011: Providing Visits and Services to Visitors, London, HMPS.
2. Cochran, J. C., & Mears, D. P. (2013). Social isolation and inmate behavior: A conceptual framework for theorizing prison visitation and guiding and assessing research. *Journal of Criminal Justice*, 41(4), 252–261.
3. Toch, H., & Gibbs, J. C. (1992). *Living in prison: The ecology of survival*. New York: Free Press.
4. Brunton-Smith, I., McCarthy, D. J. (2017). The Effects of Prisoner Attachment to Family on Re-entry Outcomes: A Longitudinal Assessment. *British Journal of Criminology*, 57 (2): 463–482.
5. Mears, D. P., Cochran, J. C., Siennick, S. E., & Bales, W. D. (2012). Prison visitation and recidivism. *Justice Quarterly*, 29(6), 888–918; Mitchell, M. M., Spooner, K., Jia, D., & Zhang, Y. (2016). The effect of prison visitation on reentry success: A meta-analysis. *Journal of Criminal Justice*, 47, 74–83; De Claire, K., & Dixon, L. (2015). The Effects of Prison Visits From Family Members on Prisoners' Well-Being, Prison Rule Breaking, and Recidivism A Review of Research Since 1991. *Trauma, Violence, & Abuse*, advanced access.
6. Examples include Mears, D. P., Cochran, J. C., Siennick, S. E., & Bales, W. D. (2012). Prison visitation and recidivism. *Justice Quarterly*, 29(6), 888–918; Cochran, J. C. (2012). The ties that bind or the ties that break: Examining the relationship between visitation and prisoner misconduct. *Journal of Criminal Justice*, 40(5), 433–440.

The visitation–recidivism focus remains one of the most widely discussed areas of resettlement policy. Yet there is far more going on with prisoner–family ties over the course of a sentence. For prisoners, family ties have been linked to the immediate provision of support when exiting prison, such as housing, financial and emotional support.<sup>7</sup> Research has also identified that released prisoners who exit prison with strong family are not themselves necessarily at lower risks of recidivism, but instead are more likely to achieve employment through family contacts which then can promote positive resettlement benefits.<sup>8</sup> But the views of prisoners are only half of the story, with the perspectives of family also necessary to arrive at a clear understanding of the reciprocal processes which go into building and maintaining family ties during the course of a prison sentence and beyond.<sup>9</sup> From the perspectives of family members, the ability to maintain ties with a prisoner is often a challenging process regardless of the quality of relationships when they first enter prison. Difficulties communicating via telephone, parcels not getting to the correct prison destination or taking lengthy periods in the mail, costs of travel and restrictions to transportation, taking time off work, or managing childcare have all been widely cited as factors which render the maintenance of ties difficult during a prison sentence.<sup>10</sup> What family members offer prisoners may therefore not be determined by their commitment and love, but rather by the structural and material resources they can feasibly deploy.<sup>11</sup>

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A question that remains is the extent that relationships between prisoners and family change over the course of a sentence. Some evidence exists, with high levels of marital breakdown identified during the incarceration period,<sup>12</sup> and the risks of separation heightened when sentences are longer. In a recent attempt to analyse change in the strength of prisoner–family bonds after release from prison, Mowen and Visser<sup>13</sup> identify particular prisoners as more at risk of decreased social support; white men with longer offending records and mental health issues. Yet the authors also show that those prisoners who maintained greater levels of contact with family prior to entering prison were more likely to continue these relationships upon release from prison.

Our analysis is similar to Mowen and Visser, but draws on data from England and Wales—a nation with a vastly different size, scale and prisoner demographic to the USA, and with considerable differences in the societal conditions of re-entry.<sup>14</sup> Unlike Mowen and Visser, we examine both the extent of prisoner–family relationship change, and whether these changes influence resettlement outcomes for the offender after release from prison.

## Methods

Using a longitudinal survey in England and Wales commissioned by the Ministry of Justice (Surveying

7. Naser, R. L., & Visser, C. A. (2006). Family members' experiences with incarceration and reentry. *Western Criminology Review*, 7(2), 20–31; Western, B., Braga, A. A., Davis, J., & Sirois, C. (2015). Stress and Hardship after Prison. *American Journal of Sociology*, 120(5), 1512–1547.
8. Berg, M. T., & Huebner, B. M. (2011). Reentry and the ties that bind: An examination of social ties, employment, and recidivism. *Justice Quarterly*, 28(2), 382–410.
9. Lanskey, C., Lösel, F., Markson, L., & Souza, K. A. (2015). Re framing the Analysis: A 3 dimensional. Perspective of Prisoners' Children's Well being. *Children & Society*, 29(5), 484–494; Lösel, F., Pugh, G., Markson, L., Souza, K., and Lanskey C. (2012). Risk and Protective Factors in the Resettlement of Imprisoned Fathers with their Families available online at [http://www.crim.cam.ac.uk/research/fathers\\_in\\_prison/final\\_report.pdf](http://www.crim.cam.ac.uk/research/fathers_in_prison/final_report.pdf).
10. Smith, R., Grimshaw, R., Romeo, R., & Knapp, M. (2007). Poverty and disadvantage among prisoners' families. York: Joseph Rowntree Foundation.
11. Current research is developing these insights in the context of young prisoners and their families in England (Daniel McCarthy, Surrey University), and female prisoners. See also Mowen, T.J., & Visser, C.A. (2015). Drug use and crime after incarceration: The role of family support and family conflict. *Justice Quarterly*, 32(2), 337–359. <http://justicecenter.psu.edu/research/pins>.
12. Lopoo, L. M., & Western, B. (2005). Incarceration and the formation and stability of marital unions. *Journal of Marriage and Family*, 67(3), 721–734; Massoglia, M., Remster, B., & King, R. D. (2011). Stigma or separation? Understanding the incarceration–divorce relationship. *Social Forces*, 90(1), 133–155.
13. Mowen, T. J., & Visser, C. A. (2016). Changing the Ties that Bind. *Criminology & Public Policy*, 15(2), 503–528.
14. We have in mind here work conducted by Clear (2007) and Sampson (2012) who have both identified the deep structural divisions in US society during prisoner re-entry, matched by vastly different concentrated spatial inequalities by race which are hard to draw close parallels with in the UK. Clear, T. R. (2009). *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*. Oxford: Oxford University Press; Sampson, R. J. (2012). *Great American city: Chicago and the enduring neighborhood effect*. Chicago: University of Chicago Press.

Prisoners Crime Reduction Survey/SPCR) that follows prisoners through their prison sentence and back in to the community after release, we assessed the extent that male prisoners' familial ties change, and whether or not prison visits can help support prisoner-family relationships. We then looked at whether those prisoners who experienced improving family relations went on to have more successful resettlement outcomes up to two years after release.

The SPCR was collected between 2005 and 2010 and is a nationally representative sample of prisoners serving between three months and four years in prison. The data was collected at three time points—on reception to prison (Wave 1), two weeks pre-release (Wave 2) and approximately four months after release into the community (Wave 3). Data on reoffending was also captured after two years of release from prison (from the police national computer database).

Further technical details about the dataset and methodological strategy for this study can be consulted.<sup>15</sup>

### Key Results

Rather than report more detailed statistical analysis of the data which are available elsewhere<sup>16</sup> we instead focus on key results and implications of these analyses. Three key findings are discussed, together with ways forward in terms of supporting prisoner-family ties during the sentence.

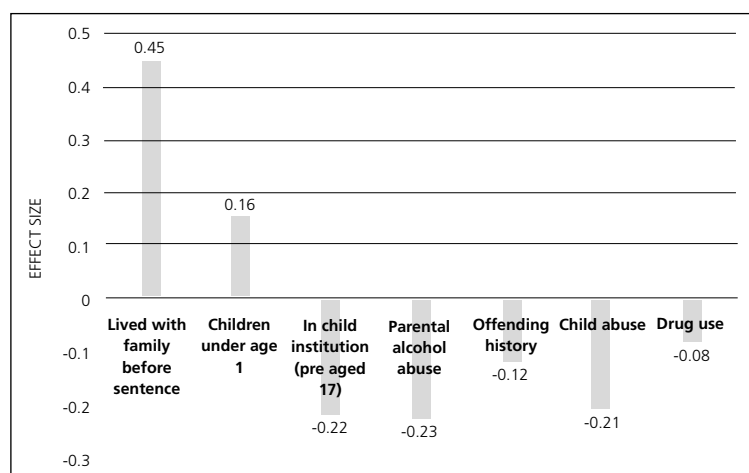
#### 1. Those prisoners with the least and most to lose experience weakened family attachments during their sentence

Figure 1 summarises the factors which shape prisoners' family attachments when going into prison, with figure 2 addressing factors which are influential in changing relations with families. Prisoners living with family prior to their sentence are most at risk of experiencing weakened ties as their sentence progresses. This is plausibly because these prisoners have the most to lose through the separations which prison brings, as well as the difficulties of maintaining these relationships due to the restricted communication and visitation opportunities afforded by imprisonment. Previous studies have noted that romantic relationships are at considerable risk of breakage during a prison sentence,<sup>17</sup> with further

consequences for the wellbeing of a prisoner as they come to terms with such events through limited opportunities to resolve conflicts. Those prisoners experiencing significant adversities prior to prison (i.e. child abuse, parent alcohol abuse, living in institution such as children's home, and drug use) had weaker relationships with family on entry to prison, and did not experience any improvements during their sentence. In other words, starting at such a low baseline with fragile or broken familial ties results in these attachments remaining weak throughout the sentence.

For some groups we find relations improve over the course of a sentence—for ethnic minorities and those from foster families. For offenders from ethnic minorities, struggles with life inside prison due to a combination of discrimination by fellow prisoners and staff, as well as difficulties coping in the prison environment due to language or cultural barriers may encourage contact with family as a mechanism to help prisoners cope with their time in prison. Offenders from foster families are more likely to have grown up in challenging circumstances, which may in some cases involve removal from biological parents due to extreme familial adversity. Foster families in such instances may act as a key source of support for prisoners in light of limited alternatives. Our findings also demonstrate the positive impact of parental visits on improvement to family relations during a prison sentence.

**Figure 1: Prisoner characteristics associated with closeness to family on reception to prison (statistically significant results only)**

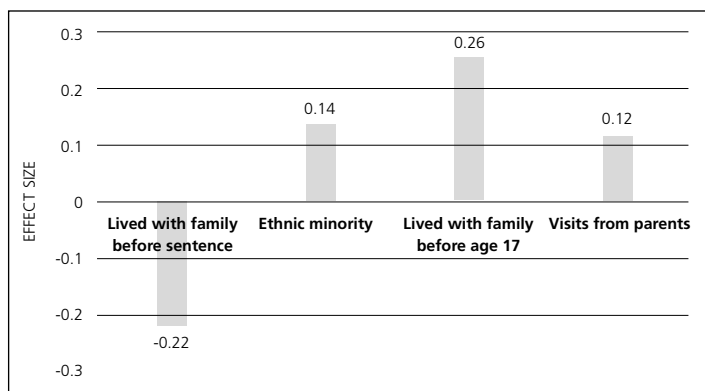


15. Full details on the sample design can be found in Cleary et al., (2012a; 2012b; 2014). Cleary, A., Ames, A., Kostadintcheva, K. and Muller, H. (2012a), Surveying Prisoner Crime Reduction (SPCR): Wave 1 (Reception) Samples 1 and 2 Technical Report. Ministry of Justice; (2012b), Surveying Prisoner Crime Reduction (SPCR): Wave 2 (Pre-release) Samples 1 and 2 Technical Report. Ministry of Justice; (2014), Surveying Prisoner Crime Reduction (SPCR): Waves 3 and 4 (Post-release) Samples 1 and 2 Technical Report. Ministry of Justice. For details on methodological strategy on prisoner-family ties and measurement of latent change in attachments, see Brunton-Smith and McCarthy (2017).

16. Brunton-Smith and McCarthy (2017).

17. Lopoo, L. M., & Western, B. (2005). Incarceration and the formation and stability of marital unions. *Journal of Marriage and Family*, 67(3), 721–734; Massoglia, M., Remster, B., & King, R. D. (2011). Stigma or separation? Understanding the incarceration-divorce relationship. *Social Forces*, 90(1), 133–155.

**Figure 2: Prisoner characteristics associated with changing family relations on release from prison (statistically significant results only)**



**2. Prison visits are only effective in improving resettlement outcomes (reduced reoffending, drug use desistance and finding employment on release) when they improve family attachments throughout the sentence.**

We find that family visits do not automatically translate into positive resettlement outcomes upon release from prison. Instead, for families to exert a positive effect on resettlement outcomes, familial attachments must continue to develop over the duration of a sentence. As well as reducing recidivism risks, improving family relations were also linked to other measures of resettlement, notably finding employment and desisting from problem drug consumption.

These findings fit with one of the central messages of desistance research—how attachments with family can operate as ‘turning points’ to help steer offenders away from further criminality.<sup>18</sup> Familial ties can operate as a social commitment for offenders to maintain, taking on the role positions required for engaging in normative behavioral conduct upon release from prison. Laub, Nagin and Sampson<sup>19</sup> liken the development and maintenance of ties as an ‘investment process’ which involves ongoing work and contribution. If such ties are maintained during a prison sentence, it provides an important pathway towards desistance. Our own work indicates that recidivism risks up to two years after release are reduced for prisoners maintaining strong attachments with family. Therefore, it is not simply frequency of visits which are important for improving resettlement outcomes. Rather, it is what the visits actually do to strengthen relationships over the duration of the sentence which matter more.

**3. Visits from parents are more effective than visits from other family members and friends.**

Who makes visits to prisoners is also important. Visits from parents were moderately linked to improving family relations and improved resettlement outcomes.<sup>20</sup> But visits from partners/spouses, and from children were not. It is plausible that ‘families of origin’ such as parents present a more dependable option for prisoners to turn to for financial and emotional support during their sentence.<sup>21</sup> This is contrasted with ‘families of formation’ such as partners who can often find relationships placed under high levels of strain during incarceration. It may be that these visits exacerbate already tenuous relationships and lead to further frustrations for prisoners who feel unable to connect in any meaningful ways with their partners or children during visitation. It is also possible that the lack of suitable visitation provision in many prisons may serve to limit family interactions. That parents play a key role in facilitating resettlement more than other family members points to the possibility that the commitment in the form of bonds with ‘flesh and blood’ are harder to break than ‘families of formation’.

**Policy Implications and Further Research**

The quality of prison visits, rather than the mere existence of visits should be emphasised to help ensure positive resettlement outcomes. Our results show that prison visits are only effective where they improve family ties over the duration of a sentence. This raises questions about what exactly can be done to facilitate improving prisoner–family relationships. Prison visits themselves are often poorly supported and resourced in some prisons, with insufficient attention placed on more naturalised opportunities for prisoner–family interaction. (e.g. family days designed to support prisoners to engage with family over a longer period than a normal visit, and within a more natural setting compared to traditional visiting halls). Such visitation opportunities are crucial for prisoners, especially those with children where normal visitation provision can be unsuitable and logistically difficult for prisoners and family to interact freely.

Several promising projects are currently being conducted in prisons across England and Wales which stress the importance of family building. However, building familial ties may not always be appropriate for all prisoners, notably those whose offending may

18. Laub, J. H., & Sampson, R. J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Harvard University Press.  
 19. Laub, J. H., Nagin, D. S., & Sampson, R. J. (1998). Trajectories of change in criminal offending: Good marriages and the desistance process. *American Sociological Review*, 63 (2): 225–238.  
 20. Bales, W. D., & Mears, D. P. (2008). Inmate social ties and the transition to society: Does visitation reduce recidivism? *Journal of Research in Crime and Delinquency*. 45, 287–321.  
 21. Western et al (2015).

have been committed against a family member, or where offenders may possess particular risks which may place family members in danger. Prison programmes are also prone to selection effects, and it is possible that those prisoners pre-selected to participate in family building schemes may themselves already be lower risk offenders, limiting their success as a general solution for all offenders.<sup>22</sup> Further, the pressures faced by families when absorbing offenders back into the home following imprisonment should also be acknowledged. Prisoners' families often manage a multitude of challenges, confronting social problems within the family and community of residence, as well as limits on the social resources which can be offered to offenders returning home.

Our results also demonstrate the need for the Prison Service and Probation Service to strive to work more closely with families during the sentence and in preparation for resettlement. Greater information about prisoners' familial circumstances should be captured by the prison service and used to help identify prisoners with potentially more to lose from restrictions to contact with family. Such information should also be utilised to help pre-release planning via probation.

It should be stressed that this study is based on the experiences of male prisoners only, and it is possible that we are missing important gender differences in terms of familial relationships and visitation.<sup>23</sup> We also recognise the importance of

conducting further longitudinal studies which identify prisoner–family relationships over a longer time frame, including those adopting a qualitative research design. Such studies may help provide a richer insight into the processes by which prisoners readapt to family life, from the perspective of prisoners and family members, long after release from prison.

Yet despite these drawbacks, our study is one of the first to match changes in the quality of ties to family during a prison sentence, with measures of visitation and resettlement outcomes. This builds on previous research explaining the visitation–recidivism link by highlighting the importance of the impact of visits on family relations—that is do visits actually reduce recidivism, or rather are those prisoners who receive visits already independently at lower risks of recidivism due to having good family ties, and indeed with greater levels of access to support? Our results demonstrate only moderate support for the visitation–recidivism link. In fact, we find that strong familial ties when entering prison (especially prisoners with strong attachments to family) are more at risk of weakening precisely because of the difficulty maintaining such bonds within the restricted setting of the prison. Therefore, what can ultimately be achieved in terms of building on, or maintaining familial ties solely through visits is limited. Here the prison service should look at additional methods to help support such ties, and not strictly rely on visitation as a panacea to the challenges of prisoner resettlement.

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22. Cochran, J. C., & Mears, D. P. (2013). Social isolation and inmate behavior: A conceptual framework for theorizing prison visitation and guiding and assessing research. *Journal of Criminal Justice*, 41(4), 252–261.

23. Acoca, L., & Raeder, M. S. (1999). Severing family ties: The plight of nonviolent female offenders and their children. *Stanford Law & Policy Review*, 11, 133–143.

# Tainted Love:

## The Impact of Prison on Mothering Identity Explored via Mothers' Post Prison Reflections

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**Mothers enter prison already disadvantaged, judged, excluded and most often in pain. Prison magnifies challenges to mothering and mothering identity.<sup>1</sup> This paper reflects on the described experiences of previously incarcerated mothers. The paper focuses particularly on the emotional aspects of the mother's experience, how being an imprisoned mother challenges her mothering identity and the mothering role; both during incarceration and long after release. The paper draws on the authors ongoing doctoral research, the purpose of which is to 'understand more about the impact of prison on mothers who experience custody', as well as the author's previous research in this important area.<sup>2</sup> The data is drawn from in-depth interviews which took place with 21 released mothers between January 2016 and October 2016. All participants volunteered to take part and gave appropriate informed consent. The mothers had been out of prison for periods ranging from one to 26 years since their last sentence and were aged between 19 and 66.**

### Context and Landscape

*I woke up in the early hours of the morning and it was still there [the worry about my daughter] the first thing that came into my head. I had pictures of my little girl in the cell. Before I knew what, I was doing I was slitting my wrists. (Sharon)<sup>3</sup>*

This quote is almost 30 years old, yet it remains tragically and poignantly relevant today. Deaths in custody are rising and are the highest they have been for decades. The female prison population has more than doubled since 1991. In 2016 there were double the number of female self-inflicted deaths in custody from the previous year.<sup>4</sup> Women account for over 23 per cent of all self-harm incidents in prison—despite making up only five per cent of the total prison population<sup>5</sup> (nine per cent of all receptions). Furthermore, 46 per cent of women in custody have previously attempted suicide at some point in their lives.<sup>6</sup>

Over 80 per cent of women are in prison for non-violent offences, and for women, escape from prison is almost unheard of, one must therefore wonder why closed conditions and all that might come with this level of security (for example being handcuffed when attending ante natal appointments) are necessary for most women in prison. As one mother rather succinctly put it, when questioning the logic of being placed in closed conditions: 'What were we going to do, shoplift or fraud them to death?' (Rita, 35)<sup>7</sup>

Women come to prison earlier in their criminal career and for less serious crimes and so are often even less prepared for custody than their male counterparts.<sup>8</sup> Many mothers in the study described their first days in prison, the first few days separated from their children, as their worst, thus highlighting the particular importance of a well-resourced first night centre.<sup>9</sup> Women in prison are, as Corston suggested already a 'vulnerable population'.<sup>10</sup> We know that most women come to prison already dealing with the pain from

1. Baldwin, L., Motherhood Disrupted: Reflections of Post Prison Mothers. *Emotion, Space and Society* (2017), <http://dx.doi.org/10.1016/j.emospa.2017.02.002><http://dx.doi.org/10.1016/j.emospa.2017.02.002>.
2. Baldwin, L. (2015), *Mothering Justice: Working with Mothers in Criminal and Social Justice Settings*. Sheffield on Lodden. Waterside Press.
3. Stevenson, P. Padel, U. (1988) *Insiders: Women's Experience of Prison* London, Virago Press. P.100.
4. Figures provided by INQUEST accessed at <http://www.inquest.org.uk/statistics/deaths-of-women-in-prison>.
5. Bromley Briefings Prison Factfile Autumn 2016. Prison Reform Trust [www.prisonreformtrust.org.uk/Publications/Factfile](http://www.prisonreformtrust.org.uk/Publications/Factfile)
6. Ibid.
7. See 1 also.
8. Gelsthorpe, L. (2007) *Sentencing and Gender* in Sheehan, S. McIvor, G. & Trotter, C. *What Works with Women Offenders?* Cullompton. Willan.
9. Baldwin, L. (2017) Mothers in Prison: The Importance of Working Compassionately with Maternal Emotion in *Criminal Law & Justice Weekly* (2017:181:45–47).
10. Corston, J. (2007) *The Corston Report: A report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office [www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf](http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf).

## Why is it different for Mothers?

broken and challenged lives. Over half will have experienced physical emotional and sexual abuse (as children and often as adults too).<sup>11</sup> We know that most women in prison are incarcerated as a result of nonviolent offences such as theft, fraud or breach.<sup>12</sup> We know that many women come to prison addicted to substances—often used to as a means of coping with and masking pain from their traumatic lived experiences.<sup>13</sup> Carlen,<sup>14</sup> Corston<sup>15</sup> and many others, over the last 30 years have campaigned and hoped for different treatment of women in the criminal justice system, calling for far fewer women to be sent to prison in the first instance. This drive for change is born out of recognition that prison doesn't work for women (and arguably most men). Failing the achievement of fewer women in prison, Carlen et al hoped, at least, that conditions for women in prison would improve by the system adopting and accepting gender specific responses. Whilst there have been some positive developments for women, there can be no doubt there is significant room for further improvement—particularly in relation to incarcerated mothers. This article highlights the emotional context for incarcerated and released mothers, exploring how supporting their maternal emotions and mothering identity can have a positive impact on mothers (and their children), both during and after custody. The article includes the 'voices' of mothers from the aforementioned study. Although the focus of this article is mothers, much of this discussion is relevant to incarcerated fathers and the author welcomes and acknowledges the innovative work undertaken with fathers, via programmes such as 'Family Man', and the excellent and innovative developments headed by Corin Morgan-Armstrong at HMP Parc via its family wing.<sup>16</sup>

... because there are fewer women's prisons, (none in Wales, or the Isle of Wight), women are often located even further away from their families—on average 60 miles, but often as far as 150 miles.

Feminist Criminologists have long argued for a gendered response to women and criminal justice, in terms of recognition of women's pathways into crime, women as victims of crime, and additionally how women *experience* the criminal justice system. Of course, for any primary carer or parent, relationships with dependants are inevitably affected by incarceration, however, the impact is often greater when it is a mother who is imprisoned, both practically and emotionally.<sup>17</sup> When a mother is incarcerated only five per cent of children affected remain in their own homes, and only nine per cent with their father. When a father is imprisoned most children remain with their mothers. It is not unusual for a mother to lose custody or care of her children (14 per cent go directly into local authority care), as well as losing their home. In addition, because there are fewer women's prisons, (none in Wales, or the Isle of Wight), women are often located even further away from their families—on average 60 miles, but often as far as 150 miles.<sup>18</sup> Consequently, the distance and cost implications can mean many mothers receive few, irregular, or no visits at all from their children. Statistics vary in relation to the recorded number of mothers in custody with children aged under 18. One study<sup>19</sup> in 2005 placed the figure as high as 66 per cent; Ministry of Justice<sup>20</sup> figures estimate the figure to be between 24–31 per cent, based on the number of child benefit claimants (eligibility to which ends when a child leaves full time education). However, there are many reasons a mother might not disclose that she has children when coming to prison, not least the fear of losing them to the Care System, therefore these figures cannot be considered absolute.

11. See 4 also.

12. Additional statistical information taken from Prison Reform Trust. Bromley Briefings Factfile accessed at <http://www.prisonreformtrust.org.uk/Publications/Factfile>.

13. Baldwin, L, O'Malley, & Galway, K (2015) 'Mothers Addicted'. In Baldwin, L. (auth/ed) *Mothering Justice: Working with Mothers in Criminal and Social Justice Settings*. Sheffield. Waterside Press.

14. Carlen, P. (2002) *Women and Punishment: The Struggle for Justice*. Cullompton: Willan.

15. See 10 also.

16. See <https://www.channel4.com/news/dads-behind-bars-teaching-inmates-to-put-kids-before-crime-parc-prison-andy-davies>.

17. See 1 and Enos, S. (2001) *Mothering from the inside: Parenting in a women's prison*. Albany: State University of New York Press.

18. Minson, Nadine., Earle, J. (2015) Sentencing of Mothers: Improving the sentencing process and outcomes for mothers with dependent children. Prison Reform Trust. Accessed at. [http://www.prisonreformtrust.org.uk/Portals/0/Documents/sentencing\\_mothers.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/sentencing_mothers.pdf).

19. Liebling, A. & Maruna, S. (2005) *The effects of imprisonment* Devon: Willan.

20. MOJ. <https://www.gov.uk/government/statistics/female-offenders-and-child-dependents>.

## The 'Good' Mother Identity

Maternal theorist, Andrea O'Reilly<sup>21</sup> supports the feminist view that gender, and to some extent motherhood, is socially constructed; influenced by culture, religion and particularly patriarchy. However, O'Reilly suggests historically feminism has paid too little attention to motherhood and mothering from the perspective of mothers themselves. Arguing that motherhood should 'have a feminism of its own'. O'Reilly suggests this focussed feminism, which she terms 'matricentric feminism', is a place where mothering emotions are valued, respected and importantly, understood. She suggests it is possible to recognise that whilst aspects of gender are indeed 'constructed', that 'motherhood matters, and that maternity is integral to a mother's sense of self and her experience of the world'.<sup>22</sup> Baldwin<sup>23</sup> argues that the principles of matricentric feminism ought to be applied to criminology, and used to inform understanding of how the criminal justice system, particularly prison, adversely affects women, particularly mothers.<sup>24</sup>

Whatever the theoretical lens or the gendered ideologies surrounding the origins of the 'institution of motherhood',<sup>25</sup> or the norms and values associated with mothering; the reality is, most women enter prison from a society that perpetuates an accepted *ideal* of motherhood.<sup>26</sup> A mother's code of conduct, as such, describing which personal mothering qualities are important to mothering and how a mother *should* and importantly *shouldn't* behave. The most basic of these long-held beliefs is that mothers are, or rather *should* be, 'good', or as one mother in the study painfully reflected many years after the end of her sentence: '*Good mothers don't go to prison do they?*' (Mary, 66). Mothers who enter prison are no less subject to having absorbed the ideals and ideas of motherhood. Many enter prison already feeling they have 'failed' as mothers, because of their lived experience, their life chances and their life choices, which in turn has a huge impact on their self-esteem, maternal identity and

maternal emotions.<sup>27</sup> In addition to the fallout of often pain filled and broken lives, mothers in prison are also dealing with maternal emotions associated with their incarceration, not least the physical separation from their children. As Baroness Corston, further suggests, many women in prison:

*... still define themselves and are defined by others by their role in the family. It is an important component in our sense of self identity and self-esteem. To become a prisoner is almost by definition to become a bad mother.*<sup>28</sup>

## Maternal Identity and Role

Mothering from inside prison is a common feature of many female prisoner's lives. Corston talks of women 'running homes' from prison. Many mothers in the study commented on how remaining involved in 'family life' or decisions about the home and their children helped them maintain a feeling of 'connection and purpose'.

*We would actually go through the shopping list together on the phone and I would help her decide what meals to cook for the little ones and her dad ... then I'd go through how to do it, step*

*by step. I think I enjoyed those phone calls the most as I was just a mum then ... just a mum on the other end of the phone.* (Rita, 35, mum of four)

Not all mothers are able to afford to phone home every evening. Many mothers commented on the expense of maintaining contact due to the prohibitive cost of stamps or phone calls.<sup>29</sup> This proved particularly challenging in cases where siblings were separated—whether that be foster care or different relatives. Sometimes mothers had to 'choose which child to ring'

*It is an important component in our sense of self identity and self-esteem. To become a prisoner is almost by definition to become a bad mother.*

21. O'Reilly, A (2016) *Matricentric Feminism: Theory, Activism and Practice*. Canada. Demeter Press.

22. See 21 also, (page 204).

23. See 1 also.

24. Ibid.

25. For example, see O'Reilly, A. (2007) *Maternal Theory: Essential Readings*. Bradford, Canada. Demeter Press

26. Enos (see 17).

27. Baldwin, (see 1) Enos (see 17), Corston (see 10).

28. See 10 also (2:2.17).

29. In Ireland, the Irish prison Service fund a daily phone call home for mothers and supply pre-paid envelopes (up to seven per week).



meaning for some that their relationships with their children were 'forever changed' (Sandra, 46, mother of four). Facilitating and supporting positive mothering and mothering contact from prison, would not only benefit mothers in maintaining mother/child relationships, but would potentially have far reaching benefits for the family and wider society.<sup>30</sup> Mothers described how positive maternal support could be a significant factor in relation to 'managing' her time inside successfully (or not).

*When I went for my ante natal there was one officer who just made me feel shit every time they saw me, but most of them were lovely to me—they were kind and knew I was young and scared ... It's horrible being pregnant in prison ... if it weren't for the good ones being like that I know I wouldn't have coped ... I don't think I would have you know. (Tanisha, 31, mother of three)*

It is important to note that not all women in prison are the same, indeed not all mothers are the same,<sup>31</sup> mothers will experience the separation from their children in different ways. Some will completely shut down their emotions as a means of coping.

*I spent my time in my room, I didn't speak unless I had to ... I didn't put no pictures of my kids up ... nothing ... I just wanted to blank the time away. (Karen, 44, mum of three)*

This emotional disengagement may be from each other, their own emotions and their families, but also from staff and engagement with sentence planning. Thus, having implications for all her relationships, her coping, her motivation, her rehabilitation, and therefore her desistance. Rita, reflecting on her emotional state during custody, stated she understood why mothers in prison kill themselves, saying 'it's just too hard'. (Rita, mother of four). Some mothers may see prison as a safe place, a place to become substance free, to embrace a

new more motivated outlook and determination to succeed, for themselves and for their children.<sup>32</sup> However, most mothers, including those who remain in contact with their children, and despite any positive aspects, will also see prison as traumatic, challenging, damaging and profoundly painful.<sup>33</sup>

*... she came yeah [to prison], I saw her, she never missed a visit, I rang her every night and to be honest we spoke more than maybe we did when I was at home ... but I will never ever ever forgive myself for coming here, for missing that time with her, her graduation, her first breakup with her boyfriend ... and if I'm honest, I don't really think she will ever forgive me either. (Maggi, 56, mother of four, grandmother of two)*

*... how the hell was I meant to concentrate?—I had had my girl on the phone the night before sobbing ...*

Not all mothers in custody will have had their children in their care before coming to prison, not all will have their children returned to their care when leaving prison, but arguably all will experience emotions related to mothering. Baldwin in 'Mothering Justice'<sup>34</sup> suggests that motherhood is an additional 'layer' to be 'factored in' when working with the already complex needs of women in the criminal justice system. Baldwin suggests that failure to take this 'layer' into account can not only further harm and punish women, particularly those in prison—but it can also result in missed opportunities for positive intervention, relationship building and rehabilitation. This point was illustrated by Margot, who found herself subjected to the prison disciplinary process because she 'kicked off' at an officer when asked to come to a sentence plan review:

*To be fair, I like them normally [sentence planning meetings] ... but how the hell was I meant to concentrate?—I had had my girl on the phone the night before sobbing, sobbing she was ... about those bastards bullying her for having a mother in jail ... I was that worried*

30. See 1 also.

31. Rowe, A. (2011) Narratives of Self and Identity in Women's Prisons: Stigma and the struggle for self-definition in penal regimes. *In Punishment and Society*. 13: 571–591.

32. O'Malley S. and Devaney, C (2015): Maintaining the mother-child relationship within the Irish prison system: the practitioner perspective, *Child Care in Practice*, DOI: 10.1080/13575279.2015.1054786.

33. Datesman, S. and Cales, G. (1983); 'I'm still the same mommy'; Maintaining the Mother/Child Relationship in Prison. *The Prison Journal* Vol 63:2:142–154 DOI: <https://doi.org/10.1177/003288558306300212>. Baldwin, L. & Epstein, R. (2017) *Short but not Sweet: A Study of the Impact of Short Sentences on Mothers and their Children*. ISBN-978-1-85721-431-4 De Montfort University available at: <https://www.dora.dmu.ac.uk/bitstream/handle/2086/14301/Final%20Research%20Report%20LB%20RE%202017%20.pdf?sequence=3&isAllowed=y>.

34. See 2 (and also 1).

*about her I was, and I had no phone credit left ... she says she's not going back [to school] ... and that I can't make her ... and she's right ain't she ... not from jail I couldn't, I couldn't do nothin ... I felt furious, furious with them ... but mostly furious with me [breaks down ... ], how can I go in there and think about sentence planning when all I can do is cry my eyes out and think about our Miriam ... I'd end up lamping one of 'em and where would that get me? (Margot, 32, mum of one)*

Enos<sup>35</sup> highlights the challenge for mothers to retain a 'good mother' identity in a place where every day they face challenges to this identity—not least from themselves. She suggests the 'act' of mothering is essential for the retention of a mothering self-identity. She further argues that assignation of roles is central to the activities associated with that role: a firefighter fights fires, a driver drives—a mother 'mothers'. Enos found that women's identities as mothers, particularly as 'good' mothers, was challenged because of the lack of opportunity or ability to undertake the daily tasks and activities associated with mothering. These findings are also supported by Baldwin and Epstein's recent research report,<sup>36</sup> and also in Baldwin's ongoing Doctoral research, where mothers have described experiencing complex and conflicting emotions in response to someone 'taking their place' in roles, activities and duties which the women saw belonged to them as mothers. For example, Rita was sent to prison on Halloween; by the time, she received her reception phone call her children had gone out 'trick or treating' with her friend:

*I was so upset but yet so grateful—I was glad for them that they were able to carry on as normal and apparently manage without me—but at the same time I was gutted for me because I wanted them to miss me ... Isn't that selfish? ... I felt so guilty for feeling like it. (Rita, 35, mother of four)*

Shanice described similar conflicting emotions. Her daughters were in the care of her grandmother, whilst Shanice was 'very grateful' to her mother for 'taking in' her daughters; she also felt jealous and resentful. Shanice provided many examples where she felt her mothering emotions impacted on her emotional wellbeing and ability to cope with her sentence. One such example:

*I would say to Aisha, 'Oh go get your homework and I'll help you over the phone' ... she'd say 'No it's OK Nanny's done it.' Or maybe on a visit I would want to do her hair different and she'd say 'No mummy, Nanny did it like this and I like it'... I felt pointless. (Shanice, 30, mother of two)*

This basic need to mother and the impact of not being able to complete everyday mothering tasks is additionally painfully and poignantly illustrated by one mother:

*One day, when I phoned home, my middle daughter came on the phone sobbing, absolutely sobbing ... you know those big breathy sobs like when you can't catch your breath. I was terrified, and was like—'Oh darling! What's the matter?—Tell me what's wrong' ... She went on to tell me that her leotard wasn't clean and she needed it for a gymnastics competition. There was no soap powder in the house and Daddy didn't know what to do ... I told her to check if there was shampoo in the house to wash it with or to pop next door and ask to borrow a cup of powder. She went off the phone relatively happy and purposeful ... but me ... God I came off that phone so upset ... It was such a small thing ... but it broke me, ... I felt so angry ... angry with myself, angry with him [for not solving the problem] and just...well just powerless ... hopeless ... disconnected ... it was just awful. I went quiet for a while after that. I think that's when it hit me you know ... when I knew I was a bad mother ... once I knew I wasn't a good mother ... nothing else about me made sense. (Ursula, 48)<sup>37</sup>*

*... once I knew I  
wasn't a good  
mother ... nothing  
else about me made  
sense.*

### Impact on Relationships

Several mothers in the study talked of how tension, built up between themselves as mothers, and those who were caring for their children (often grandmothers) whilst they were incarcerated carried on after they were released. Some recounted that their relationships with their own mothers and mothers-in-law remained at least tense, and were sometimes broken or thus altered permanently. Two of the grandmothers (mothers of mothers in the study) were unwilling to return the children to their mothers, and three others now shared the care of their grandchildren with their

35. See 17 also.

36. See 33 also.

37. See 2 also.

mothers, despite the mothers being released and wishing to resume full-time care.

*My mother refuses to trust me to have them—even though social services say I can have the kids—my mum keeps the two youngest, I see them every day but she won't let me live with them, or them with me—she says if I kick off she will tell social services, so I have no choice ... that's the worst thing after prison, no one ever trusts you again. (Tamika, 26, mum of three)*

Mothers remembered feeling during incarceration that everything would be 'OK' or 'back to normal' when they were released. Thus, many mothers described feeling unprepared for the 'emotional explosion' (Ursula, 48, mother of four) they faced on release. Instead, mothers were faced with the reality that it often wasn't 'back to normal' or the same as before they went into custody. In this study this seemed particularly relevant when the children were experiencing or had experienced puberty whilst mum was in prison. Many of the mothers described their relationships with their children as 'forever changed', something they found especially difficult to accept and cope with. Shanice describes the sadness she feels surrounding her and her teenage daughter's changed relationship:

*I used to worry all the time when I was inside ... Where was she? Who was she with? Was she safe? I kept myself going thinking: Not long now, then it will all be OK and I can keep an eye on her properly ... But she doesn't tell me anything now ... we don't have the same relationship as before. She got used to being without me I guess ... I wasn't expecting that. (Shanice, 30, mum of two)*

Mothers of younger children faced equally difficult emotional challenges, especially if contact was minimal and the children were very young. There were fears of being 'forgotten' or 'displaced' (and replaced). One young mother, Beth, was sent to prison when her baby was only three months old. Beth served four months and did not have visits from her child whilst in prison. Her child was taken into care and she now sees her via supervised visits. Beth feels she 'doesn't know' her child and that her child has no bond with her. Beth is pessimistic about this ever changing and thus is struggling to manage her emotions on release. She self-reports that substances have always been her way of 'dealing with, or rather, not dealing with' the pain and trauma in her life. In interview, Beth described how the additional emotions she felt as a 'failed mother' were making it increasingly likely she would return to substance misuse (and therefore offending) to cope with her emotions. She described feeling that either a return to prison or suicide could be a likely outcome for her.

*I feel guilty every time I look at her, she don't want me—she cries as soon as I hold her ... and all that does is remind me of how crap I am ... at everything, but especially at being a mum... on drugs I can forget it all ... when I'm off my face is the only time I can like myself even a little bit, sometimes I don't even want to be here no more, ... What's the point now? (Beth, 19, mum of one)*

## Conclusion

This paper, via the powerful voices and memories of the mothers, highlights the effects of prison, specifically in terms of maternal identity, are profound. These effects are long lasting and certainly well beyond the reach of the prison walls. Mothers described feeling guilt and shame whilst in prison, which was compounded after their release. The mothers felt they fell far short of the mothering ideals generally accepted by society, they felt like 'failures' as mothers, forever tarnished by the fact they had been to prison as mothers. Illustrated poignantly by Kady:

*I'm tainted now ain't I? Forever ... I'll always be that mum that went jail. Every time I hear that song 'Tainted Love' ... I think that's me that is. (Kady, 26, mother of one)*

Mothers in the study described how the longed-for release brought additional issues, not always anticipated. Their relationships with their children, and indeed wider family, were sometimes 'forever changed' because of losing their mother role to a greater or lesser degree; leaving mothers with a myriad of emotions to deal with amid their resettlement. Mothers described struggling so much with their maternal emotions, both during custody and post release, to such a degree they would sometimes feel overwhelmed, even suicidal. With self-harm incidents and deaths in custody at their highest ever level, such overt cries for help must be heard. If we are to continue to send mothers to prison, and arguably the preferred option is wherever possible we don't; then more must be done to support mothers and children affected by the criminal justice system. This paper highlights the relevance and importance of emotionally supporting mothers both during the custodial period, and importantly, post release in the community. Working with mothers and assisting them to maintain an active mothering role during their sentence will prove beneficial in terms of maintaining relationships. Supporting mothers and families in the often challenging period of re-integration, will assist successful resettlement. Failure to do so may impact negatively, not only positive outcomes for mothers themselves, but also on the mothers' ability to engage in sentence planning/supervision and therefore desistance. Which ultimately will further impact on the children and wider society as a whole.

# An Exploration Of The Challenges Families Experience When A Family Member Is Convicted Of A Sex Offence

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## Introduction

Recent figures from the Ministry of Justice (March, 2017) show that there are 85,513 offenders in the prison population, 13,246 of whom have been sentenced for sexual offences.<sup>1</sup> This is the highest number in custody since 2002 and it now represents 15 per cent of the prison population. This trend of increasing numbers of sex-offenders in the prison population can be put alongside a spike in historical sex abuse cases, and more punitive sanctions implemented by the Criminal Justice and Courts Act 2015 which has resulted in longer average sentences for sex-offenders and more people placed on the (ViSOR) Sex-Offenders' Register.<sup>2</sup> ViSORs are confidential and can only be accessed by personnel from the police, and the probation and prison services. Nonetheless, a long campaign by the media (especially the now defunct *News of the World*) to publish the identities of child sex-offenders, where they publicly 'named and shamed' them has created a type of 'moral panic' (as described by Cohen 1972). This coupled with a difficulty, in some cases, of retaining anonymity, often due to information gained

from court reports, local newspapers, and social media which has resulted in more families being drawn into a socially constructed ethical and psychological universe, where public distaste is prominent for these types of crimes.<sup>3</sup>

At the same time, research has shown that family members, community members, and also some organisations can be crucial in supporting prisoners through a prison sentence and after their release.<sup>4</sup> One implicit consequence of sexual offences is that the people who can often help the offender most (such as an offender's family), are those who have often been hurt the most, and losing these relationships further increase the chances of recidivism.<sup>5</sup> Although it cannot be assumed that all family members maintain contact with their incarcerated relative a substantial amount do, as the fieldwork in this study indicates. This is a significant observation, as the link between family and offender has a distinct consequence for society and potential future victims.<sup>6</sup> Although interest in the connection between family support and their role in reducing recidivism has been increasingly recognised,<sup>7</sup> relatively little is currently understood about the challenges faced by family members who maintain social links with convicted sex-offenders.<sup>8</sup>

1. In order to be concise, individuals who have been convicted of a sex offence have been referred to as 'sex offenders' throughout this paper. This is not intended to describe the person, just the offence.

2. Ministry of Justice (2017). Offender Management Statistics Bulletin, England and Wales: Quarterly January to March 2017 with Prison Population as at 31 March 2017. Available online at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/541499/offender-management-statistics-quarterly-bulletin-jan2-mar-2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/541499/offender-management-statistics-quarterly-bulletin-jan2-mar-2016.pdf) [accessed 5 May 2017].

3. Farmer, M., McAlinden, A.M. and Maruna, S., 2015. Understanding desistance from sexual offending: A thematic review of research findings. *Probation Journal*, 62(4), pp.320–335.

4. Tewksbury, R. and Connor, D.P., 2012. Inmates who receive visits in prison: Exploring factors that predict. *Fed. Probation*, 76, p.43. Daley, M.V., 2008. A Flawed Solution to the Sex Offenders Situation in the United States: The Legality of Chemical Castration for Sex Offenders. *Ind. Health L. Rev.*, 5, p.87.

5. Tewksbury, R., and Lees, M.B. (2006) Perceptions of sex offender registration: collateral consequences and community experiences. *Sociological Spectrum*, 26(3), 309–334.

6. Craun, S.W., and Theriot, M.T. (2009). Misperceptions of sex offender perpetration: Considering the impact of sex offender registration. *Journal of Interpersonal Violence*, 24(12), 2057–2072.

7. Tewksbury, R. and Connor, D.P., 2012. Incarcerated Sex Offenders' Perceptions of Family Relationships: Previous Experiences and Future Expectations. *W. Criminology Rev.*, 13, p.25.

8. Action for Prisoners Families (2013). Action for Prisoners' Families: Supporting the Families of Sex Offenders – findings from a symposium [online]. Available at [http://app.pelorous.com/public/cms/115/237/245/10095/Supporting\\_the\\_families\\_of\\_sex\\_offenders\\_symposium.pdf](http://app.pelorous.com/public/cms/115/237/245/10095/Supporting_the_families_of_sex_offenders_symposium.pdf). [accessed 24 April 2016].

Codd, H. (2011). *In the Shadow of Prison. Families, imprisonment and criminal justice*. (2nd edn). Oxford: Routledge.

## Research methods

There is a dearth of formal organised support in the UK aimed specifically at the relatives of sex-offenders.<sup>9</sup> This study aims to fill a gap in research, firstly by focusing on the challenges experienced by family members related to individuals who have committed sex crimes, and secondly by looking at the coping strategies and support mechanisms family members employ, from the initial discovery and conviction, through imprisonment to the eventual release of their family member back into society. It is hoped that the findings will be of benefit to third-sector organisations working with families and a valuable source of reference for those seeking to 'tailor' their support and to those looking for help.

### Research Questions

This research has three primary aims; firstly to explore and identify the challenges that families of sex-offenders describe; secondly, to determine what their coping mechanisms and strategies are, and thirdly to identify and review existing formal support systems (locally and nationally) available to prisoners' families. Qualitative and quantitative data was collected from a sample group of 60<sup>10</sup> family members of convicted sex-offenders. The following research questions guided the research:

- What challenges do family members of convicted sex-offenders describe?
- Have they received any support? (formal and/or informal)
- How useful was that support?
- How easy was it to access support?
- What other support do they feel would help the most?

### Type of sample and why it was chosen

The research was undertaken with family members in the visitors' centre at a category C prison, with a population of 1,200 adult males, 90 per cent of whom have been convicted of a sexual offence. The site was selected as it houses a large number of

prisoners convicted of sex offences, providing an exceptional opportunity to reach the target sample population of family members through the visitors' centre. Access was sought through National Offender Management Service NOMS, the Governor of the prison, and an operational manager within the Ormiston Trust (with whom I had previously worked as a volunteer) and NOMS approved the study.

### *The intended and achieved sample size and method of selection*

Sixty family members of incarcerated sex-offenders took part in the research. The sample population was recruited following advertising through posters and leaflets that were placed around the visitors centre, and by staff members making potential participants aware of the impending research within the centre.

Consequently, this relied heavily on the willingness and availability of individuals to take part, so the strategy was one of convenience (non probability) sampling of individuals who met the eligibility criteria.<sup>11</sup> The need to minimise disruption and interference upon families' visiting times was a constant preoccupation. Given these relatively few hindrances, the sample was broadly representative of the population of visitors. The sample included both female and male visitors having family connections with

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the offender, the age ranged from 20 to 80 (the mean age was 50) and the ethnicity of the sample was largely white/british. The three tables below show the full breakdown of the demographics of the research sample. Consistent with previous research on prison visitation, most of the supportive relatives were female in this study.<sup>12</sup> Furthermore, the sentence lengths of the convicted family members of the participants in the study ranged from two years to 18 years with four of the offenders on indeterminate sentences (IPPs). An indeterminate sentence is one where the prisoner has no set release date. This may mean that the challenges for the relatives involved are even more extensive than for others in terms of maintaining contact and planning for the future, as there is no definitive release time for families to focus on.

9. Bryman, A. (2012). *Social Research Methods*. (4th edn.) New York: Oxford University Press.

10. Of this sample group, 35 responded to a questionnaire, while 25 participated in a one-to-one interview and also completed the questionnaire.

11. See 10 Bryman (2012).

12. See 9 Codd, (2011:64).

The following tables 1, 2 and 3 portray the demographics of the research sample.

**Table 1: Relationships with the offender**

Family Member	Number in study	% of total sample
Wives	12	20
Mothers	10	16.6
Sons	7	11.3
Fathers	5	8.3
Daughters	5	8.3
Partners	4	6.6
Sisters	3	5
Cousin	2	3.3
Godson	1	1.6
Girlfriend	1	1.6
Uncle	1	1.6
Unknown	4	1.6

**Table 2: The age of family members**

Age	Number in study	% of total sample
20/30	7	11.6
30/40	6	10
40/50	7	11.6
50/60	13	21.6
60/70	18	30
70/80	5	8.3
Unknown	4	6.6

**Table 3: The ethnicity of family members**

Ethnicity	Number in study	% of total sample
White/British	40	66.6
Black/British	5	8.3
English	2	3.3
Caribbean/Black	3	3
African/Black	1	1
Filipino	1	1
Unknown	8	13.3

### Data Collection

The research used a mixed methods strategy. The processes of data collection and analysis occurred simultaneously and interactively, congruent with a grounded theory approach.<sup>13</sup> The data collection phase was undertaken over eight afternoons (40 hours) and consisted of collecting quantitative data from 35 questionnaires with qualitative data gathered from 25 semi-structured interviews. Consistent with grounded theory research approaches, the formulation of both the questionnaire and interview schedule were influenced by the literature review.<sup>14</sup> Before beginning the fieldwork, pilot interviews took place with other researchers to check that the questions would work well.<sup>15</sup>

Initially, I embarked on recruitment by approaching family members in the visits waiting area, the purpose of the research was explained and interested participants were handed an information sheet (see appendix C), consent form (See appendix D) and questionnaire. Every effort was made to speak to a diverse range of family members, in terms of gender, age and ethnicity. Most family members who were approached were willing to take part and the number who declined was only *four*. It was not uncommon to hear statements such as ‘thank god there is somebody I can speak to’ or ‘yes, I am more than happy to take part, somebody needs to do something to help us’. For those who wanted to speak further there was the option of an interview, which was designed to fit around their waiting time. Some family members were a little concerned that their identity might be compromised; once reassured, however the conversation flowed and the majority expressed their gratitude for having the opportunity to speak to somebody independent.

Twenty-three of the interviews were conducted face to face in a private room within the visit centre, this was not possible for two of the participants—so a telephone interview was arranged for one relative and the other family member posted their questionnaire response back to the visits centre. All apart from the postal response were digitally recorded (with consent). The participants were encouraged to speak freely and use their own terminology, whilst discussing their thoughts and feelings in detail. Due to the dearth of literature on exploring the emotions of this group there was no prior insight into navigating this research, although I did have some understanding and experience of discussing problems faced with this sector as I had previously worked as volunteer in a visits centre, and this proved an advantage

13. Glock, C., Y. (1988). Reflections on doing survey research, in H. J. O’Gorman (ed.), *Surveying Social Life*. Middletown, CT: Wesleyan University Press.
14. Bachman, R. and Schutt, R, K. (2014). *The Practice of Research in Criminology and Criminal Justice*. Thousand Oaks, CA: Sage Publications.
15. See 14 Glock (1988).

## Research findings

when facilitating the interviews. The interview process did present different emotions (for some this was the first time they had been able to talk freely). I was able to support individuals by listening and being empathic as they expounded their stories. For the most part participants were extremely keen to contribute to this study and convey their thoughts in a confidential and non-judgmental environment and were grateful to have this opportunity. The duration of the interviews ranged from six to thirty-nine minutes. At the end of the interviews participants were offered an information sheet on how to access self-help for any distress the interviews may have caused, however none of them felt this was necessary.

### *Strengths, Limitations and Potential Problems*

A limitation in this study is that due to the relatively small numbers involved, and a lack of homogeneity within the sample group, a certain degree of ambiguity resulted in the quantitative analysis. Therefore a larger sample group would have been preferable (although this could only have been achieved if the study period had been longer). A further limitation was the design of the questionnaire; it was not until fieldwork was underway that there was a realisation that a yes or no response would work better for some answers than a Likert scale (this is a scale that can represent people's attitudes to a topic). Whereas qualitative research is far more time consuming and subject to researcher interpretation,<sup>16</sup> in this case it gave a more defined, in-depth representation of how each of these family members demonstrated their resilience, agency, and the complexity of emotions each endured whilst fulfilling often multiple and competing moral obligations. The mixed-method research approach gave the families the opportunity to 'voice' their experiences and to convey their hopes, fears and expectations for the future, and an opportunity to discuss which (if any) systems of support best suit their needs, or what might prevent them from seeking it. Furthermore, this study concentrated solely on those who wish to remain in contact with their relatives therefore it is not possible to generalise the findings to a broader population.

The findings from this study show that the degree of the impact on family members was contingent upon the nature of the pre-conviction familial relationship (i.e. whether the family member questioned was wife, brother, mother, etc. of the convicted sex-offender), financial dependence, and personal economic status (i.e. whether the family member was in employment, retired, independently wealthy, etc).

Twenty-eight per cent (7/25) of family members interviewed found that the distance to the prison represented a major difficulty due to the long distances travelled, coupled with short visiting times. Nonetheless, this study found the longer the period of imprisonment the greater the strain and stress in relation to visiting. For example one participant summed up the general consensus by stating 'the people doing the biggest sentence are the families'.

The findings also show that some participants saw maintaining contact as positive experiences, both for themselves and the offender, and an effective method of mutual support.

Participants were asked if their financial situation had been negatively impacted since their relative's imprisonment, 50 per cent (12/25) stated that maintaining contact had had a negative impact on them financially and in some cases it was a barrier to them visiting more frequently.

Although financial hardship is often reported to be a very real collateral consequence of incarceration<sup>17</sup> the same may not apply to the families of sex-offenders. This difference in reported economic impacts on the families of sex-offenders by comparison to families of other offenders may be because the families of sex-offenders are arguably drawn from a broader social demographic group and tend to be older, with the consequence that there may be higher percentages of those who are more financially stable.

Participants in this study were asked if there have been any differences in their housing and employment situation since their relative's incarceration (see table 4).

Twenty-eight per cent of family members interviewed found that the distance to the prison represented a major difficulty ...

16. Creswell, J.W. (2007). *Qualitative Inquiry and Research Design: Choosing among five approaches* (2nd edn). Thousand Oaks, CA: Sage.  
17. Arditti, J. (2012). *Parental Incarceration and the Family*. New York University Press: New York.  
Lösel, F., Pugh, G., Markson, L., Souza, K., & Lanskey, C. (2012). Risk and protective factors in the resettlement of imprisoned fathers with their families. Ipswich: Ormiston Children and Families Trust. See 9 Codd (2011).

**Table 4: Housing and Employment**

Since my family member went to prison ...	Disagree and Strongly Disagree	Agree and Strongly Agree
Work colleagues have behaved differently towards me	67.7% (21/31)	32.2% (10/31)
My work situation has changed negatively	82.9% (34/41)	17.0% (7/41)
Neighbours have behaved differently towards me	77.7% (28/36)	22.2% (8/36)
I have had to change my housing situation	81.1% (43/53)	18.8% (10/53)

Most of the sample either disagreed or strongly disagreed with the questions. This suggests that each different family relationship is effected with varying degrees of gravity. For those family members who live in another area of the country, or not in the same abode, the impact is perhaps far less likely to significantly disrupt their lives.

This study shows that the identity as a spouse or partner to a sex-offender can also negatively affect their career, especially those who work with children. For partners who had careers in education, the link to a sex-offender ultimately resulted in the loss of their employment. For this reason those who had supportive colleagues, or remained silent about their predicament, seemed better able to cope. It is clear that when the identity of a sex-offender enters the public sphere, often after media attention, or informal networking within communities, their families' identities are often also revealed. This can mean that the processes of segregation, classification and exclusion that society imparts upon those surrounding sex-crimes can begin.

Family members were asked if their health had been affected negatively since their family member went to prison (see table 5).

**Table 5: Psychology and Physical Health**

Since my family member went to prison ...	Disagree and Strongly Disagree	Undecided	Agree and Strongly Agree
My health has been affected negatively (psychological or physical health)	28.3% (17/60)	13.3% (8/60)	58.3% (35/60)

Seventy-two per cent (18/25) of participants described how they have struggled with stress, anxiety, depression, worry and sleepless nights as a result of the impacts of the sentence and coming to the prison.

The impact of conviction is a particularly traumatic period for the families of sex-offenders. 84 per cent (21/25) of the participants stated that they had experienced shock at the point their relative had received a custodial sentence. A 'realisation' that their relative has been found guilty begins, and the manner in which family members accept this is often a pivotal point in processing the events.

The interviews suggested that conviction is a difficult period and practical problems are evident. The lack of information and support available to family members at this time is a key issue for many families and increases the intensity of their trauma substantially. This study has identified that nothing has really changed in the ensuing years.

Participants were also asked if they felt they had been treated differently in their communities since conviction (see table 6).

**Table 6: Impacts felt in local communities**

Since my family member went to prison ...	Disagree and Strongly Disagree	Undecided	Agree and Strongly Agree
I feel stigmatised and labelled because of the crimes	45% (27/60)	16.6% (10/60)	38.3% (23/60)
I tell people why my family member is in prison	65.4% (36/55)	N/A	34.5% (19/55)



Family members describe how they have experienced stigma in their local communities. It is not uncommon for the media to report on convictions associated with sex offences. However, not all participants in this study felt stigmatised by their connection to a convicted sex-offender. This seemed to depend whether or not they live in the same community.

After establishing the challenges families were facing, they were then asked a series of questions associated with accessing (formal and informal) support mechanisms and if they felt this was needed for them (see table 7).

**Table 7: Accessing Support (Formal/Informal)**

Since my family member went to prison ...	Disagree and Strongly Disagree	Agree and Strongly Agree
Some family members have been supportive	12.5% (7/56)	87.5% (49/56)
Some friends have been supportive	11.5% (6/52)	88.4% (49/56)
Support from family or friends has helped me	7.2% (4/55)	92.7% (51/55)
My relationships with close or extended family have been affected negatively	64.1% (34/53)	35.8% (19/53)
Support from agencies is easy to access	65.9% (31/43)	27.9% (12/43)
Support from agencies has helped me	75.7% (25/33)	24.2% (8/33)

The quantitative data strongly suggest that the majority of participants 87 per cent (49/56) seek support more informally through family and friends; however, this was not felt to be the same for formal support, where participants were less sure how easy agencies were to access and what help they could offer to them. Interestingly, the findings show that, although 36 per cent (19/53) of close family relationships are affected negatively, two-thirds 64 per cent (34/53) of relatives disagree or strongly disagree that their relationship had been affected negatively.

Most support for offenders' families is provided by the voluntary/non profit sector and is typically delivered by trained individuals attached to charitable organisations whose intent is to provide help or be of service to the family, this includes helplines, prison based initiatives, and self-help groups.<sup>18</sup> Nonetheless, as the findings below depict there appears to be a lack of help available both locally and nationally for family members who have a relative in prison convicted for a sexual offence.

Forty-three participants responded to the question 'Has formal support been easy to access?' The data from the quantitative analysis show that almost 72 per cent (31/43) of the sample disagreed or strongly disagreed that support was accessible to them.

Almost half the sample 45 per cent (27/60) were unaware that any support was available. Many families do not join a support group as they do not know what is available to them both locally and nationally. Another common theme was that they were reluctant to source formal help.

Moreover, 72 per cent (31/43) of participants were frustrated with the difficulties of accessing formal support; with 76 per cent (25/33) stating that they disagreed or strongly disagreed that it had helped them.

Seventy-two per cent (18/25) of the participants commented on their frustrations with prison security. Visits are supposed to start at 2.00 pm and it is not uncommon for the first group to be called up at 2.15 pm or later, this gives less time for families to interact and visit their relative and after travelling often long distances, some family members felt understandably annoyed. Participants recognised that sometimes this cannot be helped, but felt it would be more deferential if the allocated times were adhered to.

A support group with other family members was a notable recommendation: 32 per cent (8/25) of the relatives in this study mentioned this as something they would benefit from.

Participants interviewed report that the point of conviction is a particularly difficult, stressful and traumatic time for family members. A 'realisation' that their relative has been found guilty appears to begin, and the manner in which family members accept this (or not) is often a pivotal point in processing the events that have befallen them. The majority 92 per cent (23/25) of participants expressed that lack of information, support and knowing where to turn were all challenges they had to face.

Participants felt that support is needed for families in the courtroom, especially when the crime is a first offence and there have been no previous

18. See 9, Codd (2011).

dealings with the criminal justice system. Sexual crimes are often complex, intra-familial, and may have been concealed for many years; as a result the outcomes for families can be even more traumatic.<sup>19</sup>

Thirty-six per cent (9/25) participants stated that support for the family members effected is also central to helping families process the circumstances that they are now forced to endure.

For example, one participant commented:

*Often in historical sex cases it is family members that are effected, but there's nothing available to help families build bridges, and you do need the support of your family, and this is where we've had so many problems. And there's nobody that we can go to, you know, to help us. So some sort of formal support would be really good for that, often the people like me—the wife—isn't aware of what's gone on; it's a total shock, and you're in the middle, trying to support your husband until he's convicted, you've got family members that are vulnerable.*

When asked what type of support would be useful at this time, this participant replied:

*There isn't any support for, because it's relatively new [becoming more a phenomenon in society], and there isn't any support groups out there because I've already looked into it, and I've asked my doctor to look and he couldn't find any. It's just there's nothing there. I feel strongly that support groups and counselling services are made available; it is impossible for family members to deal with the complexity of these issues on their own, we need help!*

The majority of the participants 92 per cent (23/25) reported that the point of release was an exceptionally anxious time. Issues around strict licence conditions, concerns about accommodation (most sex-offenders

go to controlled housing before returning home), employment prospects and stigma are found to be particularly distressing worries for relatives.

The need for targeted, specific support around release was a sentiment overwhelmingly expressed by most 92 per cent (23/25) of the relatives. The 'realisation' that the sentence has 'not ended', but rather, another one is beginning, can be extremely demanding emotionally.

### **Implications for policy, practice and research**

There is a need for effective formal support as the family progresses through each phase of the offender's 'journey'. Therefore one recommendation would be the placement of a family support worker, or counsellor, with a family, firstly at the arrest, then at the courtroom stage, at the prison visits centre, and on to release.

At the courtroom stage, basic information about what might happen, and where the offender might go, was a concern for many of the participants; access to more information at this stage would be beneficial to families of offenders and courtroom workers alike.

Additionally, specialist training for possible support networks such as teachers, GPs, employers, and charities would

be beneficial for many family members, especially given the increase in historical sex-abuse cases, the sheer complexity of many sexual crimes, and the traumatic impacts of intra-familial abuse over many years.

'Aftermath' was the last assigned national self-help group for families of serious offenders, and this closed in 2005 due to lack of funding. At the time of its demise 1,285 families were members. Given that the rise in convictions for sex-offences is now running at unprecedented levels, an organisation managing and operating bespoke assistance for the families of sex offenders, along similar lines to Aftermath would be both forward-thinking, and of even greater benefit to people who are arguably suffering from considerable social injustice.

19. See 5, Condry (2007).

This study has described the challenges facing families of convicted sex-offenders; however, future research examining how families of sex offenders access support would be valuable.

Firstly, identifying what it is that support services should deliver, and how they would work, is essential. One recommendation for future research would be to pilot a focus group with family members, with the intention of developing an effective support network. The family members would shape a model of best practice, and create the format and content for this possible venture, with a researcher as a facilitator. This would provide valuable further knowledge, and therefore greater understanding for practitioners relating to the type and nature of the support that best suits these families.

Secondly, given that the research findings suggest that the point of release and resettlement is a period of

great anxiety, future research might usefully examine licencing conditions and how they affect family life. Increasing numbers of offenders are being placed on the sex-offenders' register (ViSOR), and the negative outcomes for their family members require additional assessment, as they have no culpability and are 'innocent victims'.<sup>20</sup>

Thirdly, further research into the impact on the relatives of sex-offenders might be useful, with a larger sample population, across more sites, and inclusive of *all* family members, to determine whether any common patterns develop within the different familial relationships. For example, do mothers share common experiences? Are siblings less effected? Are extended family members prone to similar levels of stigma? This would give an even more reliable insight into their challenges.



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# Reviews

Book Review

## ***Fragile Learning: The Influence of Anxiety***

By David Mathew

Publisher: Karnac Books (2015)

ISBN: 978-1-7822025-9-2

Price: £40

Rapid advances in technology and the resulting ubiquity of the internet have accelerated the development of a society that seems both aggressively fragmented, and yet interconnected to an unprecedented degree. As a result, twenty-first century learners and educators are presented with both challenges and opportunities unique to our time. *Fragile Learning* is a collection of essays attempting to explore, from a psychoanalytic perspective, how learners and educators cope with a range of demands and circumstances against this backdrop of modernity.

David Mathew, with contributions from former University of Bedfordshire colleague Susan Sapsed, seems well placed to make that exploration. A prolific writer, he has published academic, journalistic and fictional works on various subjects including psychoanalysis, distance learning, prisons, and online anxiety. His writing style is fluent and accessible, except for some of the sections dealing with psychoanalytic theories: here the reader is made to work a little harder. Although I have lived in a therapeutic community that uses a psychodynamic approach, I came to this book with limited formal knowledge of psychoanalytic theory. Perhaps the difficult language employed in such passages is to some extent an occupational hazard of engaging with the discipline of psychoanalysis, but I don't think the

language of psychoanalytic interpretation needs to be as dense as it is at times in this book.

The 15 chapters of this book are non-sequential essays not originally intended for publication as a volume, and the book has at times a shapeless, disjointed feel as a result. The material is grouped into two parts, 'Challenges to Learning' and 'Online Anxiety', the latter being much the stronger. The connection of some of the Part 1 material to the stated themes of the book is tenuous at best, the first chapter being a good example. 'Prison Language' examines prison dialect and the functions it serves from a psychoanalytic viewpoint. Mathew was employed at a jail in an educational capacity, but few of his observations relate to the roles of learner or educator. The tone is not a little patronising—reminiscent of some intrepid anthropologist intrigued and delighted by partial acceptance among a tribe, and by unpicking their codes of interaction. Reading this as a prisoner, I felt quite badly stereotyped—or as Mathew would no doubt expect me to say, 'Man was vexed, you get me?' The psychoanalytic explanations for prison slang are interesting enough, but a poor fit for this book. The same accusation can be levelled at Chapter 7, in which we return to the prison. This time, Mathew uses a psychoanalytic approach to explain the anxiety produced by a visitor's non-appearance, and from this he launches an exposition around the future of psychoanalysis.

'The Stable Group' (Chapter 3) is another misfit. It was conceived as an attempt to 'apply both psychoanalytic and psychological theory to group dynamics and leadership' (p.45) observed in a

lively stable over a ten-week period. Mathew reports that this activity serendipitously furnished him with 'a wealth of insights about equine-human interdependencies, and the psychology of human interactions with horses'. Firstly, I suggest that he exaggerates his harvest—the period he observes is so uneventful as to produce musings that border on the inane, such as 'In the absence of palpable tension or anxiety, can this absence itself create and brew up tension and anxiety?' Secondly, both the intended and serendipitous findings discussed are again of doubtful relevance to the stated aims of the book.

These chapters and others in Part 1 feel as though they have been included to boost this volume up to book length. This is a pity as it threatens to detract from better material around them. Chapter 2 considers the anxieties experienced by international distance learning students in challenging circumstances, and Chapter 4 examines the ethical issues in problem-based learning on a Masters programme in Public Health, and the emotions and anxieties provoked by troubling case studies.

If Part 1 feels unfocused and patchy, Part 2 has more to recommend it. In it Mathew tackles topics including cyberbullying, the role of an online learning personal tutor, and how conflict can be harnessed as a tool to stimulate productivity. The ways in which learners and educators interact with the internet, the anxieties those interactions provoke, and the psychoanalytic explanations underpinning these responses inform these chapters. This is thoughtful and interesting work,

but it is hard not to think that the author could have taken the material from the essays of which Part 2 is comprised, and reformulated them into a sustained analysis, with different sections. Instead, these thematically connected pieces sit side by side with no acknowledgement of their neighbours, and the opportunity to build on or interact with analysis from previous chapters is lost. For example, in 'CE-Learning, time, and unconscious thinking' Mathew draws on the work of Klein, Bion, Freud and Lacan in discussing the anxieties bound up in learners' perceptions of time and memory—but also makes psychoanalytic observations about the student/tutor dynamic in online learning. The subsequent piece, 'The role of the online learning personal tutor' could clearly have picked up this thread and developed it; that this does not happen feels like an opportunity missed.

Ultimately this book stands or falls on the value of the psychoanalytic approach. To my reading, the approach is unevenly applied. While some chapters include sustained efforts to understand the research material through this lens, in other places it feels reductive and cursory. Where it was followed, I was often left feeling unsure that the psychoanalytic explanations had 1) been particularly convincing, 2) increased my understanding of the dynamic or anxieties under discussion, or 3) had served much in the way of useful purpose. For example, in 'E-Learning, time, and unconscious thinking' I expected the mapping of e-learning experiences onto a psychoanalytic model to conclude by extending the theory to imagine how the delivery of e-learning might be tailored to anticipate and alleviate anxieties predicted by the model. This didn't happen, reducing the purpose of the analysis to little more than an intellectual exercise. Mathew himself

comments: 'Psychoanalysis tells us much about the human condition, albeit largely at the level of metaphor. It is the charge of the educator to employ this knowledge, in order to improve the student experience.' (p. 175). More discussion of how this might look would have been welcome.

*David Adams is a resident of HMP Grendon.*

#### Book Review

### **Transgender. Behind Prison Walls**

By Sarah Jane Baker

Publisher: Waterside Press (2017)

ISBN: 978-1-909976-45-0

(paperback)

Price: £14.95 (paperback)

Sarah Jane Baker, as the book explains (p. vii), is a transgender woman serving a life sentence in a men's prison. She was formerly known as Alan Baker before her transition in 2011 and has spent over 25 years in prison having received a discretionary life sentence for the attempted murder of another prisoner. With a rise of interest in and acknowledgement of transgender prisoners seen through the introduction of Prison Service Instruction 17/2016, this is the first book to detail the experience of being a transgender female in a male prison.

The book is arguably divided into three sections. The first looks at the practical realities of being a transgender prisoner. This includes sections on cell sharing, make-up, clothing for transwomen, change of name and who to inform and applying for a gender recognition certificate. Also covered is advice on toilet use, how to cope with media attention, wigs and hairpieces, gender identity appointments and the use of hormones. In many respects these

short 'chapters' offer a bible for those prisoners undertaking a similar path to Sarah Jane.

The second section then looks at the real life experiences of Deanne (HMP Oakwood), Nicola (HMP Dovergate), Laura (HMP Downview) and the authors own story. These share the many traumatic experiences which these women have had to endure during their transition process. Many have experienced verbal abuse and some physical abuse. Nicola speaks about being 'laughed at, ridiculed and called many colourful names' (p. 79); while Sarah Jane reports a catalogue of physical assaults received from both prison staff and fellow prisoners. The postscript ends with a confession from the author of having performed her own bilateral orchiectomy.

The third section is made up of seven appendices which contain Prison Service Instruction 17/2016; gender identity clinics in England; suppliers to transgender prisoners (for clothes and other items); relevant magazines and books; transgender support groups; specialists in the field of gender dysphoria; and, other key addresses. In short it is a catalogue of useful information to help transgender prisoners circumnavigate themselves through a process where often there is very little external support. For this reason the book is useful for those prisoners facing this journey but I think is also useful for prison staff to try and help them understand the complexities of this process. The author argues that in many cases it is for the Prison Governor to decide on matters such as having female clothing and make up and having an awareness of this book and its contents may help Governors in this position to make better informed decisions.

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

Book Review

***An Introduction to Life-Course Criminology***

By Christoffer Carlsson and Jerzy Sarnecki

Publisher: Sage Publications, London (2016).

ISBN: 978-1-4462-7591-7.

Price: £24.99 (paperback)

*An Introduction to Life-Course Criminology* is, first and foremost, a reference text which provides detailed explanations for this specific area of criminology. Christoffer Carlsson and Jerzy Sarnecki provide a vast history of the sub-field including the interrelation to, and input from, biology, psychology, sociology and economics and, of course, its deviation from 'traditional' criminology.

Carlsson and Sarnecki open with a comprehensive introduction which promises an in-depth insight. The authors begin with an explanation of Life-Course Criminology (LCC) which assumes little prior knowledge and yet remains stimulating and informative. They are clear to stipulate the distinction between LCC and other areas of criminology, namely that it is interested in the developmental aspects of crime and deviance. The introduction continues to present LCC's attempts to acknowledge the fluidity of criminal careers.

As truly effective social scientists ought to, Carlsson and Sarnecki highlight the involuntary inclusion of their own life-experiences in their work and understand that 'one's biography' can affect and be affected by their ties to 'the social structure of society' (p. 4). With this, the confidence of the reader is established and an effective and capacitating belief of sincerity from the authors help the reader to absorb their detailed explanations.

What may, most obviously, set Carlsson and Sarnecki's text apart from many others is their express concern with the moral constitution of their field. At a very early stage of their book, they make clear their understanding of the responsibilities to the subjects criminologists study and therefore, at least to some extent, represent. They explicitly say that there is a requirement to move away from 'highly abstract concepts that have little or nothing to do with the people and their situation' (p. 4). Although specific lexica will be required in almost all distinct areas of academia, it is worth appreciating the elitist effects of socially commenting on people in a way that, either unintentionally or otherwise, disqualifies those being studied from understanding the interpretations of the researcher. Considering the researcher is likely to require further participation from sub-cultures in longitudinal or subsequent research efforts, the respect shown to those being studied enables subjects to trust such analyses. There is a real sense of remaining loyal to the humanistic responsibilities of 'the social scientist.' Coming from a position of abstract topics to studying the most intimate parts of a 'subject's' sense of self, requires sensitivity and this is quite obviously reflected in Carlsson and Sarnecki's construction.

As a relatively inexperienced theoretical criminologist, it has been possible to alleviate gaps in constitutive knowledge of the field, through reading *An Introduction to Life-Course Criminology*. The authors, for example, have been able to explain the difference between specific study focuses and the use of the term 'General' when applied to theories in an accessible way. One criticism, however, can be made in the earliest, theoretical explanation contained in their text. Where Carlsson and Sarnecki iterate complex topics such as Gottfredson and Hirschi's *General Theory of Crime* (cited p. 32) with

as much detail and ability as they use for Moffitt's review on the taxonomy of life-course persistent offenders (cited p. 41), there is an overt dissimilarity between how the two are portrayed. At particular stages throughout their presenting of opposing methodologies, or the distinguishing of specific schools of thought, there is a highly noticeable weight to the side of longitudinal, fluid and rule based theories—as opposed to those which are 'general'. For example, 'what has been called 'The Big Debate' in criminology' (p. 12) is explained as resting on the Age/Crime curve interpretations for which most criminologists (LCC or otherwise) will be familiar with, however Carlsson and Sarnecki go on to refute that theorists *such as* Hirschi and Gottfredson disagreed, at all, with the dynamic characteristics of theories posited by Moffitt and Sampson and Laub, for instance. This aspect of the review can be regarded as hypercritical, especially when the thought into the construction of their book is so evident. One would hope that the research in which the authors so blatantly knows so much about, would be presented with passion for particular areas which they find fascinating.

*An Introduction to Life-Course Criminology* is a comprehensive manual for those striving to understand such a complex and human field. What is more, Carlsson and Sarnecki explain these intricate topics in a critically engaging way. The inclusion of disputed questions are balanced and unequivocally detailed, such as the contested claims of genetic risk factors in criminal propensity. They state that Benson's claim that '50 per cent of the variation in antisocial behaviour' being attributable to genetics is 'tentative' and, again, balance the argument with acknowledgement of 'gene-environment interactions' (p.79). Carlsson and Sarnecki continue to

explain some of the biological theory that seems to support such claims, with reference to biochemical and neurotransmitter relationships, which allows the reader to critically engage in their explanations rather than in a didactic manner.

For this reviewer, the ability to inform the reader of the subject—for which they obviously have expertise in—in a way that encourages solid social science criticism and responsibility on the part of the audience makes this work a stimulating and exceptional reference book. It is useful in both the bare facts and presentation of conflicting arguments; but, it is more valuable because of the example it sets in applying abstract theories to people. The authors respect the people they, and others, study. One hopes that the need to understand such groups stems from the need to improve the quality of life for society as a whole, and this should be at the heart of every budding social scientist.

**Gareth Evans** is an independent member of the Prison Service Journal Editorial Board.

Book Review

***Convict Criminology: Inside and Out***

By Rod Earle

Publisher: Policy Press

ISBN: 978-4-4473-2364-8

(hardback)

Price: £48.00

Convict criminology in the UK is a relatively new phenomenon. At the 2011 British Society of Criminology annual conference a small number of academics discussed the viability of setting up a Convict Criminology Group. In the last five years this group has

gone from strength to strength and has been largely responsible for introducing convict criminology into the UK. As the name suggests convict criminology is 'the study of criminology by those who have first-hand experience of imprisonment' (book cover). It is 'founded on the idea that people who have been through a prison sentence can themselves fashion distinctive contributions to criminology' (p.115). The book under review is the first sole-authored book on the subject and is written by Rod Earle, a Senior Lecturer in Youth Justice at The Open University. In 1982 he served a three-month prison sentence in HMP Norwich.

The book is sectioned into eight chapters, each of which start with interesting narratives which detail either the authors prison experience or the consequences of him having a criminal conviction. For example Earle explains the difficulties of attending an academic conference in the USA; how unlike his colleagues he had to apply for a visa, be interviewed at the US embassy in London and then was detained and interviewed at Atlanta airport. All went well, although the following year, despite applying for the visa in good time, his passport was returned with the visa, one month *after* the conference. Other vignettes describe prison overcrowding and prison work; relationships with other prisoners; how the author recognised one of the prisoners when years later he was researching in HMP Norwich; interaction with the police; and, the aging prison population. The final narrative in the concluding chapter details the facts relating to Earle's conviction.

The book is arguably divided into two parts. The first chronicles the early introduction and later development of convict criminology in the USA and then the origins and experiences of

convict criminology in Europe. The work and experiences of US convict criminologist such as Frank Tannenbaum, Saul Alinsky, John Irwin, George Jackson and Alan Mobley are documented. In Europe Earle traces the influence on convict criminology by academics such as Peter Kropotkin, Louk Hulsman, Michael Davitt, Terence McSweeney, Antonio Gramsci, Victor Serge and Mike Fitzgerald; although the latter never spent any time in prison. These three chapters are interesting and comment on the introduction and rise of convict criminology well.

The second part of the book then covers a number of topics, which although not directly related to the development of convict criminology, are interesting nevertheless. Chapter Five for example looks at the problems and stigma of having criminal convictions and details how the 'spent conviction' provisions in the Rehabilitation of Offenders Act 1974 have largely been eroded by the Criminal Records Bureau. As Earle argues, 'a criminal record is for life' (p.86). Chapter Six looks at race, class and gender and Chapter Seven focuses on methodologies, epistemologies and ontologies. This latter chapter is important as it documents how convict criminologists with their unique experiences can 'establish a richer dialogue with broader criminological scholarship' (p. 116).

As more 'Learning Together' programmes are taking place in England and Wales, the number of convict criminologists in the UK could soon rise. Such academics are uniquely placed to contribute to criminology in ways which us 'normal' scholars are simply unable to and this book will help with the development of this important field.

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

Book Review

***Experiencing imprisonment: Research on the experience of living and working in carceral institutions***

Edited by Carla Reeves

Publisher: Routledge (2015)

ISBN: 9781138790469 (hardback)

Price: £95.00 (hardback)

While those who live and work in prisons and other penal institutions are frequently discussed in public spaces, including the media, their voices are less often heard directly and unmediated. Equally the experiences of those people and the complex everyday dynamics of the institutions are rarely given the time and attention they warrant. Even within institutions, different groups often do not fully understand their varying experiences and do not necessarily know entirely what is happening in offices, on landings or in cells when they are not present. It is therefore welcomed that Carla Reeves, a criminologist at University of Huddersfield, has brought together this collection of international qualitative and ethnographic research on prisons and other carceral institutions.

There are a wide range of contributions. They examine prisons, probation and hostels. They address the experience of those being detained, those working within the criminal justice system, and the families of prisoners. They consider a range of developed countries, including United Kingdom, Australia, Portugal, Serbia, Israel, Finland, Canada, Germany, and United States. What the contributions share is an approach that seeks to engage directly with the lived experience of people in the criminal justice system, offering a sense of what it feels like to be within the system, the nature of the everyday social dynamics, and illuminate its entanglement with the wider issues of power and inequality.

The book is divided into three sections. The first is entitled: 'Cultures of imprisonment: stigma, identity and interaction'. It includes work that examines the experience of staff and prisoners. There is a particularly valuable contribution by Jennifer Sloan, who considers how masculinity is constructed and enacted in prisons in relation to work and employment. There is also fascinating work on 'foodways' by Amy Smoyer, showing how women in an American prison use food in order to express themselves, normalise their experience, and build social cohesion. The second section, 'Coping with the pains of imprisonment' includes research on how prisoners deal with a range of problems, including mental health, violence, ageing, and also navigate gender identity in a system designed around the needs of men. The final section is 'The boundaries between the inside and outside worlds', which has some of the most novel work. The chapter on how parents talk to their children about the imprisonment of family members has significance for practitioners, as does a further contribution that analyses and categorises prisoners according to their orientations and attitudes towards prison employment. Two research projects on approved premises, or hostels, including one by the editor, Carla Reeves, open up an area that is not often the subject of such close attention, but is nevertheless a significant pathway for many people being released from prison.

Carla Reeves and the contributors to this book are to be applauded for their shared concern for the human experience of detention. This is a book that has a broad range of material. While inevitably readers will pick and

choose those contributions that are most relevant to them, there is no question that any student, academic or practitioner would find something in this book to interest, excite and move them.

*Dr Jamie Bennett is Governor of HMP Grendon and Springhill.*

Book Review

***Voices from American Prisons: Faith, Education, and Healing***

By Kaia Stern

Publisher: Routledge (2015)

ISBN: 9781138819870 (paperback)

Price: £26.99 (paperback)

In this distinctive and provocative text, Kaia Stern sets out to 'dispel three myths' about prisons in America: that 'people in prison are not worthy of human rights', that 'people who work in prison are enemies of prison reform', and that 'our crisis of mass imprisonment is not everyone's problem and everyone's responsibility to change' (p.12). Concerning the latter of these two points, we are told, for example, that a third of Americans have family members that have been imprisoned and have worked in law enforcement. It soon becomes apparent that the author is most interested in the denial of human rights to prisoners. Of central importance to the book is the historical dominance of protestant religious orthodoxy. Rather than reject religion as a path to a just penal system, however, Stern invokes Barack Obama's controversial 2006 call for liberal progressives to recognise the existence of common values, and embrace the potential that less conservative religious beliefs hold for spurring positive social change.<sup>1</sup> Stern explains that her underlying purpose in writing the book is to

1. See <http://obamaspeeches.com/081-Call-to-Renewal-Keynote-Address-Obama-Speech.htm>, cited on p.2. Accessed 11 July, 2016.



draw the religious practices of mercy, love and forgiveness to the attention of secular prison reformers. Religion, she emphasises, is a paradox that 'simultaneously saves and damns, heals and harms, frees and yokes' (p.2).

Stern grounds her critique in twenty years experience teaching theological higher education courses in 12 prisons, and over 400 pages of transcripts from 15 life-history interviews with six former prisoner graduates of the Master of Professional Studies in Ministry programme at Sing Sing Prison, New York. Right from the outset, Stern locates her research within a critical criminological framework that focuses on exposing and challenging the injustices and counterproductive nature of imprisonment through the narratives and standpoints of prisoners. Interviewees were asked to reflect on their early life experiences, their experiences of studying theological higher education in prison, and how their wider prison experiences resonated with the official aim of the correctional department to be safe, stable and humane. The interviews lasted several hours and were otherwise largely unstructured. Stern's experiences of teaching in prison were useful to the extent that it facilitated her ability to empathise and communicate with her research participants. Through reciprocally reflecting on her own 'inside' knowledge of prison in addition to that of the interviewees, Stern adds that she was also in the rare position of being able to 'co-theorize' (p.7) and 'co-create' (p.8) new visions of criminal justice with her research participants.

From this methodological and epistemological position, the first chapters of *Voices from American Prisons* explore the historical role played by religion in: the consolidation of prison as a principle means of dealing with social problems; the shifting priorities given

to rehabilitation but more often isolation and retribution as the principle aims of punishment; and the creation of 'an institutionalized apartheid' (p.19), two thirds populated, for example, by people that earned less than \$2,000 in the year before they were imprisoned. We learn that traditional religious ideology has predominated on the whole, and with it the belief that wrongs can be righted and wounds healed through demonising offenders, and that individuals should be held personally responsible for their troubles and for their redemption. At the same time, however, religious ideology 'also contains the seeds of transformative possibility' (p.50). In place of the Augustinian notions of original sin and Calvinistic notions of predestination and total depravity that have come to dominate the American penal system, Stern encourages prison reformers to learn from the Abrahamic scriptures, which 'taught us through prophetic example to align ourselves with the isolated and condemned' (p.49). The current tragic state of American prisons, Stern concludes, is a crisis of religion as much as human rights.

The remainder of the book is dedicated to the voices of the six interviewees themselves. Following an overview of her interviewees' experiences of imprisonment at Sing Sing and other American prisons, the author focuses on the means by which the Master of Professional Studies in Ministry programme helped them to survive psychologically. Throughout the text, Stern quotes extensively from the former prisoners' accounts of pain and struggle, the first of which she organises along the classic themes of dehumanization, isolation and social death that students of American prisons will already be well acquainted. Where the book is likely to stand out most for Stern's targeted secular audience is in the themes she

draws from her interviewees' accounts of overcoming the pains of imprisonment. Principle of these are the themes of peace, personal integrity and service. The results of the programme cited in the book are certainly impressive. Of the 159 graduates released since the programme started in 1982, just 18 had returned to prison.

*Voices from American Prisons* should appeal to all researchers and prison practitioners interested in learning about the historical and contemporary influences of religion on prison and resistance to prison in the United States. It should particularly appeal to scholars interested in developing inside perspectives and collaborative ethnography, although some like the current author will wish the book had utilised the former prisoner voices to develop as much as illustrate existing theories. *Voices from American Prisons* will also particularly interest university teachers, again including the current author, that are involved in developing higher education courses in prison. In this case, some readers may question the general lack of attention that Stern gives to the benefits of prison higher education in itself until the concluding chapter. Had Stern's broader analysis of prison higher education come earlier in the book, the book's intended audience might have gained a stronger understanding of the specific benefits of religious education. Finally, some prison reformers will be left questioning why the book did not move beyond the matter of (religious) education as a path to transforming people's reactions to the pains of imprisonment onto transforming prison conditions themselves.

**Sacha Darke** is a Senior Lecturer in Criminology at the University of Westminster.

Book Review

**Key Concepts in Crime and Society**

Edited by Ross Coomber, Joseph F Donnermeyer, Karen McElrath and John Scott  
Publisher: Sage  
ISBN: 978-0-85702-256-1  
Price: £20.99

The Key Concepts series of books are billed as a valuable tool for students. Sage is a leading academic publisher and a reliable choice for both introductory and more in-depth resources. The contributors for the *Crime and Society* book in the series are all established academics with varied and extensive knowledge of western criminal justice, having undertaken research and academic work across the United Kingdom, Australia and United States of America.

*Key Concepts in Crime and Society* is an introductory level book with an average of four pages covering each topic. It serves as a good reference aid to be dipped into and prompts thought. The authors state their aim is to provide a critical analysis of each topic; a challenge to achieve whilst remaining informative and retaining an introductory tone. They meet the challenge well. In particular, the sections on 'prisons' and 'alternatives to imprisonment' provoke thought about the success of crime reduction initiatives and the challenges which arise from various aspects of society. Similarly, sections such as 'race/ethnicity and crime' and 'sex work' succeed in prompting thought about sensitive moral concerns and explaining complex issues whilst remaining concise and introductory.

The book is, perhaps unnecessarily, split into three sections; the origins of theoretical and social concepts, different types of crime, and responses to crime. It should be read with the introductory tone in mind so as to prompt further reading and ensure issues are not

misunderstood. This is particularly important with reference to theories such as deterrence and social control where there would be specific benefit of deeper exploration. In a practical sense, definitions are documented throughout the chapters and the contents is easy to follow but the lack of an index and glossary seems odd for a reference book of this nature. References are provided but links to further up-to-date reading would add value.

Although clearly written with students and academic courses in mind the book would prove useful too for managers and keen prison and probation staff as a reference point for key themes which transect our work. Wouldn't it be a great starting point if our new and existing prison officers, for example, were encouraged and enabled to explore 'key concepts' in their work through reading and research? With officer focused initiatives in areas such as safer custody and the 'five-minute intervention' developing at pace such resources as the Key Concepts series might be a complimentary resource for inquisitive criminal justice practitioners at all levels. Topics such as specific types of crime, gangs, prisons, alternatives to imprisonment and policing may prove particularly relevant.

This is a sound choice for an introductory guide to *Crime and Society*. One would be hard pressed to identify any topics missed. The book introduces influential criminologists and sociologists, approaches to research and practice, and provides both historical background and modern insight into current issues and practices. The authors also manage to refer to, and distinguish between differences across continents whilst remaining succinct and clear.

**Verity Smith** is an Operational Function Head for Public Sector Prisons currently seconded to Business Development Group.

Book Review

**Dangerous Politics: Risk, Political Vulnerability, and Penal Policy**

By Harry Annison  
Publisher: Oxford University Press  
ISBN: 978-0-19-872860-3  
Price: £65.00 (Hardback)

A title like *Dangerous Politics* might be more suggestive of a John Grisham thriller than an academic publication, but with *Dangerous Politics*, Harry Annison has written a thorough and informative account of the construction, system wide effect and then eventual demise of the Imprisonment for Public Protection (IPP) sentence in England and Wales—and it also happens to be an accessible and compelling tale to follow.

It draws on over 60 in-depth interviews with key policymakers, to help tell the story of the development and impact of this indeterminate preventative sentence. In so doing, the book looks at the interplay between government, the Civil Service, the judiciary, civic society and indeed all the many and varied factions which directly and tacitly shape policy development. The book helps illustrate the extent to which law making happens, not in a theoretical world of omniscient political masters, but in a real world of flawed and human interactions, media influences and a tumultuous mix of other agendas which all play their part.

This book may be well placed to take advantage of a post E.U. Referendum spike in interest in the process of political decision-making and policy formulation. Indeed parallels between the Referendum and some key aspects of the IPP story: an under-represented public voice, a disregard for the views of academic experts and strong tabloid media pressure; suggest that the themes explored in *Dangerous Politics* really transcend the story of the IPP to speak to factors still extant and thriving in British political life today.

*Dangerous Politics* is also a comprehensively researched study of the penal and criminological issues around the concept of sentencing for public protection. Risk based practice and assessment of risk are examined here in depth as is the role played by prisons and what they can and can't do by way of rehabilitative intervention.

Throughout the book there is a rich range of quotations from some of the key actors that had involvement with the IPP that give a real sense of originality and proximity in the narrative. For academics and students in the field of criminology the description provided in the appendix to the book, which details the technique of 'elite interviewing', is also an instructive element for those interested in research methodology.

The approach taken in *Dangerous Politics*, of looking at one specific sentence in depth and over a time period which crosses political administrations, allows Annison to really focus in on how different aspects of the IPP interact with a changing environment. This vividly illustrates the ideological and practical influences that were at work. The book provides a clear sense of how criminological and penal theory and practice meet and interact in the sometimes opaque world of governmental policy development. Even for those more familiar with that world, *Dangerous Politics* provides a thorough case study of the introduction of a new sentencing measure, which illustrates, among other lessons, the importance of self-reflection by those involved and the need to be very conscious of which voices are 'in the room' and which are not, as policies are developed.

*Dangerous Politics* starts by setting the IPP in context, looking at the penal landscape and criminological literature of the time. It then examines the creation of the IPP, looking at the key drivers and the relationship with the Third Way

political ideology. There then follows a dissection of the response to the IPP from concerned actors (from practitioners to parliamentarians). Further sections look at the judicial response to the IPP, the amendment of the IPP and the final abolition of the measure, before drawing out connections to the relevant criminological, legal and political literature.

*Dangerous Politics* can be commended as an insightful and meticulously thorough consideration of the history and experience of the IPP. For those keen to understand the recent history of this part of the justice field it lets the reader see not just what happened but offers an intelligent analysis of why the IPP developed as it did, and as such it provides some potentially valuable lessons to inform future sentencing policy.

**Graham Robertson** is Head of Strategy and Policy in the Scottish Prison Service.

#### Book Review

#### ***The Routledge Handbook of White-Collar Crime and Corporate Crime in Europe***

Edited by Judith van Erp, Wim Huisman and Gudrun Vande Walle, with the assistance of Joep Beckers  
Publisher: Routledge International Handbooks (2015)  
ISBN: 978-0-415-72214-8  
Price: £65.00

This extremely impressive, detailed and contemporary collection of essays provides a fascinating and excellent commentary on a wide range of white collar and corporate crimes within the European Union. This edited collection presents a 'who's who' of critically acclaimed experts from a vast array of different backgrounds. The book is cleverly divided into five parts. The first part

of the edited collection entitled: 'Defining and measuring white collar and corporate crime in Europe' contains a selection of excellent chapters that provide an in-depth commentary on the definition of white-collar crime and its extent. This part of the collection provides a captivating discussion of the threat posed by financial crime and attempts to calculate its extent within the European Union. This is one of the most difficult questions that many academics and economists have attempted to accurately determine and a good attempt is made here. The second part of the collection is entitled: 'Historical perspectives on white-collar and corporate crime in Europe'. These three chapters present an excellent discussion of the origins of white-collar crime research in Europe, the association between corporate involvement in the Holocaust and the enforcement of white-collar crime. The third part, and most detailed section of the edited collection, is entitled: 'Contemporary white-collar crime and corporate crime in Europe'. This contains no less than thirteen chapters that investigate the impact of white-collar and economic crime in a very impressive array of European Countries including Hungary, Croatia, Germany, Iceland and Belgium. This section of the edited collection emphatically illustrates the threat posed by white-collar and corporate crime across Europe and the discussion of the 'landmark cases of white-collar crime in Europe' from pages 276 to 360 was very interesting and extremely original as many of the existing texts that have been written in the area have tended to concentrate on cases that have originated in either the United States of America or the United Kingdom. The discussion of landmark cases in the European Union concentrates on the development and discussion of six fascinating case studies that range from professional football, real estate fraud and corruption. These case

studies provide a detailed and refreshing review of a series of important white collar crime cases, clearly illustrating the threat this matter poses not only in the European Union, but also to individual Member States.

The first three parts of the edited collection cleverly lay the foundations for the fourth part entitled: 'Responses to white-collar crime in Europe'. I felt that this section was extremely refreshing as the majority of white-collar and corporate crime literature has tended to concentrate on responses in the United States of America and the United Kingdom. The first chapter by Paul Almond provides an interesting and fascinating discussion of the corporate homicide liability in the United Kingdom and European Union. This is followed by a chapter by Anthony Amicelle which concentrates on how France deals with tax transgressions, this is very timely

given the publication of the Panama Papers in 2016 and the increased action from the international community towards tax crime. The chapter by Joe McGrath discusses the enforcement and prosecution of white collar crime in the Republic of Ireland. This again, is an extremely topical aspect of white collar crime, more so, since several studies have questioned why in more developed economies such as the United Kingdom and United States of America, we have seen a decline in the use of prosecutions for white collar criminals and an increase in the use of financial penalties. This section of the edited collection also contains chapters that discuss whistleblowing within the European Union and the culture on company anti-corruption programmes. The penultimate section of this part discusses the response of law enforcement agencies to several white collar crimes including insider trading and money. The final section

of the edited collection: 'Anglo-American reflections on white-collar crime in Europe' provides an interesting commentary on white-collar crime in Europe and from an American perspective.

Each of the contributors and the editorial team have produced an extremely readable and carefully researched edited collection. Each of the chapters are meticulously researched and the writing is of the highest quality. This edited collection could become the definitive work on the subject areas of white-collar crime and corporate crime in Europe. This will be of great use to policy makers, law enforcement agencies, practitioners and students who are studying white collar crime.

**Nicholas Ryder** is a Professor in Financial Crime in the Department of Law at the University of the West of England—Bristol.

# Empowerment, innovation and prison reform

## Interview with Pamela Dow

*Pamela Dow is former Director of Strategy at the Ministry of Justice. She is interviewed by Dr Jamie Bennett, Governor of HMP Grendon and Springhill.*

**Pamela Dow started her career as a lobbyist working on a range of social policies. She joined the civil service in 2010 and became Principal Private Secretary to Michael Gove as Secretary of State for Education. This period saw an ambitious programme of reforms<sup>1</sup> including the expansion of the academy model, where schools opted-out of local government control and instead became independent, funded directly from the Department for Education, or part of multi-academy trusts. There were also reforms intended to enhance the status of teaching, improve behaviour in schools, and enhance accountability by publishing data on school performance and strengthening OFSTED's independent inspection. Following a period at Tech City UK she became Director of Strategy in the Ministry of Justice in 2015, again supporting Michael Gove's reform programme as Secretary of State for Justice. The changes included a renewed focus on rehabilitation, particularly concentrating on the potential benefits of education and training for employment,<sup>2</sup> to be tested in six 'early adopter' reform prisons operating with greater autonomy over finance, human resources and regime delivery.<sup>3</sup> Funding was also secured for estate improvements overall, including replacing some Victorian prisons with purpose built establishments. These proposals formed the core of the Government's White Paper on prisons published in 2016.<sup>4</sup>**

She has recently taken up a new post as Chief Reform Officer with Catch 22,<sup>5</sup> which describes itself as 'a social business—a not for profit business with a social mission'. It was set up originally in 1788 as The Royal Philanthropic Society and subsequently

expanded its work, merging with other charitable organisations until it became Catch 22 in 2008. They work with people entangled in the social welfare cycle, aiming to create 'a strong society where everybody has a good place to live, a purpose and good people around them'. They deliver services with young people and families, in the criminal justice system, and in education, training, employment and apprenticeships.

This interview took place in June 2017.

**JB: Could you describe your background and professional history?**

**PD:** I grew up in the East Riding of Yorkshire, in a very happy and stable family, and went to the local comprehensive. It wasn't a brilliant school but okay, and I was lucky that my Glaswegian working class parents put such an emphasis on reading. I was also lucky to get into Oxford University, and lucky to have chosen Philosophy, Politics and Economics (PPE) because I had thought the subjects sounded interesting. I discovered its reputation (good and bad) later!

I started my career as a lobbyist in the private sector, leading advocacy campaigns to influence policymakers at all levels and in a range of sectors. I did this for a children's charity for a while, during an important time for policy in response to the Victoria Climbié and Soham murders. It was a very different time: huge Government majority and very well-funded voluntary sector—a lot of statutory funding, the opposite of austerity. Looking back critically I am not convinced that this was good for the quality of policy or services. Parliamentary scrutiny was weak and there was a lot of complacency and groupthink in Whitehall and beyond.

1. See Department for Education (2010) *The importance of teaching: the schools White Paper 2010* London: The Stationary Office available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/175429/CM-7980.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175429/CM-7980.pdf) accessed on 28 June 2017.
2. See Coates, S. (2016) *Unlocking potential: A review of education in prison* London: Ministry of Justice available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524013/education-review-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf) accessed on 28 June 2017.
3. See Gove, M. (2015) *The treasure in the heart of man—making prisons work* available at <https://www.gov.uk/government/speeches/the-treasure-in-the-heart-of-man-making-prisons-work> accessed on 28 June 2017.
4. Ministry of Justice (2016) *Prison safety and reform* London: Ministry of Justice available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565014/cm-9350-prison-safety-and-reform-\\_web\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf) accessed on 28 June 2017.
5. See <https://www.catch-22.org.uk/>

I saw a civil service job advertised in 2007 and applied because it was the last bit of the policy-making jigsaw I hadn't seen first-hand. It was a new role in the education department which was embracing 'nudge theory', and had what now seem like ludicrously large budgets to spend on social marketing campaigns.

I was fascinated by the machinery of Whitehall and how it works, which drew me to Ministerial Private Offices—the engine rooms within the Ship of State. I became Principal Private Secretary to Michael Gove as Education Secretary and remained in that role through very challenging but rewarding times, 2011–2014.

After a secondment into Tech City UK, to better understand digital technology policy, I returned to Whitehall as Director of Strategy at the Ministry of Justice in 2015, to support the ambitious prison and probation reform programme Michael Gove had introduced that summer. Even if he hadn't left Government the following year, I think I would have been making the case to him that this new agenda had to happen from the ground up, and that the 'Early Adopter' reform prisons needed more direct and practical support to manage what they wanted to do and how. Over the last year I worked closely with Ian Bickers at HMP Wandsworth, and many other committed reformers, and helped the RSA proposals for a 'New Futures Network', to help prison leaders build broad and deep local partnerships, with employers and charities, for example.<sup>6</sup>

I feel very privileged to be joining Chris Wright's team at Catch 22 as I have admired him and the organisation for a long time. Their mantra for public service reform makes sense to me ideologically but also based on my experience of central policymaking and delivery. People need something fulfilling to do, somewhere to live, and people to love, and if they haven't been lucky enough to build that life for themselves we can help them through services that are local, human, and unlock capacity in the public, private and voluntary sector.

People need something fulfilling to do, somewhere to live, and people to love, and if they haven't been lucky enough to build that life for themselves we can help them through services that are local, human, and unlock capacity in the public, private and voluntary sector.

Rarely a day passes that I don't see some data or hear a personal story that reminds me how much I owe to a happy, stable family, and reading lots of books.

**JB: You worked in the Department for Education at a senior level, what do you consider to be the most important and successful changes in the management of schools and quality of education in recent years?**

**PD:** I would highlight four main aspects. First, devolving leadership and management to the frontline, in particular through the expansion of academies and the introduction of free schools. Second, an improvement in status and quality of teaching through programmes such as 'Future Leaders' (a leadership development programme for senior leaders preparing to become headteachers in challenging contexts), 'Teach First' (a two-year programme bringing high quality graduates into teaching) and 'Now Teach' (a programme bringing people into teaching as a second career). More teachers than ever have firsts and 2:1 degrees. Third, better quality and availability of research and evidence, but also a democratisation of access to this. It is now expected that people at all levels in education look outwards and internationally, scrutinise innovation and understand what is working and why. Finally, there are now higher expectations and

aspirations overall. The bar was raised for behaviour, academic rigour, pupil destinations etc. Removing the Ofsted 'satisfactory' rating and replacing it with a marking of 'requires improvement', exposed schools that had been inadequate for decades, and supported them to get better.

**JB: What evidence is there that this has made a difference?**

**PD:** The most important outcome is that the independent inspection body, OFSTED, report 1.4 million more children attending schools rated as 'outstanding' or 'good' than in 2010.<sup>7</sup> Other systemic changes have built a culture of learning. The introduction of the English

6. See <https://www.thersa.org/action-and-research/rsa-projects/public-services-and-communities-folder/new-futures-networks>.

7. OFSTED (2015) *The annual report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2014/15* London: The Stationary Office available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/483347/Ofsted\\_annual\\_report\\_education\\_and\\_skills.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/483347/Ofsted_annual_report_education_and_skills.pdf) accessed on 28 June 2017.

Baccalaureate (EBacc) performance measure has led to more kids doing core subjects for longer.<sup>8</sup> The 'Progress 8' performance measure is a sophisticated comparative tool encouraging a broad and deep curriculum.<sup>9</sup> The 'What Works' movement continues to expand and has embedded empiricism into the teaching profession, for example through 'ResearchED'.<sup>10</sup>

**JB: Those changes have not been universally welcomed, what do you consider to be the main criticisms and how would you respond to them?**

**PD:** As you can imagine I have reflected on the 2010–14 period in education reform at length, having been so close to the architects and generals, and because it has attracted so much commentary. Sometimes it feels like no book or article can be written about the Coalition government without depicting Michael Gove and his team as either the heroic crusaders saving pupils from the soft bigotry of low expectations, or the evil marauders destroying all that teachers hold sacred, depending on the author's ideological bent. It sometimes feels impossible to have objective conversations about that period with people who really know and care about education, because they have such a strong belief in Gove as either hero or villain.

I think that goes to the root of the problem. The criticism, which in some places had reached hysterical proportion by 2014, was in many cases directed at myths, or wilful misunderstanding. For example, the exaggeration around non-qualified staff. Qualified Teaching Status wasn't being removed. It was being made possible for state schools to do what private schools had always been able to do, *if* they wanted to: employ a former Olympic athlete or opera singer to coach sport or teach music, and train them on the job. There were many media myths about free schools. It just wasn't true that middle class parents were being allowed to open schools for their own kids.

We at the Department for Education should have done *much* more to correct inaccuracies and respond with compelling arguments and evidence. Rather than accept an adversarial, binary, politicised, public debate (The Blob<sup>11</sup> vs E.D. Hirsch,<sup>12</sup> facts vs skills, traditional vs progressive, Indian Dance vs Calculus), the role of the civil service should have been to promote and defend the reform agenda with neutral explanation and information. I think officials misinterpret 'neutrality'—we serve the elected government and it is absolutely our job to do this, particularly in response to 'fake news'. For example, it wasn't true that free schools weren't providing additional places in areas of need, they were and they do. It wasn't true that Michael Gove 'banned' *To Kill a Mockingbird*, just complete rubbish. It wasn't true that music, art and drama were being undermined by curriculum changes. And so on.

**JB: When you moved into criminal justice policy and reform, how much did those education reforms shape your thinking?**

**PD:** The common themes of successful public service reform influenced me very much, especially the mutually reinforcing fourfold approach: devolved leadership, workforce quality, accountability through transparency and increased ambition. These seem to be evident wherever you see better outcomes, in education, health, and policing in the UK and beyond. Frontline institutions are given more power and flexibility, there is more investment in those people to help them lead and manage well, not just pay but taking recruitment, retention and ongoing development seriously. Performance data is published, ideally automated, to encourage sophisticated comparison and a healthy competitive system. People ask *why* things are happening, not just *what* is happening. This allows expectations to be based on the achievement of the best, and initiative and ambition to be valued and rewarded.

I think officials misinterpret 'neutrality'—we serve the elected government and it is absolutely our job to do this, particularly in response to 'fake news'.

8. The English Baccalaureate is a performance measure showing how many pupils achieve grade C or above in core academic subjects in any government funded school. The core subjects are English, mathematics, history or geography, the sciences and a language. For further information see <https://www.gov.uk/government/publications/english-baccalaureate-ebacc/english-baccalaureate-ebacc> accessed on 29 June 2017.
9. Progress 8 is a measure that aims to capture the progress a pupil makes between the end of primary school and the end of secondary school. The outcomes can be compared with the achievements of other pupils with the same starting point. For more information see <https://www.gov.uk/government/publications/progress-8-school-performance-measure> accessed on 29 June 2017.
10. See <http://www.workingoutwhatworks.com/> accessed on 29 June 2017.
11. Michael Gove used the term 'The Blob' to refer to a perceived educational establishment who promoted liberal progressive education based upon skills rather than knowledge. See [www.dailymail.co.uk/debate/article-2298146](http://www.dailymail.co.uk/debate/article-2298146) accessed on 29 June 2017.
12. E.D. Hirsch is an American educationalist who promoted the notion of knowledge based learning and the acquisition of 'cultural literacy'. See Hirsch, E. (1987) *Cultural literacy: What every American needs to know* Boston: Houghton Mifflin.

I owe a lot to Sir Michael Barber's work, especially *Unleashing greatness*,<sup>13</sup> which I turn to often—replace 'education' and 'schools' with 'justice' and 'prisons', and it is equally compelling.

**JB: One of the most prominent changes have been the discussion around a movement away from tightly controlled central prescription towards more local autonomy or empowerment. What do you see as the potential benefits of this approach?**

**PD:** I think one of the most corrosive trends in bureaucratic management has been towards ever greater central codification and rigid hierarchies. It's not just Whitehall, it is rife in all sectors, but coupled with the inherent risk-aversion and complexity of modern government, it is particularly damaging in public service delivery. Reading about the horrific Grenfell Tower fire it seems clear to me that we will probably never find out whether or not one person, in one meeting, made a critical decision about cladding or sprinklers or evacuation policy.

The sheer number of different boards and bodies and suppliers and commissioners involved absolves everyone from direct culpability. In prisons and probation we should be applying a Grenfell Tower lesson to all our processes, counting the governance layers between the nominally accountable board and the ultimate output. Is everyone confident that the right thing is being done? People make good decisions when they know that their actions are transparent and have a direct impact on themselves or others. They take the time to find out the information they need, and they are honest about their abilities and experience, when they know the implications are real. I think across the criminal justice system we have had a proliferation of agencies at the expense of personal agency.

There's a brilliant line in TS Eliot's *Choruses from The Rock*: 'dreaming of systems so perfect no-one will need to be good'. That's what central prescription leads to. Whereas what we need are systems good enough that no one needs to be perfect, because no one is. But also that we need people to be good, at all levels—not look upwards for constant direction and prescription but to do the right thing, to be moral, to seek improvement, raise standards, build broad and deep local networks.

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Not only will this make outcomes better, ultimately I believe reduce offending but it will make working life better for everyone, officers to Directors. Less miserably compliant and bureaucratic, fewer meaningless meetings, less paperwork.

**JB: The prison system is a more inter-dependent and integrated system than schools because of, for example, the level of prisoner transfers. Does this change how that balance between central control and local discretion is structured?**

**PD:** Clearly it must, and policy on population management or how to manage the high security estate, for example, must be made by operational experts, not people like me! It is obviously sensible to think about particular categories of offenders at a national level, like sex offenders or under 18s for example, where the numbers involved and therapeutic interventions needed require a single, strategic, approach.

That being said, I think if we said to a headteacher in Newham that they had it easier because they could predict demand, we would get a hollow laugh in response. I would argue that the very interdependence and size of population makes local discretion and regional networks even more necessary. Who is better equipped to understand how transport affects family visits, or gang rivalries between Doncaster and Sheffield, than the officers and Governors on the ground?

**JB: There is also a cultural change that is necessary to make this work. For many years prison governors have had to work with tightly defined centrally directed targets or change management plans and now they are being asked to work creatively and independently. How can that kind of change be realised within that professional history and culture?**

**PD:** It's going to take a generation, at least, and consistency of leadership. Culture change is the most nebulous and difficult thing to achieve, and requires quite a lot of serendipity and luck, as well as a shared vision and courage to try new things. Sharing examples of creativity and independence will be vital, and valuing the people who are doing it already. Some of the most radical reformers have been quietly getting on with being great on the landings and under the radar for decades—we need to show them we've got their back. Things like 'Unlocked', the programme for training

13. Available at [http://www3.weforum.org/docs/WEF\\_WP\\_GAC\\_Education\\_Unleashing\\_Greatness.pdf](http://www3.weforum.org/docs/WEF_WP_GAC_Education_Unleashing_Greatness.pdf) accessed on 29 June 2017.



graduate officers who will focus on education and rehabilitation, will also have a big impact—a new generation of enthusiastic reformers with a status and reach beyond the prison service and its walls.

I only partly buy the complaints about a constantly changing political landscape or Secretary of State. We need to be more confident in our expertise and advice. Every Minister I have ever worked with wants to make things better not worse, and responds well to an experienced public servant with mastery of their brief and innovative proposals.

**JB: You worked for a time with one of the early adopter reform prisons, Wandsworth. What are your reflections upon the reform programme in practice?**

**PD:** The whole team at Wandsworth were inspiring: completely up for it, courageous, committed and humane. Ian Bickers, the Executive Governor, was a charismatic leader who had the confidence of his staff and men, and he had recruited well around him. People like Sarah Fitzgerald, who was leading a truly radical overhaul of education and training. It was a tricky place to test an ambitious agenda. Wandsworth is overcrowded, has a very high remand and foreign national population, and very little outdoor space. That being said there was no shortage of ambition and achievement: a completely new recruitment model led by Ian and Human Resource Business Partner, Jo Greenlees, highlighted the sclerosis and costs of the centralised application process; the grant funded projects like LJ Flanders' 'Cell workout', 'Food matters' (partner delivered projects designed by staff and prisoners as part of the mental health strategy and rehabilitative culture) and the conservation work (landscaping outdoor areas as both a physical improvement measure and a training opportunity for prisoners) were all valuable in themselves but symbolic in demonstrating how much extra resource is there to be leveraged if you can build local partnerships. One thing that I found surprising and delightful was the sheer range and scale of local interest and support, from employers, colleges, sports clubs, charities, even residential neighbours. I know all prisons have different contexts but if we could just unlock (!) some of this capacity in a safe and helpful way, the results could be incredible.

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My overall reflection is that the timing was very difficult, and the leadership and change needed a lot more time to embed—the first year is when you most need clarity and consistency of vision, and that wasn't there from the Ministry of Justice or the Prison Service for a range of reasons we're all familiar with.

**JB: Another aspect of the change programme is that alongside greater autonomy comes greater accountability. What does that mean, how would you envisage that accountability being exercised?**

**PD:** As I have said above, the 'transparency' bit of the public service improvement quartet is what guarantees accountability.

I think prisons and probation services should publish everything they are measuring, in an accessible, comparative format—from Staff Quality of Life surveys and Measuring the Quality of Prison Life assessments to monthly data about how many cell observation panels were knocked out and what it cost. Community Rehabilitation Companies and National Probation Service statistics about jobs and housing should also be routinely available to all, obviously being responsible and ethical about individual identifiers. There are plenty of digital technology agencies who would be willing to help for a smaller cost or pro bono, just to be able to support ambitious policy. Imagine the potential for artificial intelligence and predictive analytics, freeing officers from the boring paper-based processes of reporting so they can focus on the aspects of the job only humans are capable of.

It won't be perfect at first, there will be outliers who look better or worse than they should for explicable reasons, but if you monitor how this transparency of data changes behaviour across the system you can start to see what leads to unwelcome 'gaming' and correct it, and what leads to very welcome 'nudging' and encourage it. Yes, 'league tables' will likely emerge and there will be the odd newspaper headline at first, but journalists soon move on and that's when academics, data scientists and yes, armchair enthusiasts, can compare 'like' institutions or areas, test theories, come up with insights. Governors and Deputies would be incentivised to look at things like where their data on assaults sits in comparison to a similar prison, and then visit the ones doing better with their officers, to explore why and how.

No system or process was ever made worse by shining a light on it, and I hate the implicit arrogance of Whitehall that citizens can't be trusted to understand the public services they pay for.

**JB: How can data and technology be used in order to better understand prisons and improve quality? What are the limitations of this?**

**PD:** As I mentioned above, technology and artificial intelligence should be used to do what it is best at, processing bulk, predictable and routine information, and human beings allowed to do what they are best at, namely empathy, judgement, non-routine assessment, directly supporting other human beings.

**JB: The second aspect of the reform programme is improving the opportunities for prisoners to change their lives, so reducing reoffending? What is new or different in this regard? How can that aspiration be realised?**

**PD:** I don't think this is necessarily new, we have known what reduces reoffending for nearly a century. There is a greater public acceptance of the need to rehabilitate prisoners at the moment, and deal with illiteracy or lack of skills, or health or addiction issues, which we should take advantage of—more employers are keen and willing to play more of a role, for example designing and delivering apprentices.

Politicians and senior officials need to have a thicker skin about inevitable criticism, both of the tabloid, 'prison shouldn't be soft or easy' variety, or the campaigners who obsess over the existence of private prisons. Critics will always be there, and we shouldn't allow people who have been arguing the same things for a hundred years with no impact to prevent a positive and pragmatic change programme.

**JB: The current operating context is very challenging, with acknowledged problems around safety. Does the new model offer new opportunities to improve this situation?**

**PD:** I think it does, because of the emphasis on investing in staff numbers and quality, and the

expectation that governors and their leadership teams can make decisions about the specific needs of their prison. The prison population is also just too large and anything governors can do to work more closely with local Criminal Justice Boards, Police and Crime Commissioners, the Crown Prosecution Service and judiciary, to divert people from prison, is vital. The new incentives for local innovation and looking outwards, such as devolved budgets and recognition through inspection, will aid this.

**JB: How far is the wider social context, particularly around the links between imprisonment and inequality, recognised and responded to within this reform programme? For example, there are clear links between poverty and imprisonment, some minority groups particularly young Black men are disproportionately entangled in the criminal justice system, and international research shows that countries with greater economic inequality also have higher rates of imprisonment. How far are these wider issues of social justice addressed?**

**PD:** It's a work in progress isn't it, and linked to everything I've said about a self-improving and intellectually curious system, with valued and experienced staff at all levels, and strong and deep local networks. David Lammy's Review<sup>14</sup> on the treatment and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system, will be a great test of the new approach—how many governors will read it and share it with their staff, and maybe appoint one of their Deputies to be personally responsible for taking recommendations forward as they apply on the wing and beyond.

**JB: What will be your continued role in prisons and what are your future aspirations?**

**PD:** In moving to this new role at Catch 22 I hope to consolidate and build on everything I have done and seen in education and justice over the last decade. I am excited about devolution, and excited about the disappearance of silos in the public, private and voluntary sector.

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14. See <https://www.gov.uk/government/organisations/lammy-review> accessed on 29 June 2017.

# PRISON SERVICE JOURNAL

## Purpose and editorial arrangements

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.

The editor is responsible for the style and content of each edition, and for managing production and the Journal's budget. The editor is supported by an editorial board — a body of volunteers all of whom have worked for the Prison Service in various capacities. The editorial board considers all articles submitted and decides the outline and composition of each edition, although the editor retains an over-riding discretion in deciding which articles are published and their precise length and language.

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Six editions of the Journal, printed at HMP Leyhill, are published each year with a circulation of approximately 6,500 per edition. The editor welcomes articles which should be up to c.4,000 words and submitted by email to **[jamie.bennett@hmps.gsi.gov.uk](mailto:jamie.bennett@hmps.gsi.gov.uk)** or as hard copy and on disk to *Prison Service Journal*, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge, Gloucestershire, GL12 8HL. All other correspondence may also be sent to the Editor at this address or to **[jamie.bennett@hmps.gsi.gov.uk](mailto:jamie.bennett@hmps.gsi.gov.uk)**.

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