



**The [re]settlement of women prisoners in Northern Ireland: From rhetoric to reality**

Jacqueline Kerr, University of Ulster

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# The [re]settlement of women prisoners in Northern Ireland: From rhetoric to reality

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## Abstract

Penal practices in Northern Ireland are fashioned around the legacy of civil unrest and the imprisonment of politically affiliated prisoners. Women represent a small percentage of the prison population, and most are sentenced for minor 'offences', including non-payment of fines. Women exiting prison share histories of severe social exclusion and complex unmet needs in relation to housing, employment, income, education, training, and mental and physical health. Recently, the introduction of a strategy for the management of women who offend, gender specific standards for working with women prisoners and the establishment of the probation-led Inspire Women's Project, have marked an acknowledgement of women's penalty by the Department of Justice. This paper draws upon primary qualitative research data on women's resettlement experience in Northern Ireland to consider the correlation between gender responsive measures and the increasing criminalisation and imprisonment of severely disadvantaged and marginalised women. It explores the failure of gender responsive initiatives to reduce the Northern Ireland female prison population, it examines professional discourse which privileges the responsabilisation of women and the language of choice and reflects upon the up-tariffing of women on the basis of their unmet need rather than the seriousness of their offending.

## **Introduction**

Penal policies and practices in Northern Ireland have developed from three decades of violent conflict characterised by substantial numbers of deaths, injuries and imprisonment. Prison regimes were shaped around the 'Troubles' and the long-term imprisonment of politically affiliated prisoners. Thirty prison officers have been killed by paramilitary organisations and many prison officers and their families suffered paramilitary threats and intimidation. In the context of a relatively small population of approximately 1.6 million, the transition away from conflict has been uneven. Violence and deaths persist in the most economically disadvantaged areas demonstrating the 'strong but complex relationship between poverty and conflict' (Hillyard et al., 2005: xx).

Women represent a small percentage of the prison population. Most are sentenced for minor 'offences', including non-payment of fines. Women exiting prison share histories of severe social exclusion and complex unmet needs in relation to housing, employment, income, education, training, and mental and physical health. As part of a wider remit to reduce offending, the Department of Justice (DOJ) has recently developed gender-specific policies, a gender-specific strategy for women prisoners and introduced the probation led Inspire Women's Project (hereafter, Inspire).

This paper seeks to demonstrate the adoption of current gender responsive measures by the DOJ and the increasing criminalisation and imprisonment, often repeatedly, of marginalised and socially excluded women. Located within a Northern Ireland milieu there follows a discussion of the economic, social and political context and the contemporary Northern Ireland Prison Service (NIPS) regime with particular reference to women's gendered experiences in prison and post-release resettlement. Given the recent introduction of gender responsive initiatives and service provision for women released from prison, and drawing on primary qualitative research, the paper identifies and critically assesses three central themes which emerge from current practice: the failure of gender responsive reform to reduce the numbers of women in prison; professional discourse which privileges the responsabilisation of women and the language of choice; and the up-tariffing of women on the basis of their unmet need rather than the seriousness of their offending.

## **Women's experiences of social exclusion, conflict and criminalisation**

It is within the context of Northern Ireland's transitional status that women's experience of prison and post-release resettlement should be assessed. Since 1969 over 3,600 people died and more than 40,000 were injured during the Troubles (Fay et al., 1999), and it is estimated that approximately 80,000 men, women and young people were imprisoned (Hillyard et al., 2005: 8). Despite the 1998 Good Friday/Belfast Agreement, violence and conflict persist, particularly in those communities most vulnerable to severe economic deprivation. Recently, MacInnes et al. (2012; 9) found that 23 per cent of people in Northern Ireland were living in poverty, 38 per cent of women were not in

paid employment (MacInnes et al., 2012: 20) and, 22.7 per cent of the working-age population were receiving a key benefit (MacInnes et al., 2012: 31). The difficulties faced by women exiting prison are amplified by the severe poverty, social exclusion and deprivation felt across Northern Ireland. Central to these experiences are legacies of social division; unaddressed 'transgenerational' trauma and violence (Kilkelly et al., 2004: 243); elevated levels of drug and alcohol dependency; pronounced rates of incapacity; high unemployment; low educational attainment; debt and benefit dependency and high levels of mental and physical ill health.

The concept of the 'resettlement' of women prisoners implies that women were settled in the community prior to their imprisonment (Carlen and Tombs 2006). Given this, it is imperative to note that Bailie (2006: 106), in her analysis of PBNI Pre-sentence Reports, found high levels of victimisation, with 74.5 per cent of women suffering physical abuse, 10.5 per cent of women experiencing sexual abuse and 36 per cent of women experiencing mental health problems. Whilst women's offending is often framed within 'contexts of restricted resources and limited choices' (Bryne and Trew 2008: 249), it is frequently located around circumstances which involve addictions, financial pressure, dysfunctional relationships, vulnerability; lack of self-control and 'an inability to deal with disruptive events' (Bailie, 2006: 106).

A needs analysis completed by the NIPS into the reintegration needs of women prisoners in Ash House, Hydebank Wood reveals that 64 per cent of women were in receipt of some form of social security benefits prior to entering prison, 36 per cent of women prisoners in Hydebank Wood did not know where they were returning to on release and 72 per cent of women interviewed used drugs and /or alcohol prior to entering prison (Roberson and Radford, 2006: 113). A high proportion of women in prison felt unsafe in their communities prior to being imprisoned (Robertson and Radford 2006). A higher proportion reported that they would feel unsafe following release. This was 'largely due to anxiety about making the transition out of the prison environment although social concerns also played a role' (cited in Scraton and Moore, 2007: 38).

In Northern Ireland women comprise approximately 3 per cent of the prison population. As of the 7 February 2014, there were 77 females and 1,787 males detained in custody in Northern Ireland (NIPS, 2014). Women are held in Ash House Hydebank Wood, a women's unit in a male Young Offenders Centre which is used for the detention of over 200 boys and young men. This is Northern Ireland's only female prison unit. The majority are sentenced for short periods of time and in 2009, 60 per cent of women sentenced to immediate custody received sentences of less than one year (DOJa, 2010: 14). In 2010, 52 per cent of women committed to prison were fine defaulters, which included non-payment of television licences and in one case, a dog licence (Prison Review Team, 2011: 18). Fine defaulters spend on average four days in prison

(ibid: 18). The female prison population is epitomised by a high percentage of women serving life which, on 26 July 2012, represented 8 women out of a total of 59 women (NIPS 2012). In line with other jurisdictions, prisons in Northern Ireland exhibit a high remand population, and in August 2011, 36 per cent of the female prison population were being held on remand (Prison Review Team, 2011: 68).

### **Penal regimes for women in prison**

Penal practices in Northern Ireland are shaped around the legacy of the conflict and the imprisonment of politically affiliated prisoners. Women's imprisonment on a shared site with young men is characterised by their minority status, and has resulted in them being subjected to long lockdowns, their movements around the site carefully choreographed and access to fresh air restricted (Scraton and Moore, 2007). Women prisoners are transported in vans with male prisoners; exposed to verbal abuse from male prisoners; mixing with young male prisoners at visits (Independent Monitoring Board (IMB), 2009); and, sharing healthcare facilities. It is fair to conclude that women in Ash House are residing in 'a prison within a prison' (Scraton and Moore, 2007: 67).

Given that it is estimated that 70 per cent of prisoners at Hydebank Wood suffer from a mental illness and/or personality disorder (IMB, 2009), it is of note that mental health pathways are found to be under-developed and addiction and mental health services under-resourced. In recognition that 'to meet their basic needs upon release women need sustained economic independence' (Hannah-Moffat and Innocente, 2013: 92) the absence of a learning and skills strategy to match the needs of the groups at Hydebank Wood (Criminal Justice Inspectorate Northern Ireland (CJINI), 2011: v-vii), and limited vocational skills provision, which are 'particularly poor' for women (CJINI, 2012: 3) serve to severely undermine women's successful resettlement on release.

### **Gender responsive initiatives**

Acknowledging both the relatively small numbers of women who offend in Northern Ireland and that the causes of their offending behaviour and experiences in the criminal justice system have a 'huge impact on children and their families' (DOJ, 2013), the DOJ has recently developed several gender responsive initiatives. Underpinned by the belief that women's needs are more complex and diverse than those of men and therefore demand an alternate approach on the part of the criminal justice system, the government outlined its strategy in the key publication, *Women's Offending Behaviour in Northern Ireland: A Strategy to Manage Women Offenders and Those Vulnerable to Offending Behaviour 2010 – 2013* (DOJ, 2010a) (hereafter, the Strategy). The Strategy is divided into four strategic strands: Providing Alternatives to Prosecution and Custody; Reducing Offending; Inspire Women's Project – Gender Specific Community Supervision and Interventions; and Developing a Gender-Specific approach to the Management of Women in Custody (DOJ, 2010a: 6). Whilst the strategy recognises the vulnerabilities of women who offend in relation to homelessness, poverty, mental illness,

addiction and victimization, it is informed by research conducted in England. Therefore, it fails to appreciate the continuing impact of the conflict on the lives of women in Northern Ireland through conflict-related trauma and paramilitary violence and intimidation (Women's Resource and Development Agency (WRDA), 2008).

A key outcome of the Strategy is the Northern Ireland Prison Service Gender-specific Standards for Working with Women Prisoners (NIPS, 2010). The standards seek to tailor services and interventions, from committal through to release and resettlement in the community, according to need. They state that all women should have a 'needs profile' completed within four weeks of committal in relation to each of the nine resettlement pathways, which include: accommodation; learning and skills; health, mental and physical; drugs and alcohol; finance, benefits and debt; children and families; attitudes, thinking and behaviours; supporting women who have been abused, raped or who have experienced domestic violence; and supporting women who have been involved in prostitution (NIPS, 2010).

A central initiative of the Strategy is the Probation led Inspire. Referrals to Inspire are made through the courts for women who are subject to statutory supervision orders, those whose cases have been adjourned for pre-sentence reports and a small number of women on day release from prison. Services are delivered through inter-agency partnerships between the Probation Board for Northern Ireland (PBNI), the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), the Women's Support Network (WSN) and a number of external agencies. Programmes on offer include alcohol and drug programmes; victim awareness; counselling; offence focused work; creative arts; art therapy; employment and self-development skills.

More recently the DOJ (2013) published an update on the Strategy – *Reducing Offending Among Women 2013–2016* with the aim of reducing the number of girls and women involved in offending behaviour; reducing the number of girls and women held in custody; and, reducing offending among girls and women (DOJ, 2013: 9).

## **Methodology**

The author conducted interviews with 15 women in prison and five who had recently been released into the community. Given the women's understandable reluctance to speak with a researcher they did not know, participants were initially approached by community workers to introduce the researcher and her work and asked if they would be interested in participating in the study. If they agreed, the researcher made contact with the women. The main location for the research was a room within Ash House, Hydebank Wood and the premises of NIACRO.

The researcher also interviewed 15 representatives from the PBNI; NIPS; NIACRO; WSN and Housing Rights Services. All participants worked with women on a one-to-one

basis within the NIPS and/or Inspire. The recruitment of professionals took place using a 'snow-balling technique' whereby interviewees were asked whether they knew of anyone who was working with women who had been in prison in relation to their resettlement.

The research aimed to explore the nature and characteristics of women's resettlement within contemporary crime control strategy in the context of a society emerging from conflict. The interviews focused on women's needs from the perspective of women in prison, women who had been released from prison and professionals working with women in the criminal justice system. The views of women and professionals were also sought on women's experiences of prison and their post release resettlement. Interviews were semi-structured and lasted between 45 minutes and one hour and thirty minutes. All interviewees were given pseudonyms.

## **Findings**

Three key themes emerge from the study which demonstrate the connection between gender responsive initiatives and the increasing criminalisation and imprisonment of severely disadvantaged and marginalised women.

### **1. Failure of gender responsive reform to reduce the numbers of women in prison**

According to the Strategy, the strategic aim of Strategic Strand 3 is:

*To ensure that, where women are sentenced, their needs, wherever possible, are met in the community. That means offering women gender-specific assessments and women-centred interventions to support them in the community*  
(DOJ, 2010a: 47)

However, the continuing criminalisation of women experiencing high levels of social and individual need is reflected in the increasing numbers of women incarcerated in Northern Ireland, particularly for the non-payment of fines and in one case, a dog license. This study found that individual women are being successively imprisoned for fine default. Despite a commitment by the DOJ to meet women's needs in the community through gender responsive initiatives, prison continues to house the mentally ill and most vulnerable. As a female prisoner discussing the arrival of a woman into prison for fine default demonstrates:

*that hammering and banging that is going on at the minute, that is going on all night and that is very stressful, very, very stressful... She [the woman prisoner] is mentally ill and shouldn't be here [in prison], you know, and she is in here for a fine which means that was the police's decision to bring her in here. I am certain sure if they know her they know what she is going to do whenever she came in*

*here. So why bring her in here when all she is fit for is Knockbracken, the mental hospital?*  
*(Lisa)*

According to the Northern Ireland Prison Service Resettlement Strategy,

*A resettlement plan is a plan developed during induction, based on the assessment of a prisoners' needs, that will address factors associated with offending and increase the likelihood of not offending on release (NIPS, 2004: 8).*

However, the present NIPS resettlement provision excludes over half of the female prison population in Hydebank Wood. Effective resettlement packages take time to plan and execute. Women imprisoned on short sentences for non-payment of fines (which account for around 5 women a week) and those held on remand (which could represent over half of the female prison population) (DOJ, 2010b; 6) are precluded from the resettlement packages offered to longer serving prisoners. Despite women charged with fine default being identified as most in need of support by professionals working in the criminal justice system, they are excluded from resettlement service provision. Moreover, they are unable to avail of the gender specific services on offer at Inspire on their release. According to one professional, the negative influence of prison regimes shaped by a preoccupation with high levels of security and surveillance, time spent in such an oppressive environment and the disruption imprisonment causes to women's lives, mean that women leave prison 'worse off than when they arrived'. One interviewee recalled how she began to self-harm as a response to her imprisonment:

*I reckon I could have easily killed myself with the state I was in, genuinely I could have, you know, I have always said I would never go to that extent, but then I cut myself I never thought that I would do that. It was bad.*  
*(Eileen)*

The provision of support through probation supervision which is sentence bound and time limited often results in support being terminated before women are ready to move on. Views articulated by staff working at Inspire illustrate the barriers which prevent some women from moving on namely, high levels of 'dependency' on probation officers, the completion of probation orders and the accompanying loss of support which for many can be a daunting experience. One practitioner commented:

*It is quite traumatic when the order is finished and they say 'What am I going to do without you? They become so used to you.*

Northern Ireland's transitional status away from conflict underpins women's experience of post-release resettlement. Since 2005, there have been approximately 900 referrals made to Base 2, a non-governmental service that provides crisis support to individuals and families living at risk of violence from paramilitary groups or exclusion from the community (NIACRO, 2012). Of the total number of referrals made to Base 2, 27 per cent were women, many of whom fear for their personal safety due to past or current paramilitary threats (NIACRO, 2012). Moreover, some women feel vulnerable exiting prison and returning to their community (WRDA, 2008) and in the case of one woman, the fear and shame of being recognised in her neighbourhood prompted her engagement with a women's centre outside her community. A community worker clarified:

*the girl who went to the [name] Women's Centre [in a protestant/unionist community] last week actually was from the [name] road [in a catholic/nationalist community] and she requested to go the [name] Women's Centre. She wanted to go somewhere where nobody knew her because she didn't know how the community was going to take her ...*

For other women unable to return to the communities they resided in prior to their imprisonment due to paramilitary threats and intimidation, their extensive unmet needs and the demands placed upon them in the community merge to severely impede their successful integration into the community on release. As a professional explained:

*I have a woman at the moment who had a ... paramilitary threat out of the area and had to move to [another area]. Now the threat has been lifted ... this woman also has ... children to be dealing with as well. She has mental illness to be dealing with ...*

For some the move on from Inspire is just too much and in a few cases, women have reoffended to maintain engagement with their probation officers (Easton and Matthews, 2011).

## **2. The responsabilisation of women and the language of choice**

Guided by thinking which privileges producing changes in the individual over transforming their social circumstances, women's offending is often perceived both in the Strategy and by professionals as an individual issue rather than one of entrenched social disadvantage and societal inequality. Criminal justice professionals place the responsibility for women's desistance from offending firmly with those they supervise. As a probation officer explained:

*I am talking about women who will have criminal records of 300-400 criminal offences. These are the street drinkers, these are the women who,*

*I don't like to use the term 'failed' but have not succeeded in remaining in the community. ...their lives are so chaotic and dysfunctional. ... They suffer ... personality disorders, mental health problems...*

In keeping with the responsabilisation ideal which overlooks women's histories of addiction, mental and physical illness and victimisation, women's 'high need' is interpreted as an individual deficit which could potentially impede their successful completion of community based interventions. Moreover, the spaces women occupy (such as living on the street) are believed by professionals to promote their offending through their choice of lifestyle, associations and behaviour. These spaces remain unchanged. The probation officer continued:

*They would be very much loners in their community but tend to group together and be in a group of peers that go round the streets together and drugs, alcohol and the misuse of medication and would pose high risk of reoffending ... they have been in and out of custody.*

The 'discourse of choice' (Turnbull and Hannah-Moffat 2009; 548) and the concept of accountability are embedded in criminal justice practice namely, assessment, risk classification, probation supervision and cognitive behavioural programmes. Bolstered by the belief that women have access to 'unconstrained choice' (Kilroy and Pate, 2010: 329) women who offend are conceptualised as 'active agents who are able to make their own choices, exercise free will, and thus be held accountable for the decisions they make' (Kendall, 2002 in Carlen, 2002: 197). Further, it has been established that offending for many women is a rational response to their social exclusion in relation to poverty, health, victimisation, employment, and education. Below, a professional talks with Patsy, who went to prison for the non-payment of an outstanding fine for a TV license:

*And the thing about Patsy going into custody was you [Patsy] know it wasn't a decision that was made lightly. I mean I remember sitting in your house talking to you that day when the police came.*

Patsy continued:

*...there was no money there to pay the fine ... So it wasn't a decision that was taken lightly to go into custody and I suppose at the time we believed that okay, go in for 5 days that's it ... all done.*

Unfortunately for Patsy, the situation was far from 'done' and a couple of days after being released from prison she attempted to take her own life:

*...it's terrifying, I mean I ended up taking an overdose you know cause I didn't know what I was going to do... because it was on a Friday [when I was released] you know and by the Sunday my head was so messed up.*

Whilst it is recognised that the period immediately following a women's release from prison is rife with economic, emotional and psychological challenges resulting from women's 'pre-existing trauma, social disconnectedness, isolation, depression and boredom', the uncertainty of women's post-release lives has been acknowledged as a contributing factor to women's high rates of post-release harm and death (Carlton and Baldry, 2013: 60). As evidence from this study demonstrates, penal discourses which favour individual reintegration, risk-need logics and changes in the individual are unable to encapsulate or fully respond to the women's post release realities (Carlton and Baldry, 2013: 60).

### **3. The up-tariffing of women on the basis of their unmet need rather than the seriousness of their offending**

In Northern Ireland an increasing number of women are trapped in the revolving door of the prison system, their 'high need' interpreted as 'high risk', their histories of severe marginalisation, social exclusion and victimisation entwined with their risk of reoffending to trap them in the criminal justice system. The majority of women in contact with the law in this study were never truly 'settled' in the community as Eileen explained:

*... my father died when I was fourteen, I ended up on heroin, yeah I ended up addicted to heroin, so that started it off when I was fourteen – shoplifting. Now I am ten years, eleven years clean from heroin ... but I have gone from one addiction to the other ... my whole adult life I have had addictions. I have a serious gambling problem.*

Given that women's offending is perceived as an individual issue, women's perceived failure to 'resettle', exemplified by their robust criminal records, unaddressed addiction, severe disadvantage and multiple traumas appears to provide a justification for up-tariffing women in the criminal justice system. Eileen concludes:

*...I have a serious record for shoplifting, nothing else, no violence no nothing, just all shoplifting. I have 104 convictions for shoplifting. ... and they [the courts] are threatening me now that they are going to do me for orchestrated crime, it's going to hit me with between four to seven years because they think I am planning this and I am getting people to come with me.*

In a bid to meet women's needs in the community and access pre-existing community resources, women's engagement with the criminal justice system is being extended

through the multi-layering of probation orders. A probation officer reflected on the situation:

*...I am aware of individuals who would be very high risk in relation to their re-offending ... These are women who, ... would have never been able to manage a probation order in the past, are still challenging in relation to their offending but because they are attending Inspire, there are more orders being made on them so the courts are allowing them to remain in the community whereas before, a lot of these women would have come on probation, would have struggled to maintain a probation order, would have ended up being breached and gone back to custody. ... I think the courts recognise that ... it is a very slow process ...*

Given that the gender-specific services and provision provided at Inspire are only available to those women who are subject to probation supervision or those on day release from prison, women with extensive offending histories who are identified as 'at risk' of offending are being assigned multiple probation orders by the courts so they may continue to access the aforementioned provision in the community.

Conscious of the demands probation orders place on women, a professional acknowledged the challenges which confront women exhibiting levels of 'high need':

*...probation is a very difficult order... there is an onus on anyone placed on probation to attend for various appointments and you have to be accountable, you have to attend and you have to meet the demands of the work plan that has been agreed in court. It is incredibly difficult for a person who hasn't that ability to plan to actually... meet the demands of a probation order.*

Recognising that women are being expected to 'resettle' despite their needs not being met, the consequences of placing probation orders on women who are clearly not in a position to meet these demands, despite the best intentions of professionals, were noted by one of the probation officers who stated:

*I think we [the probation service] will be more discriminatory ... there are some [women] out there who are not motivated and are never going to keep appointments and even though they might need probation there is no point in giving them probation because they are not going...and you are setting someone up to fail and they move high up the blimen tariff then they get blimen prison. ...we need to be careful too that we are not setting people up to fail.*

Evidently, the adoption of gender responsive policy and practice into penal policies render women more accountable as probation orders subject them to 'targeted governance'. Women are tracked through their engagement with a range of community-based interventions provided by statutory agencies, enhanced by new inter-agency 'partnerships' with community and voluntary agencies (Turnbull and Hannah-Moffat, 2009).

### **Conclusion**

Northern Ireland's transitional status defines women's experience of imprisonment and post release resettlement. As Northern Ireland continues to remain one of the most socially and economically deprived regions of the United Kingdom, conflict-related death and violence persist in sectarian divided working class communities. Women exiting prison in Northern Ireland share histories of unmet needs in relation to mental and physical ill health, addictions, victimisation, severe poverty and social exclusion in line with other jurisdictions. However, their lives are further exacerbated by experiences of conflict-related violence, intimidation, feelings of unsafety and communal division. The introduction of gender responsive initiatives in Northern Ireland marked an acknowledgement of gender responsive penalty on the part of the DOJ. Given these developments and the DOJ's commitment to decarceration (2010a: 2013), it is pertinent to note that there are few substantive changes to core penal sentencing powers. Concurrently, there has been a growth in the female prison population (which has doubled in the last ten years) and plans for the building of a new prison to accommodate 90 women. So to conclude, rather than replacing women's imprisonment, gender responsive initiatives are enhancing the criminalisation and imprisonment of socially disadvantaged and marginalised women.

### **Annex: Re-imagining penal policy**

Given the legacy of the conflict over the past forty years, the social positioning of women and increasingly restrictive neo-liberal socio-economic policies, primacy should be ascribed to the structural issues of social exclusion (Clarke, 2004; Eaton, 1993).

The existing body of knowledge, predominately drawn from academic scholarships and official and semi-official reports should be built upon by the range of agencies and organisations involved in all aspects of women's engagement with the criminal justice system and post-release provision.

These developments require long term investment, a change of ideology and full commitment with regard to women who offend from criminal justice staff responsible for policy and practice on an inter-agency/cross departmental basis.

The above points call for strategic thinking which incorporates changes to policy and practice supported by joined-up strategies. All developments should acknowledge Northern Ireland's transitional status and how it profoundly impacts upon women's experiences. Most importantly, priority should be assigned to the voices of women in contact with the criminal justice system.

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### **About the author**

Jacqueline Kerr is a PhD candidate at the University of Ulster. She is researching women's [re]settlement within contemporary crime control strategy in the context of a society emerging from conflict.

Correspondence: [Kerr-j13@email.ulster.ac.uk](mailto:Kerr-j13@email.ulster.ac.uk)

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