

the **Howard League** for **Penal Reform**

**Justice and Penal Reform:
Re-shaping the penal landscape**
International conference
16–18 March 2016, Keble College, Oxford



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Welcome

Welcome to the Howard League for Penal Reform's international conference *Justice and Penal Reform: Re-shaping the penal landscape*. We are delighted with the programme and look forward to three days of stimulating debate and discussion here, at Keble College, Oxford.

This conference seeks to build on our earlier conference *What is Justice? Re-imagining penal policy* in 2013. Since that time a number of initiatives have been developed by the *What is Justice?* symposium in order to develop the intellectual capital, generate practical ideas and stimulate debate to begin to answer that question. We hope that this conference provides the stimulus to take our re-imagining one step further and to think about how the penal landscape might be shaped in order to meet the symposium's eventual aim to create a new, achievable paradigm that will deliver a reduced role for the penal system while maintaining public confidence, fewer victims of crime and safer communities. Looking at the wide-ranging programme and contributions from varied academic disciplines, practitioners as well as a wide range of jurisdictions we are confident that we can make major inroads to achieving this aim.

This conference is part of the Howard League's 150th birthday celebrations. Please do ask us about how you can join us in our other birthday activities. For further information please contact catryn.yousefi@howardleague.org.

Thank you to all those contributing.

Frances Crook OBE, Chief Executive, the Howard League for Penal Reform

Anita Dockley, Research Director, the Howard League for Penal Reform

Professor Stephen Farrall, University of Sheffield

Professor Barry Goldson, University of Liverpool

Professor Ian Loader, University of Oxford

What is Justice? Re-imagining penal system

The Howard League for Penal Reform is committed to developing an effective penal system which creates fewer victims of crime, has a diminished role for prison and creates a safer community for all. Through the *What is justice? Re-imagining penal policy* symposium we are seeking to develop innovative, credible and challenging ideas that build into models to change penal practice and outcomes. It will be charged with generating the climate and the intellectual debate that can act as the springboard to contest the conventional role of the penal system and ultimately promote a new, achievable paradigm that will deliver a reduced role for the penal system while maintaining public confidence, fewer victims of crime and safer communities. The challenge will be to develop an agenda for change that counters the current mores of penal populism.

Since 2012 *What is Justice?* has been developed with the support of Professors Stephen Farrall, Barry Goldson and Ian Loader. This has led to numerous initiatives which have sought to answer this question including:

- the development of ideas, for instance through the working papers published online ranging from philosophical debates on the justification of punishment right through to whether children have the capacity to stand trial
- the publication of *Justice and Penal Reform: Reshaping the penal landscape* (2016: Routledge, eds Farrall, Goldson, Loader and Dockley) which draws on the ideas of prominent thinkers from around the world to explore the possibilities of a changed penal system
- prominent figures from all walks of life articulating their *Ideas for Justice* in short audio interviews. Those interviewed include classicist Professor Mary Beard, activists Margaret and Barry Mizen, lawyer and parliamentarian Baroness Helena Kennedy QC, former prima ballerina Deborah Bull, as well as people affected by hate crime and young people who worked with the Howard League's U R Boss programme
- stakeholders and the public telling us what they would change about the current criminal justice system in the One Idea for Change initiative.

All these and more can be found at <http://www.howardleague.org/what-is-justice/>

This conference will support the work of the Howard League's What is Justice? symposium as it works to develop its ideas for developing a new model for penal policy.

Agenda

Day 1 – 16 March

9.00–10.00am	Registration and coffee (Arco Rooms)
10.00–11.00am	Plenary session 1 (O'Reilly Theatre) <i>Justice and penal reform – Opening session</i> Frances Crook, Chief Executive, the Howard League for Penal Reform Professor Dr Tom Vander Beken, Ghent University
11.00–12.30pm	Parallel session 1 (Sloane Robinson seminar rooms 1–6)
12.30–1.30pm	Lunch (Dining Hall)
1.30–3.45pm	Plenary session 2 (O'Reilly Theatre) <i>Inspection as a catalyst for penal reform</i> Chair: Professor Ian Loader, Professor of Criminology, Fellow of All Souls College, University of Oxford Peter Clarke CVO OBE QPM, HM Chief Inspector of Prisons Dame Anne Owers, Chair, IPCC Dame Glenys Stacey, HM Chief Inspector of Probation David Strang QPM, HM Chief Inspector of Prisons for Scotland Sir Thomas Winsor, HM Chief Inspector of Constabulary
3.45–4.15pm	Tea and networking (Arco rooms)
4.15–5.45pm	Parallel session 2 (Sloane Robinson seminar rooms and O'Reilly Theatre)
5.45–6.30pm	Free time
6.30–7.30pm	Wine reception/Book launch – Justice and Penal Reform (Supported by Routledge)
7.30–9.30pm	Conference dinner (Dining Hall)

Agenda

Day 2 – 17 March

8.30–9.00am	Registration
9.00–10.30am	Plenary discussion 3 (O'Reilly Theatre) <i>Public perceptions of penal reform</i> Chair: Professor Stephen Farrall, University of Sheffield Dr Tim Bateman, Policy Development Lead for Youth Justice, Office of the Children's Commissioner Professor Neil Chakraborti, University of Leicester Yvonne Roberts, Journalist and Chair of Women in Prison Neena Samota, Visiting Lecturer in Criminology, University of Westminster Joe Twyman, Head of Political and Social Research, YouGov
10.30–11.00am	Coffee and networking (Arco rooms)
11.00–12.30pm	Parallel session 3 (Sloane Robinson seminar rooms 1–6)
12.30–1.30pm	Lunch (Dining Hall)
1.30–3.00pm	Parallel session 4 (Sloane Robinson seminar rooms 1–6)
3.00–3.30pm	Tea and networking (Arco rooms)
3.30–5.00pm	Plenary session 4 (O'Reilly Theatre) <i>Economics and impact on penal policy</i> Chair: Professor Barry Goldson, Charles Booth Chair of Social Science, University of Liverpool Tom Gash, Senior Fellow, Institute for Government & Visiting Senior Fellow at the LSE Professor Richard Wilkinson, University of Nottingham
5.00–5.20pm	Comfort break
5.20–6.30pm	Afternoon plenary session 5 (O'Reilly Theatre) <i>Human rights law and penal reform</i> Chair: Andrew Neilson, Director of Campaigns, the Howard League for Penal Reform Phillippa Kaufmann QC, Matrix Chambers Professor Dirk van Zyl Smit, University of Nottingham
6.30–7.30pm	Wine reception (Arco Rooms) (sponsored by the Oxford Centre of Criminology)

Agenda

Day 3 – 18 March

8.30–9.00am	Registration
9.00–10.15am	Morning plenary session 6 (O'Reilly Theatre) <i>Terror and penal reform</i>
	Chair: Anita Dockley, Director of Research, the Howard League for Penal Reform
	Professor Mary Bosworth, Oxford Centre for Criminology Professor Alison Liebling, Professor of Criminology and Criminal Justice, University of Cambridge Professor Lucia Zedner, Professor of Criminal Justice, University of Oxford
10.15–10.45am	Coffee and meet the editor of the Howard Journal of Crime and Justice (sponsored by Wiley) (Arco rooms)
10.45–12.15pm	Parallel session 5 (Sloane Robinson seminar rooms 1–6)
12.15–1.15pm	Lunch (Dining Hall)
1.15–2.45pm	Parallel session 6 (Sloane Robinson seminar rooms 1–6)
2.45–3.15pm	Tea and networking (Arco rooms)
3.15–4.40pm	Plenary Session 7 <i>Beyond mass incarceration</i>
	Chair: Frances Crook, Chief Executive, the Howard League for Penal Reform
	Presentation of the prize for the best PhD papers
	Dr Todd Clear, Professor, Rutgers School of Criminal Justice, Newark Michael Jacobson, Executive Director, CUNY Institute for State and Local Governance Professor Lisa Miller, Department of Political Science, Rutgers University and Rothermere American Institute, University of Oxford
4.40pm	Conference closes

Conference Information

Rooms

Plenary sessions will take place in the O'Reilly Theatre, on the ground floor of the Sloane Robinson building. Seminar sessions will take place in the Sloane Robinson building seminar rooms 1–6, located on the third floor, and also the O'Reilly Theatre.

The conference office is the L5 block, the room is 1512. The entrance is on Liddon Quad just before you turn into Newman Quad.

As there is limited capacity in the seminar rooms, please sign up for seminar sessions in the hall foyer on each day in the Sloane Robinson Building.

Refreshments

Refreshments will be in the Arco building.

Lunch will be in Keble College's dining hall.

Evening wine receptions on Wednesday 16 March and Thursday 17 March will be held in Arco building.

The conference dinner will be held in the Dining Hall at 7.30pm on 16 March. Please note there is no official dinner scheduled for the evening on 17 March. Oxford town centre is situated within walking distance of the college where you will find a good choice of places to eat. For more information, please visit:
www.experienceoxfordshire.org

The bar, located in the Hayward Quad, will open from 6–11pm on each day and delegates are welcome to use it.

Best PhD paper competition

The Howard League for Penal Reform is keen to support the work and development of PhD students. As part of its commitment to support new thinkers we are pleased that we can award two prizes, sponsored by Routledge, for best PhD papers presented at the conference.

The winners will be announced at the final plenary session of the conference.

Internet Access

Wireless internet is available in all conference meeting rooms.

For Wi-Fi access please connect to: Keble

Then use password: RedBrickOxford

Next, open your web browser to be redirected to the Keble registration website, click the 'Begin Registration' button, select the name of the conference and follow the prompts on screen.

The conference password is: LEAGUE16

Note: If you are not redirected to the Keble registration website then just try to browse to any webpage to force the redirection. If you are attending the meeting as a day delegate (not staying overnight at Keble) please follow the above instructions, when room number is requested enter 0000.

We encourage you to tweet, but please make sure your phone is on silent mode during conference sessions. Our Twitter handle is @TheHowardLeague and hashtag is #HL150.

General

In the event of a fire in the O'Reilly Theatre there are many exits located on both upper and lower levels to speed up the evacuation of the building.

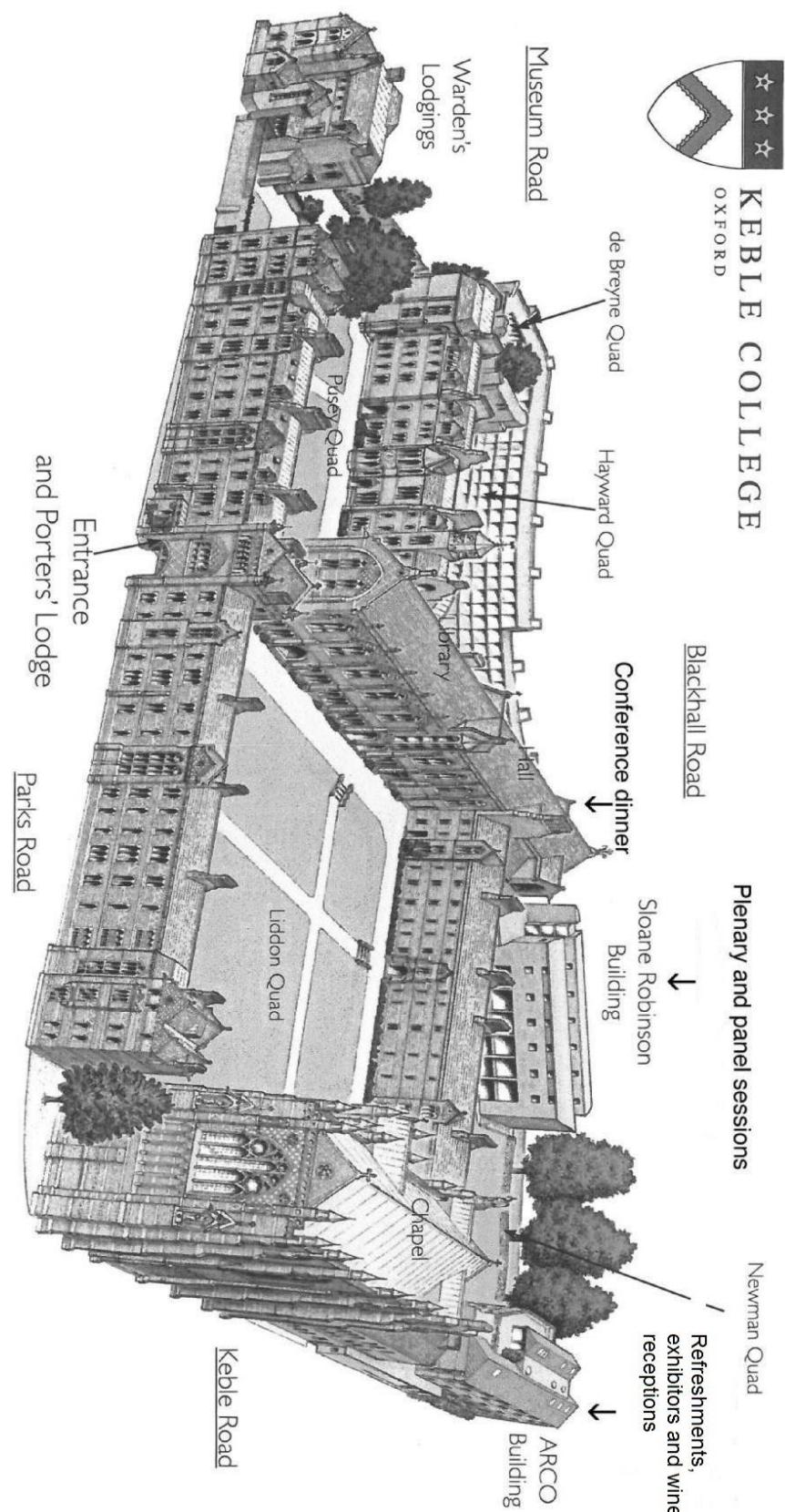
- Please leave the building as soon as the fire alarm sounds. You will hear a continuous two-toned alarm.
- Fire Exits are clearly indicated by luminous green signs.
- The window shutters on the mezzanine level will raise automatically.
- Those in the upper section of the Theatre should exit by the Fire Exits on the Mezzanine Level (up the stairs).
- Those in the lower section should exit by the lower level following the Fire Exit signs.
- Please make your way to the grass area of the Quad and wait there until the all clear is given – do not attempt to go back to your bedroom and do not use the lifts.

In the event of a fire in the other conference rooms:

- Please leave the building as soon as the fire alarm sounds. You will hear a continuous two-toned alarm.
- Fire Exits are clearly indicated by luminous green signs.
- Please make your way to the grass area of the Quad and wait there until the all clear is given – do not attempt to go back to your bedroom and do not use the lifts.

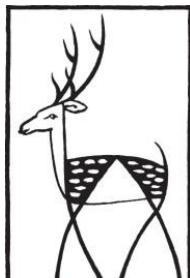
If you need any help or information during the conference, please approach a Howard League staff member. Howard League staff will be wearing green name badges.

Please return your name badges to the conference office or a Howard League staff member at the end of the conference so that they can be reused.



Sponsors and exhibitors

Hart Publishing



• H A R T •
PUBLISHING

Hart books aim to be intellectually stimulating and innovative, and they seek to contribute to the academic study of law as well as to its development and practical implementation. With over 1000 titles in print the list includes textbooks, scholarly monographs and works for practitioners and spans the entirety of legal scholarship.

Oxford Centre for Criminology



The Oxford Centre for Criminology is a leading site of cutting-edge social enquiry and outstanding graduate education in criminology and criminal justice. Staff and students are committed to understanding and addressing contemporary public policy dilemmas in the UK and internationally. This year we turn 50 and in recognition of this significant milestone, we have organised an exciting programme of events (see <https://www.law.ox.ac.uk/centres-institutes/centre-criminology/criminology-50th-anniversary>).

Palgrave Macmillan

palgrave
macmillan

We publish award-winning research which changes the world across the humanities, social sciences and business for academics, professionals and librarians. We offer authors and readers the very best in academic content whilst also supporting the community with innovative new formats and tools. Our rapidly expanding

range of criminology books has won several major prizes from prestigious organisations such as the British Society of Criminology. We work with a line-up of top international authors to bring you fresh perspectives on exciting areas of study, including series such as Palgrave Hate Studies, and Palgrave Studies in Prisons and Penology.

Routledge



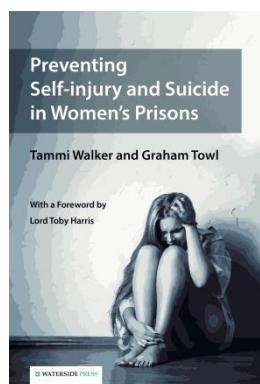
Routledge is the world's leading academic publisher in the Humanities and Social Sciences. We publish thousands of books and journals each year, serving scholars, instructors, and professional communities

worldwide. Our current publishing programme encompasses ground-breaking textbooks and premier, peer-reviewed research in the Social Sciences, Humanities, Built Environment, Education and Behavioural Sciences. Routledge is supporting the launch of Justice and Penal Reform: Reshaping the penal landscape (Eds Farrall, Goldson, Loader and Dockley) and providing the prizes for the best PhD paper.

Supervisble

Supervisble is a research project that uses photography to understand the experiences of those subjected to community supervision. It is being undertaken in England, Scotland and Germany and is led by Professors Wendy Fitzgibbon (London Metropolitan University) and Fergus McNeill (University of Glasgow). Its premise is that community supervision has developed rapidly in scale, distribution and intensity in recent years yet it has largely escaped the attention of legal scholars and social scientists more concerned with the 'mass incarceration' reflected in prison growth. Supervisble aims to begin to bridge this gap. It uses the compelling, and novel, photovoice methodology to understand the perspectives of service users. The aim is to engage with politicians, policy makers, practitioners and the public to communicate the meaning, use and effectiveness of community supervision as a means of delivering justice in fiscally straitened times. This research is being funded by the Howard League for Penal Reform.

Waterside Press



Preventing Self-injury and Suicide in Women's Prisons

Tammi Walker and Graham Towl. Foreword Lord Toby Harris.

In 2015 the landmark suicide of the 100th woman to kill herself in prison custody passed largely unnoticed. This invaluable book by two experts examines all aspects of the history, present practices, causes and prevention prospects for this tragic chain of events.

ISBN 9781909976290 RRP £19.95 (post free).



Special conference offer valid until April 30th using voucher code **HL 15**. Save 15%. www.watersidepress.co.uk

Wiley

WILEY

John Wiley and Sons was founded in 1807 and is the oldest independent publishing house in the United States. Wiley and its acquired companies have published the works of more than 450 Nobel laureates in all categories for which the prize is awarded. With the February 2007

acquisition of Blackwell Publishing, Wiley created the largest publisher for professional and scholarly societies. Today, through Wiley Online Library, we provide online access to over 1,500 scholarly peer-reviewed journals, over 9,000 books, and many reference works and databases. Wiley is a leading provider of content in medicine and the health sciences, the life and physical sciences, engineering, and the humanities and social sciences. Wiley has provided bursaries for two PhD students to attend this conference and sponsored the session to meet the editor of the Howard Journal for Crime and Justice.

Women in Prison



Women in Prison (WIP) is a women-only organisation that provides gender-specialist support to women affected by the criminal justice system and campaigns to expose the injustice and damage caused to women and their families by imprisonment. WIP delivers advice and support across the women's prison estate in England and continues engagement into the community with outreach and our three women's centres – WomenMatta in Manchester, the Beth Centre in Lambeth and the Women's Support Centre in Woking.

Plenary Speakers

Day 1

Plenary session 1: *Justice and penal reform*

Frances Crook, Chief Executive, the Howard League for Penal Reform



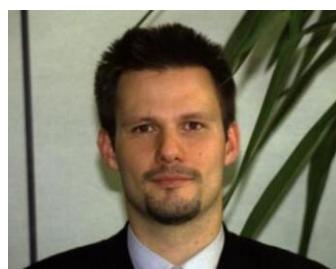
Appointed Chief Executive of the Howard League for Penal Reform in 1986, Frances Crook has been responsible for research programmes and campaigns to raise public concern about suicides in prison, the over-use of custody and poor conditions in prison, young people in trouble, and mothers in prison. Under her direction the number of staff and turnover of the charity have grown twenty-fold. The charity provides legal advice to children in custody and has taken a number of successful judicial reviews that have improved the treatment of children and young people in custody and on release. She writes articles for the national media and frequently does interviews on radio and television news. Frances Crook was the campaigns co-coordinator at Amnesty International's British Section from 1980 to 1985. After taking a Medieval and

Modern History degree at Liverpool University she qualified as a teacher, working in secondary schools in Liverpool and London until 1980. She was twice elected as a Labour Councillor for East Finchley on Barnet Council, serving from 1982 to 1990. She has been a school governor and chaired various local community organisations. She was a Governor of Greenwich University for six years and chaired the Staff and General Committee, retiring in 2002. In 2005 to 2008 she served on the Board of the School Food Trust, the non-departmental public body charged with overseeing the implementation of national standards for school food to every school in England and Wales. From 2009 to 2011 she was an NHS Non-Executive Director of Barnet Primary Care Trust. Frances Crook was awarded the Freedom of the City of London in 1997 and the Perrie Award in 2005. She was awarded an OBE in the Queen's New Year's Honours list 2010. She was appointed a Senior Visiting Fellow at the London School of Economics in 2010 and a Senior Visiting Fellow at the Department of Criminology at Leicester University in 2014.

Howard League: Past, present and future

Synopsis: Not available

Professor Dr Tom Vander Beken, Ghent University



Tom Vander Beken is a lawyer, criminologist and professor at the department of criminology, criminal law and social law at Ghent University in Belgium. His research and publications focus on criminal justice and prison studies.

Asking new questions: Lessons learned from John Howard

Synopsis: When John Howard (1726–1790) was appointed as High Sheriff of Bedfordshire, he had an official visit to make to the county town jail. The things he witnessed there struck him with revulsion. Questions about who should be paying the salary of the jailer prompted a flood of prison visits across Europe resulting in a tremendous amount of detailed information about prisons and prison conditions and the publication of the *State of the Prisons* (1777). With this work Howard put new questions on the agenda that are still a source of inspiration for reformers and monitoring and inspection bodies today. This paper reports on a study that followed the footsteps of Howard and included prison visits and research in six countries (England, Norway, the Netherlands, France, Italy and Azerbaijan). Howard's reflections are used as a frame to provoke debate about contemporary prisons. Rather than starting from the question what prisons are (or should be), what they look like or how they (should) work, the basic premise has been to investigate what prisons in today's Europe are for, and what functions they undertake in and for our society. This brings up new questions about prisons that might inspire and challenge inspectors and monitors today.

Plenary session 2: Inspection as a catalyst for penal reform

Chair

Professor Ian Loader, University of Oxford



Ian Loader is Professor of Criminology and Fellow of All Souls College at the University of Oxford. He arrived at Oxford in 2005 from Keele University, where he had worked since 1992 in the Department of Criminology. Ian is currently working on a project – termed 'A Better Politics of Crime' – concerned with different dimensions of the relationship between crime control and democratic politics. The first strand of work on this project was brought together in *Public Criminology?* (with Richard Sparks, 2010). It will be followed by a monograph, *Crime Control and Political Ideologies*

(working title) and also includes co-edited volumes on *Democratic Theory and Mass Incarceration* (with Albert Dzur and Richard Sparks, Oxford UP) and a book on *Justice and Penal Reform* (co-edited with Barry Goldson, Steve Farrall and Anita Dockley, Routledge) which will be published in March 2016. Ian is Editor-in-Chief of the *Howard Journal of Crime and Justice*. He is also an Associate Editor of *Theoretical Criminology* and is on the Editorial Boards of *Policing: A Journal of Policy and Practice* and *IPS: International Political Sociology*. He is chair of the Howard League's research advisory group.

Peter Clarke CVO OBE QPM, HM Chief Inspector of Prisons



Peter Clarke joined the Metropolitan Police in 1977 after graduating in Law from Bristol University. He served in a variety of uniformed and detective roles in London, including commanding the Brixton Division, and Staff Officer to the Commissioner of the Metropolitan Police. After serving as Deputy Director of HR for the 45,000 employees of the Metropolitan Police, in May 2002 he was appointed as Head

of the Anti-Terrorist Branch at New Scotland Yard and National Co-ordinator of Terrorist Investigations, leading the investigation into all acts of terrorism in the UK and against British interests overseas. He retired from the police service from the position of Assistant Commissioner, Specialist Operations in 2008. In 2009 he was appointed by the Prime Minister to be a member of the UK National Security Forum, created to advise Government on the implementation of the UK National Security Strategy. In addition to holding a number of advisory and consultative roles in the private sector, he was a non-executive Director of the UK Serious Organised Crime Agency from 2009–13. In 2014 he was appointed by the Secretary of State for Education to be the Education Commissioner for Birmingham with a specific remit to investigate alleged Islamist infiltration of schools. He became a member of the Board of the Charity Commission in 2013, and is a trustee of the Crimestoppers charity. He has been a Fellow of the Center for Law and Security at New York University and was awarded an Honorary Doctorate in Laws by the University of Bristol in 2008. He was appointed as HM Chief Inspector of Prisons in 2016.

First Impressions and Future Challenges

Synopsis: Not available

Dame Anne Owers, Chair, IPCC



Dame Anne Owers read history at Girton College, Cambridge. After graduating, she spent three years in Zambia teaching and conducting research into African history. While taking time out to bring up her three children, she continued to undertake research and voluntary advice and race relations work. In 1981, she joined the Joint Council for the Welfare of Immigrants as a research and development officer; four years later, she was appointed its general secretary. From 1992 to 2001, she served as director of the human rights and law reform group Justice, in which role she helped to establish the Criminal Cases Review Commission to investigate possible miscarriages of justice. In 2001, she was the first woman to be appointed Her Majesty's Chief Inspector of Prisons for England and Wales, in which capacity she served until 2010. Her remit included inspections of prisons, immigration removal centres and police custody. Between 2010 and 2011 she chaired an independent review of the prison system in Northern Ireland, and in 2012 was appointed chair of the Independent Police Complaints Commission (IPCC). She is also chair of Clinks, the umbrella organisation for voluntary sector organisations working with offenders, and of the Koestler Trust, which supports and exhibits art by prisoners and detainees. She was appointed Dame Commander of the British Empire in 2009 in recognition of her services to the criminal justice system.

Synopsis: Why independent inspection is particularly important in penal settings, across a number of jurisdictions, and what constitutes independence in relation to those settings. How it fits into the framework of accountability, alongside independent investigations, judicial proceedings, and internal management. How it can be part of a virtuous circle of improvement (with examples) and what is necessary in order for that to happen – drawing on HMIP experience 2001–16.

Dame Glenys Stacey, HM Chief Inspector of Probation



Glenys Stacey is an experienced regulator and chief executive. A solicitor by profession, she has seventeen years CEO experience, having led the start up or turnaround of a number of public sector organisations responsible for legal and/or regulatory services. Glenys joined Ofqual as its CEO and Chief Regulator designate in March 2011, and became its CEO and Chief Regulator by statute in April 2012. Ofqual is leading the implementation of the Government's planned reforms to qualifications in England. It advises Government on how best to deliver Government's policy aims for qualifications, and has specific statutory objectives to ensure standards. In March 2016 Glenys took up the post of Her Majesty's Chief Inspector of Probation. In many ways this is a move 'home' for her, back into the world of criminal justice where she spent much of her career. Her Majesty's Inspectorate of Probation exists to set standards and drive improvement in probation services, with the joint aims of reducing reoffending and protecting the public. Glenys holds an MBA and is just completing an MA in Educational Assessment.

Synopsis: Not available

David Strang QPM, HM Chief Inspector of Prisons for Scotland



David Strang took up post as HM Chief Inspector of Prisons for Scotland in June 2013. He is responsible for the inspection of prisons in Scotland – to examine the treatment of prisoners and the conditions in prisons. He is required to report his findings to Scottish Ministers, and to lay an Annual Report before the Scottish Parliament. From August 2015 HM Chief Inspector of Prisons for Scotland assumed overall responsibility for the monitoring of prisons, which is carried out on a day to day basis by independent prison monitors. The Chief Inspector also has responsibility for the inspection of the treatment of and conditions for prisoners under escort. David was a Chief Officer in the police service in Scotland for 15 years. Until April 2013 he was Chief Constable of Lothian and Borders Police, a post he held for six years. From 2001–2007 he was Chief Constable of Dumfries and Galloway Constabulary. David has had a long involvement in the reform of criminal justice in Scotland, and was a member of The McInnes Committee Summary Justice Review (2001–2004), The Scottish Sentencing Commission (2003–2006), and The Scottish Prisons Commission (2007–2008) which produced the report "Scotland's Choice". He served in the Metropolitan Police from 1980–1998 and his final post there was as Divisional Commander at Wembley. In 1989 he obtained an MSc degree in Organisational Behaviour from Birkbeck College, University of London. He was awarded the Queen's Police Medal in 2002. David is currently the Chair of the Scottish Association for the Study of Offending (SASO).

Hearing the prisoner's voice: Examples from Scotland

Synopsis: Last year a new system of Independent Prison Monitoring was introduced for all prisons in Scotland. Responsibility for this function sits with HM Chief Inspector of Prisons for Scotland. Aligning the functions of inspecting and monitoring brings a

unique and more powerful oversight of prisons and allows the experiences of prisoners to contribute more effectively to improving the conditions in prison and the treatment of prisoners.

Sir Thomas Winsor, HM Chief Inspector of Constabulary



In October 2012, Sir Thomas Winsor was appointed as Her Majesty's Chief Inspector of Constabulary. He is the first holder of that office to come from a non-policing background. Sir Thomas graduated from the University of Edinburgh in 1979 and is a lawyer admitted to practise in both Scotland, and England and Wales. In private practice, he specialised in complex commercial projects, finance, public law and the design and operation of economic and safety regulatory systems for essential public services such as energy, water and transport. He was a partner in major commercial law firms in the City of London. Between 1999 and 2004, Sir

Thomas was the Rail Regulator and International Rail Regulator, the economic regulatory authority for the railways in Great Britain. Between October 2010 and March 2012, Sir Thomas carried out a review of the pay and conditions of service of police officers and police staff in England and Wales. The review was carried out at the request of the Home Secretary and was the most comprehensive for more than 30 years. It recommended the replacement of pay scales based on time service with a system of pay advancement according to skills and contribution, direct entry to the police at senior ranks, fitness testing and the replacement of the statutory apparatus for the determination of police pay. Legislation to implement a significant proportion of Sir Thomas's recommendations was passed in March 2014. Sir Thomas's knighthood was announced in the 2015 New Year honours list.

Synopsis: Not available

Day 2

Plenary session 3: *Public Perception of penal reform*

Chair

Professor Stephen Farrall, University of Sheffield



Stephen Farrall is Professor of Criminology in the School of Law at Sheffield University. Prior to that he taught at the Universities of Oxford and Keele and had visiting positions at ANU (Australia) and the Department of Criminology at Keele University. His research interests include: why people stop offending, the fear of crime and the ways in which political processes and structures shape outcomes in the criminal justice system. He is currently leading an ESRC-funded project which is exploring the ways in which the social and economic policies of Margaret Thatcher's governments (1979–1990) affected crime

rates in England and Wales. One of his most recent publications is a collection of essays co-edited with Colin Hay on the legacy of Thatcherism (*The Legacy of Thatcherism: Assessing and Exploring Thatcherite Social and Economic Policies*), which was published by Oxford University Press in conjunction with the British Academy

in 2014. Stephen is a member of the Howard Journal of Crime and Justice's editorial advisory group and a member of the Howard League for Penal Reform's Research Advisory Group.

Dr Tim Bateman, Principal Policy Adviser (Youth Justice), Office of the Children's Commissioner



Tim Bateman is Principal Policy Adviser (Youth Justice) to the Children's Commissioner for England. He is currently seconded to that position for two years; his substantive post is Reader in Youth Justice at the University of Bedfordshire. Prior to moving into academia, Tim worked for Nacro's youth crime section and had extensive experience as a youth justice social worker. Tim has written widely on youth justice issues. He is co-editor of *Safer Communities* journal, news editor of *Youth Justice* journal and a trustee of the National Association for Youth Justice.

Public engagement and criminal justice: children and young people as members of the public

Synopsis: This presentation will consider some of the challenges arising for public engagement in relation to the youth justice system where some of the issues may be quite different to those that pertain to the adult system. It will also consider the role of children and young people as members of the public in this context.

Professor Neil Chakraborti, University of Leicester



Neil Chakraborti is a Professor of Criminology at the University of Leicester and Director of the Leicester Centre for Hate Studies. He is also an Adjunct Professor at the University of Ontario, Chair of Research for the Board of Trustees of the Howard League for Penal Reform, and Series Editor of *Palgrave Hate Studies*. He has researched and published extensively within the fields of hate crime, victimology and diversity. His books include *Hate Crime: Impact, Causes and Responses* (Sage, 2015 and 2009 with Jon Garland); *Responding to Hate Crime: The Case for Connecting Policy and Research* (The Policy Press, 2014 with Jon Garland); *Islamophobia, Victimization and the Veil* (Palgrave Macmillan, 2014 with Irene Zempi); *Hate Crime: Concepts, Policy, Future Directions* (Routledge, 2010); and *Rural Racism* (Routledge, 2004 with Jon Garland).

Marginalising the Marginalised? Recognising Victims of Hate and their Perceptions of Harm, Vulnerability and [In]Justice

Synopsis: 'Hate crime' is a politically and socially significant term that cuts across disciplines, across communities and across borders. However, while significant progress has been made in terms of improving levels of understanding and support for some groups of victims, a series of challenges remain which can hinder the 'real-life' value of empirical research and policy development. This paper focuses on those challenges and examines factors that have led to the continued marginalisation of many victims of targeted hostility. In doing so, the paper considers why particular groups of

hate crime victims remain under-researched and under-protected and what can be done to dismantle barriers to reporting, engagement and justice.

Yvonne Roberts, Journalist and Chair of Women in Prison



Yvonne Roberts is the former Chief Leader Writer of The Observer and is now a writer and columnist on the paper. She is an award winning journalist, novelist and writer and has worked in television and for every British broadsheet. In 1983, she began to work with Chris Tchaikovsky, a successful (for a time) con artist and criminal who subsequently became a campaigner and founder of the charity, Women in Prison, <http://www.womeninprison.org.uk/> fighting to reduce the number of women in prison, improve conditions and expose miscarriages of justice. They worked together until Chris's death in 2002. Yvonne has been a trustee at Women in Prison for seven years and chair since 2014. She is a trustee of Maslaha <http://www.maslaha.org/>. She is on the advisory committee of All About Trans <http://www.allabouttrans.org.uk/>, a member of the Women's Budget Group <http://wbg.org.uk/> and a Fellow of The Young Foundation. The link – as Chris Tchaikovsky believed – is the social injustice experienced by marginalised people, the propaganda power of language and the need for campaigners not just to agitate, research and publish but to innovate and offer alternatives.

Lock'em up or let them out – has the media lost the plot?

Synopsis: Not available

Neena Samota, University of Westminster



Neena is a visiting Lecturer in Criminology at the University of Westminster. She has worked in criminal justice research, evaluation and policy development for 15 years. Working in the Race Unit at Nacro (the crime reduction charity), Neena monitored ethnic disproportionality in the criminal justice process. Her work portfolio spans criminal justice, mental health and social policy; this includes youth crime, race, gender, resettlement, restorative justice and equality issues in criminal justice. Neena maintains extensive engagement with the voluntary sector through research, governance and campaigning work. She is Chair of Voice4Change England (V4CE), a national infrastructure body supporting the black and minority ethnic voluntary and community sector. She has been a member of StopWatch since it was formed in 2010 to campaign for effective, accountable and fair policing. Neena is also a steering group member of the Reclaim Justice Network which campaigns to promote alternatives to criminal justice. She is a member of advisory groups including the Lola Young Review, the Home Secretary's Policing and Diversity group, and the PEEL Effectiveness and Legitimacy Advisory Group.

Race in criminal justice: Policy, practice and politics

Synopsis: Criminal justice policy perpetuates the link between race and crime. From policing to prisons, the criminalisation of black and minority ethnic groups persists. Recent Supreme Court rulings on joint enterprise, police power under Section 60, and continued abuse of stop and search powers all expose racial bias at the heart of the criminal justice system. Acknowledgement of this problem by criminal justice agencies remains woefully inadequate, and policies and actions in perpetrating unequal outcomes go unchallenged in the media. The simultaneous expansion and privatisation of the system has made things worse. Recent prison inspectorate reports find that racism remains and that disparities in experience, perception and outcomes for prisoners from minority ethnic groups endure. Since 2010 policies targeting race equality have been substantially weakened and displaced by discourses of efficiency and management of equalities issues. The legitimacy of this new discourse needs to be challenged through the politics of distributive practices that elicit more positive outcomes on race.

Joe Twyman, Head of Political and Social Research, YouGov



Joe Twyman is Head of Political and Social Research at YouGov and was a founding director of the company back in 2000. Prior to leading the Political and Social Research Team, Joe held a variety of senior positions within the company and was responsible for building the company's online research operations. He also spent two and a half years in Baghdad as a director of YouGov's Iraq operation from 2007 to 2010. He has published a number of academic research papers, worked as project director for the 2001, 2005, 2010 and 2015 British Election Studies and regularly provides expert analysis for TV, radio and newspapers both at home and abroad. You can find him on twitter @joetwyman.

Carrot or Stick? A Nation Divided

Synopsis: Drawing on exclusive results produced for the Howard League, YouGov's Joe Twyman will explore the British public's attitudes towards the punishment and rehabilitation of offenders.

Plenary session 4: Economics and impact on penal policy

Chair

Professor Barry Goldson, University of Liverpool



Professor Barry Goldson currently holds the Charles Booth Chair of Social Science at the University of Liverpool where he was previously Professor of Criminology and Social Policy. He is also Visiting Professorial Research Fellow at the Faculty of Law, University of New South Wales, Sydney, Australia (since 2010), Professorial Fellow in Social Justice at Liverpool Hope University, UK (since 2012) and Adjunct Professor at the School of Justice, QUT, Brisbane, Australia (since 2014). He is an appointed member of the Pool of European Youth

Researchers (PEYR), an expert group established by the Council of Europe and the European Commission to advise on pan-European youth policy and research. Professor Goldson has researched and published extensively – particularly in the juvenile/youth justice fields. His most recent authored and/or edited books include: *Youth Crime and Justice* (Sage, 2006, with Muncie); *Comparative Youth Justice* (Sage, 2006, with Muncie); *Dictionary of Youth Justice* (Willan, 2008); *Youth Crime and Juvenile Justice* (an edited three-volume set of international ‘major works’, Sage 2009, with Muncie); *Youth in Crisis? ‘Gangs’, Territoriality and Violence* (Routledge, 2011); *Youth Crime and Justice*, 2nd edition (Sage, 2015, with Muncie); *Justice and Penal Reform: Re-shaping the penal landscape* (Routledge, 2016, with Farrall, Loader and Dockley) and *Re-imagining Juvenile Justice* (forthcoming, Routledge). Barry is a member of the Howard Journal of Crime and Justice’s Editorial Advisory Group and he is a member of the Howard League’s Research Advisory Group.

Tom Gash, Senior Fellow, Institute for Government and Visiting Senior Fellow at the LSE

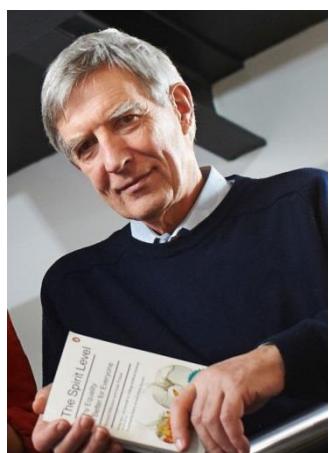


Tom Gash is a Senior Fellow at the Institute for Government and a Visiting Senior Research Fellow at the Mannheim School of Criminology at the London School of Economics. He was formerly Director of Research at the Institute for Government, a crime policy adviser in the Prime Minister’s Strategy Unit, and a consultant with the Boston Consulting Group, for whom he still works as an Expert Adviser. Tom is a regular contributor to debates on public policy and current affairs, having written for *The Independent*, *The Guardian* and the *Financial Times*, and he speaks frequently on television and radio advocating improvements in crime policy and wider public sector management. His first book *Criminal: The Truth About Why People Do Bad Things* is published by Penguin, Allen Lane, May 2016.

The limited impact of economics on crime reduction

Synopsis: Tom Gash will argue that a wide body of research shows that it is possible – and indeed desirable – to reduce crime without addressing structural economic factors such as poverty and inequality. He argues that none of our recent crime trends can be explained by shifts in poverty or inequality and that confusing economic and crime debates is a trap that policymakers and politicians should avoid.

Professor Richard Wilkinson, University of Nottingham



Richard Wilkinson has played a formative role in international research on the social determinants of health and on the societal effects of income inequality. He was instrumental in the initiative which, in 1980, led to the UK government publishing the Black Report Inequalities in Health. Two of his books have been the subject of documentary films. He studied economic history at LSE before training in epidemiology. He is Professor Emeritus of Social Epidemiology at the University of Nottingham Medical School, Honorary Professor at UCL and a Visiting Professor at the University of York. Richard co-wrote *The Spirit Level* with Kate Pickett which won the 2011 Political Studies Association Publication of the Year Award and the 2010

Bristol Festival of Ideas Prize. Richard is also a co-founder of The Equality Trust.

Synopsis: Richard Wilkinson will discuss the causal pathways which link harsher sentencing and bigger prison populations to greater inequality. He will also discuss the apparent mismatch between long term reductions in crime rates and the international evidence of the social effects of inequality.

Plenary Session 5: *Human rights law and penal reform*

Chair

Andrew Neilson, Director of Campaigns, the Howard League for Penal Reform



Andrew Neilson is the Howard League's Director of Campaigns, managing the charity's policy, press and public affairs work. He has led on a number of campaigns, including Books for Prisoners, which won a Charity Award 2015, and the recent successful campaign against the criminal courts charge. He has also directed a number of inquiries on a range of issues for the Howard League, from topics such as sex in prison to former armed service personnel in the criminal justice system. Prior to joining the Howard League, Andrew worked in government communications. He has a MSc in voluntary sector management from Cass Business School.

Phillippa Kaufmann QC, Matrix Chambers



Phillippa Kaufmann took silk in 2011. Her expertise spans the public and private law arenas. She is equally at home in complex trials requiring mastery of large volumes of evidence and skilled cross examination as before the Administrative Court, Court of Appeal or Supreme Court arguing novel and difficult points of law. Philippa was named 'Human Rights and Public Law Silk of the Year' at the 2014 Chambers Bar Awards. She is an ADR Group Accredited Civil and Commercial Mediator.

Synopsis: Not available

Professor Dirk van Zyl Smit, University of Nottingham



Dirk van Zyl Smit is Professor of Comparative and International Penal Law at the University of Nottingham (2006–) and Emeritus Professor of Criminology of the University of Cape Town (1982–2005). In 2012 he was Global Visiting Professor of Law at New York University. Professor van Zyl Smit is currently project leader of a study of life imprisonment worldwide, which is funded by the Leverhulme Trust. He is chair of the board of Penal Reform International and has acted as adviser on penal matters to the Council of Europe, the

United Nations Office for Drugs and Crime for its Handbooks on Alternatives to Imprisonment and the International Transfer of Sentenced Prisoners and several national governments. Among his more than 130 academic publications are *Taking Life Imprisonment Seriously* (Kluwer, 2002) and *Principles of European Prison Law and Policy* (with Sonja Snacken, Oxford 2009).

Using human rights to reform life imprisonment in the United Kingdom

Synopsis: The United Kingdom has more prisoners serving life sentences than any other country in Europe. This paper argues that the reasons for this can be found in various aspects of the law and practice that do not engage adequately with human rights-based concerns:

- (a) Too many people are receiving life sentences. Life imprisonment is a disproportionately severe sentence for all murders; particularly because, in England and Wales at least, the offence of murder is very widely defined.
- (b) Minimum periods that have to be served before life prisoners can be considered for release have become too long and thus disproportionately severe as a result of the Criminal Justice Act 2003.
- (c) Inadequate opportunities for life prisoners to rehabilitate themselves further delay their release unfairly.
- (d) The continued detention of several thousand IPP prisoners, despite the abolition of this indeterminate (life) sentence in 2012.

In addition, the grudging response of the UK government to ensuring that prisoners with whole life orders are considered for release, as required by the Grand Chamber of the European Court of Human Rights, undermines the human rights of this group. An assertion of substantive rights of all prisoners to human dignity can be used to combat these shortcomings. Human dignity implies that a loss of liberty should not be disproportionately severe; that all prisoners must have opportunities to improve themselves; and that there must be a due process based release system that gives all life prisoners a realistic prospect of release – that is, all life prisoners should have a right to hope.

Day 3

Plenary Session 6: Terror and penal reform

Chair: Anita Dockley, Director of Research, the Howard League for Penal Reform



Anita Dockley is responsible for developing the Howard League's research capacity, forging links with academics and universities, funders and partner organisations. Her own research interests include suicide and self-harm in prisons, women in prison and order and control in the prison environment. She is the managing editor of the Howard Journal of Criminal Justice. She was a member of the law sub panel in the 2014 Research Excellence Framework assessments. Anita is also a member of the Perrie Lectures Committee and represents the Howard League on several research projects including the Digital Panoptican (Liverpool); Diversity in three

Yorkshire Prisons (Bradford); Co-producing desistance through co-operatives (Strathclyde); Prisoners, Medical Care and Entitlement to Health in England and Ireland, 1850-2000' (Warwick) and End of Life Care in Prisons (Lancaster).

Professor Mary Bosworth, University of Oxford



Mary Bosworth is Professor of Criminology and Fellow of St Cross College at the University of Oxford and, concurrently, Professor of Criminology at Monash University, Australia. She has published widely on immigration detention and imprisonment, including, most recently *Inside Immigration Detention* (OUP, 2014). Mary is currently heading a five-year project on "Subjectivity, Identity and Penal Power: Incarceration in a Global Age" funded by a Starter Grant from the European Research Council, and a three-year International Leverhulme Network on External Border Control funded by the Leverhulme Trust. She is the Director of Border Criminologies (<http://bordercriminologies.law.ox.ac.uk>), the UK Editor-in-Chief of *Theoretical Criminology*, a co-editor of *Routledge Studies in Criminal Justice, Borders and Citizenship*, and a member of the editorial board of the Clarendon Studies in Criminology.

Immigration detention and penal power in an age of terror

Synopsis: In this paper I critically assess the emphasis placed on migration in current discourses and policies about security and terrorism. Taking the immigration detention centre as a case study and exemplar of the impossibility of securing the border, I explore how these sites, in their resemblance to prisons and in their inaccessibility, shore up and justify racialised fears about foreigners. Through the use of testimonies from detainees and staff, I reveal a far more banal reality, concluding that a large part of the purpose of these establishments is to render unfamiliar those who live amongst us. In so doing, IRCs rely on a particular form of penal power that seeks only to expel, rather than to reintegrate.

Professor Alison Liebling, University of Cambridge



Alison Liebling is Professor of Criminology and Criminal Justice at the University of Cambridge and the Director of the Institute of Criminology's Prisons Research Centre. She has carried out research on prison suicide and prevention strategies, conceptualising and measuring the moral quality of prison life, the management of difficult prisoners, incentives and earned privileges, staff-prisoner relationships, and values, practices and outcomes in public and private sector corrections. Her most recent research is on the changing nature of staff-prisoner and prisoner-prisoner relationships in high security prisons and the changing role of religious identity in prison. She was awarded an ESRC-funded 'Transforming Social Science' research contract in 2012–14 to explore the location and building of trust in high security settings. Her books include *Suicides in Prison* (1992), *Prisons and their Moral Performance: A Study of Values, Quality and Prison Life* (2004), *The Effects of Imprisonment* (2005), *The Prison Officer* (2nd edition 2011) and *Legitimacy and Criminal*

Justice: International Explorations (2013). She is an expert member of the EU-funded working project led by the Netherlands on *Prisons of the Future*. She was awarded an Honorary Doctorate from the University of Örebro, Sweden in 2012.

'Intelligent trust', 'subversive geraniums', and penal reform

Synopsis: In this paper, I challenge 'terror talk', proposing that we replace 'risk discourse', and action, with 'trust discourse' and action, in the interests of building a better future. I draw on the results of a two year study of 'the location and building of trust' in high security prison settings, and explore some of the advantages found, then and since, in approaching both prison life in general, and 'the new security risks' in particular, in this way.

Professor Lucia Zedner, University of Oxford



Professor Lucia Zedner FBA is Professor of Criminal Justice, Faculty of Law and a Member of the Centre for Criminology at the University of Oxford, and Conjoint Professor, Law Faculty, University of New South Wales. Her recent research has focused on the foundations for coercive measures taken by the state in the name of crime prevention and public protection, including indefinite detention of dangerous offenders, counter-terrorism laws and policies, and the policing of immigration. Her latest work includes a co-edited volume of essays *Prevention and the Limits of the Criminal Law* (Oxford UP 2013) and a monograph *Preventive Justice* with Andrew Ashworth (Oxford UP 2014).

Preventing terrorism without terrorizing criminal justice

Synopsis: After 9/11 & 7/7, counterterrorism reforms side-stepped the penal process as states resorted to military action, emergency powers and exceptional measures. The government's professed policy of 'the priority of prosecution' was applauded by leading academics as 'a welcome return to the criminal justice model'. But there are costs too. This paper examines the hazards of overly expanding the criminal law, eroding process protections, compromising fair trial and imposing disproportionate punishment. And it considers what reforms are needed to prosecute terrorism without terrorizing criminal justice.

Plenary Session 7

Beyond mass incarceration

Chair

Frances Crook, Chief Executive, the Howard League for Penal Reform

(See page 14 for biographical details)

Michael Jacobson, CUNY Institute for State and Local Governance



Michael Jacobson is a Professor of Sociology at the CUNY Graduate Center and the Executive Director of the CUNY Institute for State and Local Governance. He was President of the Vera Institute of Justice from 2005 to 2013 and is the author of *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration* (New York University Press 2005). From 1998 to 2005 he was a Professor at John Jay College of Criminal Justice and the Graduate Center of CUNY. He was New York City Correction Commissioner from 1995 to 1998, New York City Probation Commissioner from 1992 to 1996.

How do we actually end mass incarceration in the United States?

Synopsis: While calls to end mass incarceration in the United States have grown steadily over the last decade and have increasingly come from conservatives as well as progressives, there has been little attempt at actually identifying at what point mass incarceration ends and “normal” incarceration begins. In addition, there is no extant strategy for how to precisely achieve the goal of ending mass incarceration – especially given the local (state, city and county) character of where mass incarceration actually happens. I will argue that without directly tackling the issue of reforming how we sentence those who commit violent offenses, ending mass incarceration in the United States is impossible.

In order to end mass incarceration in the United States, the prison population must decline from the current level of 1.4 million people to approximately 400 thousand people (I will explain the rationale for that number in the paper and presentation). In order to achieve this level of decline, there needs to be a “second wave” of prison reform in the United States. What I mean by this is that the important strategies that have resulted in the marginal declines we have seen in the last several years (the overall incarceration rate in the US has declined slightly for 5 consecutive years) will not be nearly enough to get the huge reductions that will result in ending mass incarceration.

Strategies such as reducing mandatory minimum sentences for low level drug or property offenders, technical parole and probation violator reform, and increased diversion for drug offenders, as important as they have been to achieving the reductions over the last 5 years, will fall well short of achieving the goal of ending mass incarceration. Without tackling the issue of violence directly, ending mass incarceration is simply not possible. That is, those convicted of violent offenses take up a disproportionate number of prison beds in the United States and without lowering the number of people in prison for violent offenses, it is not possible to reduce the prison population by one million people (the number I argue is necessary to end mass incarceration). Even if every single person convicted of a non-violent offense was released from prison tomorrow, we would still have about 800 thousand or so people in prison – a huge reduction to be sure (and obviously an equally hugely unlikely scenario) but not enough to end mass incarceration. Without confronting the issue of how we prevent violence as well as reconsidering the lengths of time we impose on those who commit violent acts, the goal of ending mass incarceration will remain elusive.

Dr Todd Clear, Rutgers School of Criminal Justice



Todd R. Clear is Distinguished Professor of Criminal Justice, Provost Rutgers University-Newark. He has served previously as Provost of the University, and before that Dean of the School of Criminal Justice. Clear has also held professorships at John Jay College of Criminal Justice (where he held the rank of Distinguished Professor), Florida State University (where he was also Associate Dean of the School of Criminology and Criminal Justice) and Ball State University. Clear has authored 13 books and over 100 articles and book chapters. His most recent book is *The Punishment Imperative*, by NYU Press. Clear has also written on community justice, correctional classification, prediction methods in correctional programming, community-based correctional methods, intermediate sanctions, and sentencing policy. He is currently involved in studies of mass incarceration, the criminological implications of "place," and the economics of justice reinvestment, and college programs in prisons. Clear has served as president of The American Society of Criminology, The Academy of Criminal Justice Sciences, and The Association of Doctoral Programs in Criminology and Criminal Justice. His work has been recognized through several awards, including those of the American Society of Criminology, the Academy of Criminal Justice Sciences, The Rockefeller School of Public Policy, the American Probation and Parole Association, the American Correctional Association, and the International Community Corrections Association. He was the founding editor of the journal *Criminology & Public Policy*, published by the American Society of Criminology.

Synopsis: This presentation explores (1) How the US grew its prison population to historically unprecedented levels; (2) What happened with crime rates as a result of this growth; (3) How the growth was concentrated among poor people of color, leading to collateral consequences for families and communities; and (4) What the options are now for confronting mass incarceration.

Professor Lisa Miller, Department of Political Science, Rutgers University and Rothermere American Institute, University of Oxford



Professor Miller's research interests are in law and constitutions, social policy, inequality, crime and punishment. Her forthcoming book, *The Myth of Mob Rule: Violent crime and democratic politics* (Oxford University Press) is a comparative analysis of when, and with what consequences, crime becomes a politically salient issue. Professor Miller has served as a Visiting Scholar at the Program in Law and Public Affairs in the Woodrow Wilson School of Government at Princeton University (2012-13) and as a Visiting Fellow at All Souls College at the University of Oxford (2011-2012). Professor Miller's previous book is *The Perils of Federalism: Race, Poverty and Crime Control* (Oxford, 2008). Her work has appeared in *Law and Society Review*, *Punishment and Society*, *Perspectives on Politics*, *Criminology and Public Policy*, *Law and Social Inquiry*, *Theoretical Criminology*, among others.

The paradox of prison reform

Synopsis: What is the role of confinement in a democratic society? Much of the current literature on imprisonment in the UK and elsewhere is rightly critical of the massive growth of prisons and the inhumane treatment of prisoners. Less widely discussed is what role prisons should play in policy responses when violent crime is rapidly rising. Violent crime in Britain rose dramatically and steadily between the late 1960s and the 1990s, yet increasing imprisonment was met with deep hostility by scholars and other experts during the Blair years. My research demonstrates that the public is unlikely to share in this resistance, for understandable reasons, and may respond with even greater support for more punishment if unheeded. How can we reconcile the expert understanding of the limits of imprisonment with the public's genuine need to be secure from violent behaviour in their communities?

Parallel Sessions

Day 1: Parallel session 1

Panel 1: Reshaping justice together

Chair: Eoin McLennan-Murray, Trustee, Howard League for Penal Reform

Room 1, Third Floor, Sloane Robinson Building

Dr Ruth Armstrong and Dr Amy Ludlow, University of Cambridge

Reshaping justice through learning together in prisons

Dr Jo-Anne Dillabough, University of Cambridge

Navigating injustice: Securitisation and the young stranger in the global city

Bethany Schmidt, University of Cambridge

Democratic agency and productive resistance in the prison setting: How prisoners create meaning and change through participatory governance

Panel 2: User participation

Chair: Sue Wade, Chair, Howard League for Penal Reform

Room 2, Third Floor, Sloane Robinson Building

Dr Iain Britton, Lead Researcher, Institute for Public Safety, Crime and Justice; and Ed Barnard, Policy Manager, College of Policing

Citizens in policing – A new paradigm of direct citizen involvement

Ross Little, De Montfort University

“What is MAPPA?” A critical reflection of the production of a guide to resettlement for children in prison

Dr Lucy Wainwright, Research and Evaluation Manager, User Voice

‘I’ve walked in your shoes’ – A case for a greater involvement of peer researchers within criminal justice research

Panel 3: Deaths in custody: Regulation and reduction

Chair: Professor Barry Goldson, University of Liverpool and Howard League

Research Advisory Group member

Room 3, Third Floor, Sloane Robinson Building

Lorraine Atkinson, Senior Policy Officer, the Howard League for Penal Reform

Preventing suicides in prison

Dr Michael Fiddler, Greenwich University

Targeting ‘terminal malignant alienation’: Improving mental health literacy and reducing deaths in prison

Dr Philippa Tomczak, University of Sheffield

Prison suicide: Theorising its regulation

Dr Tammi Walker, Manchester Metropolitan University

Psychological functions of self-injury by imprisoned women in England: A thematic analysis

Panel 4: Learning from history – journeys to reform

Chair: Dr Lizzie Seal, University of Sussex and Howard League Research

Advisory Group member

Room 4, Third Floor, Sloane Robinson Building

Hajed Alotaibi, Bangor University

Saudi's legislation record

Professor Jhuma Sen, O.P. Jindal Global University, India

Between events and interpretations: The postcolonial state and juvenile justice law

Elif Ceylan Ozsoy, University of Exeter

Have the Ottoman penal reforms decriminalised homosexuality?

Panel 5: The politics of penal reform

Chair: Professor Ian Loader, University of Oxford and Chair, Howard League

Research Advisory Group

Room 5, Third Floor, Sloane Robinson Building

Dr Harry Annison, University of Southampton

Dangerous politics: Lessons for penal reform

Eleanor Butt, Policy Advisor, the Howard League for Penal Reform

Faint Hope: What to do about life sentences

Mark Telford, University of Southampton

The politics of the criminalization of Khat

Day 1: Parallel session 2

Panel 1: Spatial dynamics of desistance

Chair: Professor Stephen Farrall, University of Sheffield and Howard League

Research Advisory Group member

Room 1, Third Floor, Sloane Robinson Building

Professor Stephen Farrall, University of Sheffield

Exploring the spatial processes of desistance: Evidence from a 15 year English study of probationers

Dr David Kirk, University of Oxford

A natural experiment on residential change and criminal recidivism

Dana Segev, University of Sheffield

Desistance, culture, and the delivery of justice

Panel 2: Shaping the remit of criminal justice

Chair: Andrew Neilson, Director of Campaigns, Howard League for Penal Reform

Room 2, Third Floor, Sloane Robinson Building

Huang Gui, University of Debrecen, Hungary

The road to abolition of death penalty in China: With the perspective of the Ninth Amendment

Maria Lucia Karam, Carioca Institute of Criminology, Brazil

Legalising drugs: A stepping stone to restraining the state's power of punishment

Jane Mulcahy, University College Cork, Ireland

'Never waste a good crisis': An analysis of the current penal policy window in Ireland

Professor Dr Maurício Stegemann Dieter, University of São Paulo, Brazil

Legislative trends of Brazilian criminal law: Populism, internationalism and managerialism

Panel 3: Prison practices, penal regimes and desistance

Chair: Lorraine Atkinson, Senior Policy Officer, Howard League for Penal Reform

Room 3, Third Floor, Sloane Robinson Building

Lindsey Feldman, University of Arizona, United States

Reform on fire: The role of skilled labor programs in the era of mass incarceration

Gina Fox, University of Leicester

The rehabilitation lottery: Exploring the delivery and attitudes towards non-accredited programmes in a private prison using a case study approach

Praveen Jhalani, Hidayatullah National Law University, India

Combating contraband cell phone use in prison

Lisa Rowles, Design & Development Lead, Khulisa
Rage to reason: Creating a restorative prison culture

Panel 4: Women, criminal justice and penality

Chair: Eleanor Butt, Policy Advisor, Howard League for Penal Reform
Room 4, Third Floor, Sloane Robinson Building

Rebecca Gomm, Building Resilience Project

Building resilience for recovery: Insights into women's desistance from offending

Clare McGregor, Managing Director, Coaching Inside and Out

Coaching behind bars

Gail Wilson, Research & Policy Officer, Up-2-Us

'Hold your head up girl and you'll go far': The fight for gender equality in criminal justice responses

Panel 5: Social justice and community safety

Chair: Professor Kevin Haines, University of Swansea and Howard League

Research Advisory Group member

Room 5, Third Floor, Sloane Robinson Building

Gillian Buck, Keele University

The core conditions of peer mentoring by ex-offenders

Karl Lenton, Creative Director and Claire Shepherd, Director, Safe Innovations Ltd

From removal to inclusion: A feasibility study that places prisoners in the heart of their communities as the catalyst for change, reshaping the penal and social landscape

Dr Sarah Tickle, Liverpool John Moores University

The youth centre as a 'sanctuary' in aiding safer communities for young people

Panel 6: Beyond mass incarceration

Chair: Professor Ian Loader, University of Oxford and Chair, Howard League

Research Advisory Group

O'Reilly Theatre, Sloane Robinson Building

Anisul Huq MP, Honorable Minister, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh; Richard Miles, Consultant, Rule of Law, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ); and Promita Sengupta, Head of Programme, GIZ Rule of Law Programme, Bangladesh

Doing nothing is not an option

Discussants – Michael Jacobson, Executive Director, CUNY Institute for State and Local Governance; and Dr Todd Clear, Rutgers School of Criminal Justice, Newark

Day 2: Parallel session 3

Panel 1: Informal dynamics of prison governance in Latin America and Brazil

Chair: Gerry Marshall, Trustee, Howard League for Penal Reform

Room 1, Third Floor, Sloane Robinson Building

Dr Sacha Darke, University of Westminster

Co-producing order, survival and desistance

Oriana H. Hadler, Federal University of Rio Grande de Sul, Brazil

Brazilian prison dynamics: The co-production of order and the organic nature of governance

Maria Lucia Karam, Carioca Institute of Criminology, Brazil

Prison growth and violations of human rights in Latin America

Panel 2: Justice reinvestment

Chair: Professor Ian Loader, University of Oxford and Chair, Howard League

Research Advisory Group

Room 2, Third Floor, Sloane Robinson Building

Rob Allen, Co-Director, Justice and Prisons

Justice reinvestment – is there anything to learn from the USA?

Professor David Brown, University of New South Wales, Australia

Justice reinvestment: Winding back imprisonment?

Respondent – Professor Ian Loader, University of Oxford

Panel 3: Prisons, penalty and ‘race’

Chair: Andrew Neilson, Director of Campaigns, Howard League for Penal

Reform

Room 3, Third Floor, Robinson Building

Tahir Abass, Carers Leeds

The lived experiences of British Pakistani families of prisoners and their support needs

Jenny Johnstone, University of Newcastle upon Tyne and Dr Bankole Cole, Sheffield Hallam University

Black, minority ethnic and foreign national prisoner experiences in the UK prison system

Professor Francis Pakes, University of Portsmouth

The transnational prisoner?

Panel 4: Historicising penal reform

**Chair: Eleanor Butt, Policy Advisor, Howard League for Penal Reform
Room 4, Third Floor, Sloane Robinson Building**

Dr Anne Logan, University of Kent

Lessons from history: The Penal Reform League-Howard Association merger and the early years of the Howard League 1907–27

Dr Giuseppe Maglione, Edinburgh Napier University

Re-shaping restorative justice: A historical and critical ontology

Dr Lizzie Seal, University of Sussex

Racial discrimination and the death penalty in twentieth century Britain

Panel 5: Vulnerable children and criminal justice processes

**Chair: Professor Barry Goldson, University of Liverpool and Howard League Research Advisory Group member
Room 5, Third Floor, Sloane Robinson Building**

Piers von Berg, Barrister, 36 Bedford Row Chambers and University of Birmingham

Police interviews of child suspects: Neglected in a time of change

Dr Nathan Hughes, University of Birmingham and Marie Curie Research Fellow, Murdoch Children's Research Institute, Australia

Countering the criminalisation of 'neurodisability': Reforming penal policy through the application of developmental science

Dr Jessica Urwin, De Montfort University

Reshaping youth justice: Justice as fairness as a basis for organisational structures

Panel 6: Law and penal reform 2

**Chair: Dr Laura Janes, Legal Co-Director, Howard League for Penal Reform
Room 6, Sloane Robinson Building**

Dr Ali Emrah Bozbayindir, Istanbul S. Zaim University, Turkey

The advent of preventive criminal law: An erosion of traditional criminal law?

Bhabani Sonowal, Rajiv Gandhi School of Intellectual Property Law, Indian Institute of Technology, India

Role of the judiciary in penal reforms in India

Dr Krzysztof Szczucki, Warsaw University, Poland

Human dignity and common good as the basis of criminalization

Day 2: Parallel session 4

Panel 1: Contemporary developments in youth justice and youth penalty

Chair: Professor Barry Goldson, University of Liverpool and Howard League Research Advisory Group member
Room 1, Third Floor, Sloane Robinson Building

Damon Briggs, University of Liverpool

The temporal nature of youth penalty: Macro drivers of penal expansion and reduction

Professor Stephen Case, Loughborough University and Professor Kevin Haines, Swansea University

Children first, offenders second: A manifesto for change to the youth justice system

Dr Laura Janes, Legal Co-Director, Consultant Solicitor, the Howard League for Penal Reform

Thinking about children's rights in prison: Some observations from the Howard League legal team

Panel 2: Desistance, re-entry and belonging

Chair: Professor Stephen Farrall, University of Sheffield and Howard League Research Advisory Group member
Room 2, Third Floor, Sloane Robinson Building

Dr Michael J. Jenkins; Dr Harry R. Dammer; and Dana Raciti, University of Scranton, USA

'Built around failure': County jail inmates' perceptions of re-entry

Dr Helen O'Keeffe, Head of Primary Education, Edge Hill University

Fathers in prison, children in school: The challenge of participation and the potential for transformation

Ester Ragonese, Liverpool John Moores University and Rebecca Askew, Manchester Metropolitan University

Re-evaluating resettlement: Best practice and challenges to the reintegration of offenders

Panel 3: Replacing penalty in the quest for justice

Chair: Professor Ian Loader, University of Oxford and Chair, Howard League Research Advisory Group
Room 3, Third Floor, Sloane Robinson Building

Dr Emma Bell, Université de Savoie, France and Dr David Scott, Liverpool John Moores University

Reimagining citizenship: Towards non-penal real utopias

Will McMahon, Deputy Director and Rebecca Roberts, Senior Policy Associate, Centre for Crime and Justice Studies

Justice matters – designing the transition to a society without criminal justice

Panel 4: Bail, remand and sentencing: Key issues in governance and justice
Chair: Nicola Padfield, University of Cambridge and Howard League Research Advisory Group member
Room 4, Third Floor, Sloane Robinson Building

Gillian McNaull, Queen's University, Northern Ireland

Interrogating 'gender responsive justice': An examination of the prior and post release experiences of women on custodial remand in Northern Ireland

Dr Daniel Ohana, Hebrew University of Jerusalem, Israel

Delineating the relationship between criminal law and regulatory governance: A natural law account

Elizabeth Tiarks, Northumbria University

Whose notion of justice does sentencing serve?

Panel 5: User participation 2: 'Supervisible' and photovoice methodology

Chair: Anita Dockley, Research Director, Howard League for Penal Reform

Room 5, Third Floor, Sloane Robinson Building

Prof Wendy Fitzgibbon, London Metropolitan University with Carolyne Kardia, Artist; Angeline Cross, PACT Charity and Julie, a service user

Pervasive punishment: The shadow of penal supervision

Panel 6: Issues of sentencing 1

Chair: His Honour John Samuels QC, Trustee, Howard League for Penal Reform

Room 6, Third Floor, Sloane Robinson Building

Diana Grech, University of Leeds

Innocent until proven guilty: A case study of bail decision making in the magistrates' courts

Eoin Guilfoyle, University of Limerick, Ireland

Non-payment of fines in Ireland

Jason Too, King's College London

Guilty without plea: Out-of-court disposals of offences in Singapore

Day 3: Parallel session 5

Panel 1: Youth participation in reshaping criminal justice and penal reform **Chair: Tabitha Kassem, Legal Co-Director, Howard League for Penal Reform** **Room 1, Third Floor, Sloane Robinson Building**

Lucy Russell, UK Girls' Rights Campaign Manager, Plan UK; Jessica Southgate, Independent Youth Participation Consultant ; and Suleman Amad; Young Advisor, the Howard League for Penal Reform

Youth participation, campaigning and youth voice in the criminal justice system: Who benefits? Reflections on the U R Boss participation project

Tabitha Kassem, Legal Co-Director, the Howard League for Penal Reform and Shelley Jones, Youth Participation Officer, the Howard League for Penal Reform
Participation at the Howard League: Reforming the sentencing of children and young adults and empowering practitioners to have voices heard

Panel 2: Desistance narratives

Chair: Professor Stephen Farrall, University of Sheffield and Howard League Research Advisory Group member **Room 2, Third Floor, Sloane Robinson Building**

Una Barr, University of Central Lancashire

Voicing desistance: Female experiences of giving up crime

Christopher Kay, Sheffield Hallam University

Desistance in transition: Exploring the impact of transforming rehabilitation on the desistance narratives of offences on an Intensive Community Order

Jacqueline Kerr, Ulster University, Northern Ireland

Social (in)justice, penal policy and women's resettlement on release from prison

Panel 3: Lesson learning in penal policy

Chair: Eoin McLennan-Murray, Trustee, Howard League for Penal Reform **Room 3, Third Floor, Sloane Robinson Building**

Laura Bainbridge, University of York

Why (re)imagine policy when you can borrow it? What we know about crime and criminal justice policy transfer

Dr Sarah Lewis, University of Portsmouth

Learning lessons from penal exceptionalism: An exploration into how penal exceptionalism can assist in the re-imaging of penal justice across the globe

Mohammed Nasir, Aligarh Muslim University, India

Death penalty in India: Emerging perspectives and course correction

Dr Mojca M Plesnicar, Faculty of Law in Ljubljana, Slovenia

Lessons from an exceptional penal past: What should be resurrected?

Panel 4: Issues of sentencing 2

Chair: Gerry Marshall, Trustee, Howard League for Penal Reform
Room 4, Third Floor, Sloane Robinson Building

Jakub Drapal, University of Cambridge

Why day fine concepts fail in certain countries and what can be done with it?

George R. Mawhinney, University of Oxford

An analysis of schedule 21 and its application in the Court of Appeal

Nicola Padfield, University of Cambridge

How a real focus on reducing the prison population could work?

Prashasti Singh and Abhinav Surollia, Hidayatullah National Law University, India

Protection of sex workers in a mal-adaptive legislation: Need for India to step up her game

Panel 5: Interrogating accountability: The prospects and limits of penal reform

Chair: Dr Harry Annison, University of Southampton
Room 5, Third Floor, Sloane Robinson Building

Tom Daems, Leuven Institute of Criminology, Belgium

How to fool the European anti-torture committee (CPT)? Notes on the limits of penal reform

Professor Andrew Goldsmith, Flinders Law School, Australia

Prison corruption: The inconvenient truth

Carol Lawson, Australian National University, Australia

Reshaping the Japanese penal landscape – is soft civil oversight enough?

Dr Mary Rogan, Dublin Institute of Technology, Ireland

Accountability and prisons: A new frontier for human rights?

Day 3: Parallel session 6

Panel 1: Criminal justice and social justice

Chair: Professor Ian Loader, University of Oxford and Chair, Howard League

Research Advisory Group

Room 1, Third Floor, Sloane Robinson Building

Professor Jonathan Jacobs, John Jay College of Criminal Justice/City University of New York, United States

Individual offenders and social consequences: What is the proper object of criminal justice?

Professor Matt Matravers, University of York

Doing justice for the disadvantaged: Punishment and social mobility

Professor Philip Whitehead, Teesside University

Critical reflections on morality and criminal justice

Panel 2: Prison regimes and ‘special needs’: New challenges for penal practice and reform

Chair: Anita Dockley, Research Director, Howard League for Penal Reform

Room 2, Third Floor, Sloane Robinson Building

Laura Abbott, University of Hertfordshire

Pregnant pause: Expecting in the prison estate

Professor Susan Easton, Brunel University

Prisoners’ right to education

Melanie Jameson, Chair, Dyslexia Adult Network (DAN)

Dyslexia and related SLDs: Custody or intervention?

Laura Kelly, Lancashire Law School

Deafening imprisonment

Panel 3: Participatory penal reform: Engaging experiential expertise

Chair: Sue Wade, Chair, Howard League for Penal Reform

Room 3, Third Floor, Sloane Robinson Building

Samuel Cooper, Researcher, User Voice

A mixed method review of prison and probation service user councils: What do they do and why it matters

Nigel Hosking, SPO Service User Involvement, London Community Rehabilitation Company (CRC)

Is the recruitment of ex-offenders to engage with probation service users an effective use of resources? Evaluation of the London CRC engagement worker project

Dr Rod Earle, The Open University

What are the potentials of convict criminology in re-shaping the penal landscape?

Panel 4: The social meanings of justice

Chair: Professor Barry Goldson, University of Liverpool and Howard League Research Advisory Group member
Room 4, Third Floor, Sloane Robinson Building

Penelope Gibbs, Director, Transform Justice and Roma Hooper, Transform Justice
Do we need to communicate criminal justice in a totally different way?

Anna Matczak, The London School of Economics and Political Science
Understandings of punishment and justice in the narratives of Polish people

Prashasti Singh, Hidayatullah National Law University, India
Piercing the religious veil: Human rights of the Devadasis in India

Panel 5: Issues of sentencing 3

Chair: His Honour John Samuels QC, Trustee, Howard League for Penal Reform
Room 5, Third Floor, Sloane Robinson Building

Teena Lashmore, Operations Manager, MTCNova Community Rehabilitation Company
The Cultural landscape for adult conditional cautions

Dr Jose Pina-Sánchez, The London School of Economics and Political Science
Is uniformity the price for consistency in sentencing?

Professor Leslie Sebba, Hebrew University of Jerusalem, Israel
What is Justice? Two conundrums for desert ideologues

Parallel Sessions Abstracts

Day 1: Parallel Session 1

Panel 1: Reshaping justice together

Reshaping justice through learning together in prisons

Dr Ruth Armstrong and Dr Amy Ludlow, University of Cambridge

People move towards non-offending lives because they believe in the best of themselves and want to demonstrate these elements of their character and live 'normal' lives. In order to exercise their personal agency in positively transformative ways people seek to engage with social structures that give them space to be their best selves, with others, in ways that they find meaningful. Education that is forged with, not for, students, that is animated by 'authentic humanist (not humanitarian) generosity' (Freire 1996: 53), and that provides opportunities for connection with people and institutions, can nurture pro-social subjectivity and facilitate social and civic inclusion and cohesion. In this paper, we explore the potential of person-centred dialogical education to reshape penal and university institutions. We draw upon our experiences of designing, delivering and evaluating a short course in criminology at HMP Grendon for graduate students from the University of Cambridge and serving prisoners. Through interview data, we explore the power of connectedness through education and the spaces this creates in students' perceptions of themselves, their places in the world, their futures and our institutions.

Navigating injustice: Securitisation and the young stranger in the global city

Dr Jo-Anne Dillabough, University of Cambridge

Whilst tolerance may sometimes reside at the centre of some 'world class' global cities, in this paper I examine Kearney and Taylor's (2005) account of the 'sacrificial stranger' – the person or group threatening the collective consciousness of such tolerance. Here, the stranger to national tolerance often represents an abject or criminal body who is estranged from the nation. As Kearney and Taylor (2005) suggest, this stranger can only exist through a collective endorsement of an apparently 'just' but exclusive tolerance where some groups remain beyond recognition. Arguably, this sacrifice is more deeply felt when other discourses of social fear about the '*new dark phantom of the nation*' are gathering. I discuss this problem by investigating - against the background of global austerity and the associated rise of border surveillance and xenophobia across two national contexts - the ways in which migrant, refugee and other marginalized youth respond to, and navigate, the injustices associated with being identified within legal and educational systems as 'strangers', 'criminals', or as abject bodies out of place: Cape town, South Africa (2011-2015, 1976-1989) and Tottenham, UK (2011-2015; 1976-1990). Participants represented young people (aged 14-21) and longstanding community members (42-65) living in deprived council estates and/or impoverished townships who have experienced social marginalization and violence through police surveillance in the 'Global North' and 'South'. The findings provide a comparative and temporal landscape for better understanding young people's political actions and forms of resistance to criminal justice as they seek to challenge (e.g. vigilante justice, rioting, liberation struggles), and sometimes reproduce (e.g. gang violence) regimes of securitization.

Democratic agency and productive resistance in the prison setting: How prisoners create meaning and change through participatory governance

Bethany Schmidt, Institute of Criminology, University of Cambridge

User Voice's council model facilitates solution-focused dialogue between prisoners and staff by introducing a democratic ethos through participatory governance to the prison setting. Ongoing ethnographic research with User Voice in three English prisons shows that council participation enables prisoners to a) productively resist and question penal practices by exercising democratic agency, and b) foster change on the individual and institutional level. The model uses prisoners' resistance and critique of their carceral environment in a process of ongoing refinement and innovation. The concept of productive resistance is based on the assumption that resistance is a natural and desirable reaction to coercion and/or oppression. Kindred (1999: 218) describes resistance as 'productive' when it produces both cognitive and cultural change. Resistance can also be understood as the struggle for identity, autonomy, and voice, and as an organic step towards developing the 'capacity to frame and effectively act towards one's goals' (Schutz 2004: 22). The prison council serves as a constructive channel in which productive resistance can flourish, benefitting both the prisoner and the establishment's struggle for legitimacy. The author presents examples of the ways in which prisoners are able to grow their agential capacities through collective democratic exercise, while simultaneously challenging institutional practices.

Panel 2: User participation

Citizens in policing – A new paradigm of direct citizen involvement

Dr Iain Britton, Lead Researcher, Institute for Public Safety, Crime and Justice; and Ed Barnard, Policy Manager, College of Policing

Direct public involvement has deep historical roots in British policing. Nevertheless the work of volunteers and role of public involvement has remained largely peripheral to police reform. That situation is now changing fast, with potentially radical and far reaching consequences. A new significance is being attached to police volunteers and to wider elements of public participation in policing. The paper explores this new picture of public participation in policing nationally. It provides an overview of progress across police volunteering at a national strategic level, reflecting on the recent Home Office consultation, the (soon to be published) 'Citizens in Policing' strategy and the recently undertaken national survey of police volunteers. The paper also introduces the Centre for Citizens in Policing research programme. The programme is being led by the Institute for Public Safety, Crime and Justice and represents the largest-scale research initiative to develop the evidence-base of police volunteering ever conducted in the UK, with an initial particular focus on the role, management and effectiveness of volunteer Special Constables. Finally, the paper contextualises these UK policing developments alongside international practice and research in police volunteering and participation, and developments in voluntarism and direct participation across the wider criminal justice and public safety landscape.

The strategic and practice implications of a surge in voluntarism and direct participation across policing and wider criminal justice are discussed and the argument for citizen involvement to be placed at the heart of police and criminal justice reform is made.

"What is MAPPA?" A critical reflection of the production of a guide to resettlement for children in prison

Ross Little, Lecturer, De Montfort University, Leicester

This paper explores the practical development of a resource for children in prison to inform them of their rights in relation to resettlement. Following the production of a guide to resettlement law, primarily aimed at practitioners, there was a clear gap in accessible, accurate information provided to children on the law relating to their resettlement following a period in prison. The paper explains how guides to resettlement and MAPPA were produced for and with children in prison, how decisions were made, what worked well and what might have been done differently. It explores the methodological approach to involving children in custody in the production of the guides, what they influenced and how they influenced it. The paper reflects on the extent to which this approach could be described as participatory and its pedagogical relevance. The paper draws on experiences of working with children in a YOI as part of the *U R Boss* project based at the Howard League for Penal Reform.

'I've walked in your shoes' - A case for a greater involvement of peer researchers within criminal justice research

Dr Lucy Wainwright, Research and Evaluation Manager, User Voice

There has been a growing recognition amongst providers within the criminal justice system that service users and ex-service users offer a unique insight to the design and delivery of their services. In particular, organisations have increasingly begun to employ ex-service users in the delivery of programmes in order to provide a shared lived-experience and understanding between service user and service provider. Additionally, service users are providing more of a role within bespoke research, however, this role has been largely limited to participation, with organisations and researchers alike offering a chance for service users to have their voices heard rather than conduct the research themselves. To that end, User Voice has designed and implemented a process for the recruitment of peer researchers, finding this to be highly successful to date. Peer researchers further any benefits that come with service user engagement, offering greater participation, representation and validity of responses. This process also allows greater ownership of the research by the service user population, and therefore a greater investment into the area of study. By March 2016 User Voice will have conducted research with the help of peer researchers across a number of areas including the use of spice within prisons and service users' experiences of the Transforming Rehabilitation agenda. This paper will present the benefits and advantages peer research demonstrates within these studies.

Panel 3: Deaths in custody: Regulation and reduction

Preventing suicides in prison

Lorraine Atkinson, Senior Policy Officer, the Howard League for Penal Reform

95 people took their own lives in prison in the 12 months to September 2015. The impact of a suicide in custody is profound for the family, for prisoners, for prison staff and for all those who knew the individual who died. The human costs of any self-inflicted death are intangible yet far-reaching. This is even more true of a death in custody. The World Health Organisation has recognised that prisoners are a high risk group for suicide. Restricted regimes, limited time out of cell and an increase in levels of violence have all had a negative impact on the mental well-being of prisoners. There are now fewer prison officers on the wings, following cuts in staffing, and in some prisons, staff/prisoner relationships are poor. Prisoners and their families are often unable to use proven strategies for relieving distress and reducing suicidal feelings whilst in prison. Vulnerable prisoners continue to take their own lives in prison and lessons are not being learnt. The Howard League for Penal Reform is working with the Centre for Mental Health to investigate suicide prevention in prisons. The paper will explore why prisoners are at greater risk of suicide and what changes are needed in the penal system to promote well-being and prevent suicide. It will also look at what lessons can be learnt from community suicide prevention programmes.

Targeting ‘terminal malignant alienation’: Improving mental health literacy and reducing deaths in prison

Dr Michael Fiddler, Greenwich University

In 2015, The Harris Review released its findings into self-inflicted deaths in custody amongst 18-24 year olds. It highlighted that the problems discussed in the 1999 HM Chief Inspector of Prisons’ thematic review (entitled Suicide is Everyone’s Concern) have persisted in the intervening years. This paper is an attempt to briefly map the landscape of mental health issues in prisons and their connection to deaths in custody. Drawing upon research conducted by the University of Greenwich that fed into The Harris Review, this paper’s focus rests more narrowly upon prisons in England and Wales (Jolliffe, Haque, Fiddler & Harvey, 2014a, 2014b). Specifically, we will explore the ways in which a co-morbidity of mental health disorders can interact with the environmental conditions that are likely to be encountered in prison settings. Whilst acknowledging that there are clearly no simple solutions, we will set out the importance of improving mental health literacy amongst prison officers, thereby improving ‘terminal malignant alienation’. It will be argued that a renewed focus upon training that emphasises recognition, management and prevention in relation to mental health disorders has the potential to ease this particular pain of imprisonment for prisoners and officers alike.

Prison suicide: Theorising its regulation

Dr Philippa Tomczak, Criminology Research Fellow/ Leverhulme Trust Early Career Fellow, University of Sheffield

Suicides in English and Welsh prisons rose by 69% between April 2013 and 2014, despite recent strengthening of prison inspection, monitoring and regulation

mechanisms. Such suicides form traumatic bereavements for prisoners' families and friends, affect fellow prisoners and custodial staff, and leave prisons open to legal challenges. Despite the importance of regulating closed penal institutions with coercive powers over detainees, there is a dearth of related scholarship. I address this gap, analysing the relationships between prison suicide and heterogeneous penal regulators. Recent years have seen prison inspection, monitoring and regulation mechanisms multiply, with the 2008 establishment of the Independent Advisory Panel and Ministerial Council on Deaths in Custody, the 2004 expansion of the Prisons and Probation Ombudsman to investigate prison deaths, and the 2003 formation of prison independent monitoring boards. Despite this expansion and the enduring lobbying activities of voluntary organisations, suicides in English and Welsh prisons are at a 9 year high. This paper considers the complex relationships between prison suicide and regulation, and addresses a fundamental failing in the sociology of punishment: the lack of attention to regulation (Braithwaite, 2003). It explores the how, who and by whom of prison suicide regulation. It considers how prison suicide is regulated, who is regulated and who regulates; addressing public and voluntary sector prison regulation.

Psychological functions of self-injury by imprisoned women in England: A thematic analysis

Dr Tammi Walker, Lecturer in Psychology, Manchester Metropolitan University

Incidents of self-injury may appear alike, however, they may serve an array of distinct functions. Self-injury may be seen as the result of *intrapersonal* or *interpersonal* reinforcement that can be characterised as being either positively or negatively reinforcing. However, it must be noted that self-injuring behaviour may serve a number of different functions at any given time. This paper forms part of a wider research project exploring imprisoned women who self-injure in English prisons. Specifically this paper draws on a thematic analysis of qualitative interview data from research conducted with imprisoned women in three female prisons in 2015. It will provide an understanding of *why* imprisoned women engage in self-injury to meet their unmet needs in prison. In particular, intrapersonal and interpersonal functions will be drawn upon and there will be discussion as to how changes are needed in the criminal justice system to support these needs.

Panel 4: Learning from history – journeys to reform

Saudi's legislation record

Hajed Alotaibi, PhD student, Bangor University

Since the mid fourth century of the Arabian Peninsula, most of the juristic scholars seemed to be rather weak (i.e. not properly developed) in terms of their abilities to deduce and extract juristic rulings from its resources. As a result, they did not refer immediately to the original sources, yet they referred to what their schools believe (Ala'lfi, 1994). Furthermore, scholars during these periods were not the same in terms of their abilities to produce juristic rulings, so they might logically be divided into four clusters as a whole. However, their resources were rather vague and complex, therefore, some judicial decisions were rather paradoxical. Hence, general folk might have accused judges of following their desires rather than justice or by deficient

knowledge that judges may have (Alshathry, 2007). Meanwhile, inductive and deductive methods approaches are carefully used as well as specialized books are consulted in order to gain critical information needed to discuss and examine this crucial issue amongst jurists, judges and attorneys in Saudi Arabia.

In a nutshell, this research discusses in depth a number of reasons and their impacts behind the above consequences, highlights the basic grounds upon which these two polemics were built, then discusses both sides of the argument in addition to listing official and individual efforts that have been done in this regard in Saudi Arabia.

Between events and interpretations: The postcolonial state and juvenile justice law

Jhuma Sen, Assistant Professor, O.P. Jindal Global University, India

The paper maps the legal and political discourses on juvenile justice in India in order to theorize the relationship among law, criminal justice and state policy in postcolonial republics. In doing so the paper draws on the pioneering work of *Bernard and Kurlycheck* in the American context to interrogate the shifting nature of juvenile justice in India between perceived ‘tough’ laws and ‘lenient’ laws. Bernard and Kurlycheck in 2010 had argued that juvenile justice operates in a cyclical fashion, in which the same sequence of policies has been repeated several times in the last two hundred years in USA. In the Indian context too, I argue, that the growth and the shifting nature of the juvenile justice system has not been a continuous process drawing on scientific evidence of developmental pattern. The pattern of juvenile justice law making in India on the other hand indicate that it has been a result of periodic concerns marked by events of domestic or international importance. My central purpose is to first, trace the trajectory of the ‘events’ and map the legal and political discourse that circulates around such event and then to interrogate the ways in which law absorbs the discourses, languages and rhetorics that emerge from the ‘messy’ outside world. Juvenile justice law reforms, here is not part of a sealed, rationalist governing state (to borrow from Foucault), but situates itself on the blurred boundaries in the postcolonial state between political institutions and social formations.

Have the Ottoman penal reforms decriminalised homosexuality?

Elif Ceylan Ozsoy, PhD Candidate, Faculty of Law, University of Exeter

This paper is concerned with methodology of penal reforms. It critically evaluates penal reforms that are deemed to have decriminalised homosexuality by means of legal transplants through the example of the 1858 Ottoman Empire /Turkey penal reform. It, first, stresses a tendency to assess a country’s penal regime status regarding decriminalisation of homosexuality according to the Western criminal experience with same-sex desire. It revisits the 1858 Ottoman Empire penal reform, which is largely reported as having decriminalised homosexuality by transplanting the 1810 French Penal Code. It depicts the reasons why this penal reform cannot be deemed to have decriminalised homosexuality by comparing the proportionality of punishment imported by the 1858 penal reform with the proportionality of punishment employed by the 16th century Ottoman Penal Code drafted by Suleiman the Magnificent with regards to same-sex desire. The findings enable this paper to discuss how the same penal code, ironically, brought about condemnation of same-sex desire within the Ottoman Empire, while having decriminalised homosexuality in France! It will continue by assessing the

consequences of this state of turmoil through the lens of cultural translation theory, particularly that advanced by Judith Butler. It concludes by asking when does adoption of a foreign penal code constitute a penal reform?

Panel 5: The politics of penal reform

Dangerous politics: Lessons for penal reform

Dr Harry Annison, Lecturer in Law, Southampton University

Understanding the beliefs and practices underpinning penal policymaking is an indispensable component of fostering what we might term ‘utopian realist’ proposals for penal reform (Giddens, 1990). This paper presents findings from a detailed analysis of the ‘IPP story’ (the creation, contestation, amendment and abolition of the preventive Imprisonment for Public Protection sentence), considering the lessons that it provides for scholars, policymakers and penal reformers. The research draws on over 60 in-depth interviews with key policymakers, utilizing an interpretive political analysis framework (Bevir and Rhodes, 2003, 2006) in order to analyse the beliefs, traditions and practices that underpin penal policymaking. We see that this exploration of ‘one of the least carefully planned and implemented pieces of legislation in the history of British sentencing’ (Jacobson and Hough, 2010) provides us with insights that hold general relevance for penal reform, as well as providing specific lessons in relation to the rise of preventive justice. The paper surveys policymaker concerns regarding the role of expertise in penal policymaking; the influence of ‘the public’ (primarily as an ideational construct); the related role of the media and the sub-optimal relationships between policy participants within, and beyond, the Ministry of Justice. In closing it is argued that ‘recursive collaboration’ (Wagenaar et al, 2015) between policy participants, supported by empirically grounded interpretive research, is one important means by which a better politics of criminal justice might be pursued.

Faint Hope: What to do about life sentences

Eleanor Butt, Policy Advisor, the Howard League for Penal Reform

The huge number of people serving increasingly long indeterminate sentences is one of the most pressing, but least discussed, issues facing prisons in England and Wales today. Whilst much focus has been placed on reducing the use of short sentences in recent years, the real driver of prison population increase is sentence lengths growing and opportunities to earn release shrinking. Reforming long sentences for serious offences can be politically difficult, but making thousands of already long sentences longer is extremely expensive and there is no evidence that it achieves improved penal aims. This paper is the result of a Winston Churchill Memorial Trust Fellowship exploring how other jurisdictions respond to serious offences and use the most severe penalties at their disposal. Using best practice examples from Canada, Portugal and the Netherlands it aims to revitalise debate around long indeterminate sentences and produce policy recommendations regarding how to reduce the prison population with indeterminate sentences in England and Wales.

The politics of the criminalization of Khat

Mark Telford, Lecturer in Criminal Law and Criminal Justice, Institute of Criminal Justice Research, Law School, University of Southampton

In the summer of 2014, use and supply of the herbal stimulant khat was criminalized in the UK. Prior to that Khat had, for years, been legally sold and consumed by members of British minority ethnic communities associated, in the main, with Ethiopia, Yemen and Somalia. The decision to prohibit khat was made despite the Government's Official expert group, the Advisory Committee on the Misuse of Drugs (ACMD), having advised, twice in a decade, that to do so would be 'inappropriate and disproportionate'. This paper examines the politics of the UK khat prohibition. Drawing on Kingdon's 'streams and windows' model of the policy making process, it suggests that prohibition had for many years been a policy solution ready to be joined to 'the khat problem' as soon as sufficient indicators were uncovered. The ACMD had attempted to maintain a decoupling of the various problems apparently associated with khat use and the prohibitionist policy stream, but policy entrepreneurs from within the khat consuming communities took advantage of a window of opportunity to push the issue up the political agenda, persuading the Home Secretary that criminalization was necessary. Advocates of prohibition argued that criminalization would be an effective way of addressing many of the problems claimed to be associated with khat consumption, and thereby provide a measure of justice for the affected communities. This paper will argue, however, that the false promise of criminalization served only to distract attention from, and silence debate about, deeper causes of injustice in those communities.

Day 1: Parallel Session 2

Panel 1: Spatial dynamics of desistance

Exploring the spatial process of desistance: Evidence from a 15 year English study of probationers

Professor Stephen Farrall, University of Sheffield

Whilst studies of desistance from crime have had to grapple with understanding time, few studies have considered the spatial dimensions of desistance. Our aim in this paper is to explore more fully the places and spaces which desisters inhabit, and to examine how these differ from those inhabited by persisting offenders. In short, we aim to explore how desistance impacts upon individuals' everyday activities, including the spaces and places in which these take place, and how these in turn space these trajectories. We find that desistance is not just about 'no longer offending', it is also about adopting a different set of routines which take individuals to very different places to when they used to offend, and also using the same spaces differently to. As such, environments which are new to the desister informs them about who they 'are' becoming and gives them ideas about who they can 'become' in the future. We also find that the 'scale' of such processes varies by the nature of the previous offending career, with former injecting-drug users making quite large-scale, 'inter-regional' spatial moves, whilst others have far 'smaller' (that is city-based) moves.

A natural experiment on residential change and criminal recidivism

Dr David S. Kirk, Associate Professor of Sociology and Professorial Fellow of Nuffield College, University of Oxford

Over 600,000 prisoners are released from U.S. prisons each year, and roughly one-half of these individuals are back in prison within just three years. If the path to desistance from crime largely requires separating from past situations and establishing a new set of routines, then returning to one's old neighbourhood environment and routines may drastically limit an ex-prisoner's already dismal chances of desisting from crime. This study tests these ideas by examining how forced residential migration caused by Hurricane Katrina in 2005 affected the likelihood of re-incarceration among ex-prisoners originally from New Orleans, Louisiana. Property damage from the hurricane induced some ex-prisoners to move to new neighbourhoods who otherwise would have moved back to their former neighbourhoods. Findings will be presented from estimation of the effect of residential change on the 8-year recidivism rate, along with qualitative evidence on the mechanisms explaining the relationship between residential change and criminal desistance.

Desistance, culture, and the delivery of justice

Dana Segev, PhD Candidate, University of Sheffield

Penal policy and the delivery of justice influences people with convictions, particularly at moments when they try to live a life that does not involve offending. For this reason, the issue of social justice and penal policy should, arguably, be considered when we look at how people reintegrate back to society. In this paper I will discuss my research, which compares desistance processes in England and Israel. I interview people on probation

who have more than two convictions, and are trying to make a change, as well as talk to professionals from various organisations that work with them. One of the aims is to compare penal policies in England and Wales and Israel, and the social attitude towards people with convictions. The social and political context of 'what it means' to be a person with convictions, as he or she try to reintegrate, is described in each country. It is argued, herein, that the manner in which desisters negotiate their intention to change, how they 'go about' their wish to desist, and the degree to which they carry out their intentions may be context specific. That is, the ability of a person to desist and how they try and to do so may be influenced by the social and penal contexts in which it takes place. There is a gap in existing research surrounding how desistance processes may vary between different social and criminal justice contexts.

Panel 2: Shaping the remit of criminal justice

The road to abolition of death penalty in China: With the perspective of the Ninth Amendment

Huang Gui, PhD. Candidate, University of Debrecen, Hungary

This paper supplies some possible approaches of the death penalty reform in China basic on the analyzing the reformation conducted by the Ninth Amendment. There now are 46 crimes punishable by death, and this penalty still plays a significant role in the criminal punishment structure. In order to abolish entirely the death penalty in Penal Code, the legislature of China should gradually abolish the death penalty for the nonviolent crimes and then for the nonlethal violent crimes and finally for the lethal violent crimes. In the case where the death penalty hasn't yet been abolished completely, increasing the applicable conditions of suspension of execution of death penalty and reducing the scope of applicable objects (elderly defendant and other kinds of special objects) of death penalty would be an effective road to control and limit the use of death penalty in judicial practice.

Legalising drugs: A stepping stone to restraining the states' power of punishment

Maria Lucia Karam, Carioca Institute of Criminology, Brazil

Explicitly using war as a paradigm of social control, drug prohibition has been a crucial factor in the expansion of the states' power of punishment, which has been noticeable worldwide since the last decades of the twentieth century. The prohibitionist UN conventions and domestic drug laws systematically disregard the primacy of rules inscribed in the international declarations of human rights and democratic constitutions, thus eroding fundamental rights and undermining the rule of law. Convictions for drug offences have been the main cause of massive incarceration. Prohibition not only increases the risks and harm caused by drugs, but also adds more serious risks and harm, the most tragic of which is violence. Prohibition creates 'crimes without victims', but the 'war on drugs', as any other wars, is lethal. Drug prohibition has been quite functional for the maintenance of unequal and oppressive systems: racism, discrimination, and bias have driven drug prohibition since the beginning; the linking of illegal drugs to certain kinds of people, which are seen as 'dangerous' – the 'enemies' in the 'war on drugs' – has always served the interest of criminalising and controlling the

poor, powerless and marginalised population. The replacement of prohibition with a system of legalisation and regulation of the production, supply and consumption of all drugs is the most urgent measure to restrain the states' power of punishment, and therefore to reduce violence, incarceration, deaths, disease, social harm, pain, injustice and inequality, thus being a stepping stone to the effectiveness of human rights, justice and social inclusion.

'Never waste a good crisis': An analysis of the current penal policy window in Ireland

Jane Mulcahy, PhD candidate, University College Cork, Ireland

During the boom years of the *Celtic Tiger*, Ireland experienced a massive expansion of prison places as conditions deteriorated in the older prisons. International human rights bodies such as the CPT, the UN Committee Against Torture and the Human Rights Council condemned the Irish State for inaction resulting in the breach of prisoners' human rights. Ironically, when Ireland was on its knees financially, monies were ring-fenced to make improvements to prisons, previously deemed beyond repair. This paper will outline some of the recent significant improvements made in relation to penal policy, such as the development of a Strategic Penal Policy Review Group, the reduction in prison numbers through innovations such as Community Return early release scheme and an increased focus on rehabilitation and resettlement. It will also highlight the need for a public wider discussion about the purpose of prison and punishment more generally in order draw attention to the role that penal policy plays in perpetuating the structural inequalities in Irish society that underpin much "visible" criminality.

Legislative trends of Brazilian criminal law: Populism, internationalism and managerialism (1985-2015)

Professor Dr. Mauricio Stegemann Dieter, Professor of Criminology and Criminal Law, University of São Paulo, Brazil

Opposing the idea of the penal system as the "last resort" for social problems, Brazilian primary criminalization has boomed since the end of its last dictatorship, in March 1985. Indeed, and paradoxically, the speed of this process suffered sudden acceleration since the democratic restoration and the legal framework designed by the Constitution of 1988, affiliated to the welfare state model. Therefore, at least as the legislative horizon is concerned, the Republic endorses the idea of a penal state explicitly and even more enthusiastically than the military government ever did. Even keeping the proper registration of all such crimes is practically impossible, requiring the collaboration of technological tools. The best estimate, built with the help of the "*Sispenas-software*", indicates that there are currently 1688 criminal figures defined by law in Brazil, distributed among the penal code and dozens of other "special laws", overwhelmingly of administrative nature, providing incriminating hypothesis in an absolutely casual and reckless manner. Overall, research points out that the last 30 years of expansionism in criminal law and criminal procedural law followed trends observed in other contemporary criminal systems, namely (a) *populism*, which values the simplicity of the "everyday theories", strengthening repression and exploring social panic to legitimate the systematic violation of human rights by the police; (b) *internationalism*, there is, criminalization under the interests of the centre of global economic power, focusing on illicit markets – trafficking of all kinds (drugs, people, weapons, animals, etc.) – and incorporated in local legal systems through international treaties that escape democratic

control; lastly, (c) *managerialism*, a phenomenon very close to the idea of "administrativisation", centred on the principle of efficiency and part of the neoliberal agenda that redefines the "criminal matter" under technocratic rationality (vs. bureaucratic).

Panel 3: Prison practices, penal regimes and desistance

Reform on fire: The role of skilled labor programs in the era of mass incarceration

Lindsey Feldman, M.A., PhD Candidate, University of Arizona, United States

Rehabilitation was not a monolithic penal policy in the 20th century United States, but was enacted to varying degrees according to particular states' ideological and political tendencies. Arizona never truly adopted a rehabilitative model due to its economic conservatism and 'get tough' attitude towards crime. Its penal policies continue to serve as an exemplar of modern 'warehouse style' incarceration. However, there are certain prison programs that complicate the totalizing austerity of both Arizonan and American penal policy. This paper focuses on one, the Wildland Firefighting Program, which serves as a case study to examine the paradoxical role of skilled labor programs in the era of non-rehabilitative carceral policy. This and other labor programs are sometimes classified as a form of slave labor – inmate fire crews are paid 1/20th of what non-incarcerated individuals are for the same risky work. Yet, this program also offers meaningful and potentially transformative experiences for those who participate. Based on continuing ethnographic fieldwork with inmate wildfire crews in Arizona, this paper will explore how incarcerated individuals navigate both sides of this paradox on a daily basis. I will examine how individuals conceptualize their position as a laborer within neoliberal penal policy while unearthing the non-economic, affective meanings of this job. The persistence of skilled labor programs, and the meanings these jobs hold for individuals, offer penal reform scholars a theoretically rich arena to evaluate how certain aspects of the rehabilitative ideal may be upheld, modified, or transformed to fit the new securitized reality of mass incarceration.

The rehabilitation lottery: Exploring the delivery and attitudes towards non-accredited programmes in a private prison using a case study approach

Gina Fox, PhD Researcher, Department of Criminology, University of Leicester

The 'what works' literature has revealed some valuable information over the years regarding the effectiveness of prison programmes; however, the prison population and rate of re-offending within the United Kingdom still remains significantly high. This paper, drawing on ongoing empirical research, takes a closer look at 'non-accredited' interventions in particular and applies a qualitative approach in exploring the views and opinions of those directly involved in the selection, facilitating and participation of these programmes. It will outline some of the key findings which relate to the design and delivery of prison interventions. It will highlight the need for range, innovation in the approaches to rehabilitation and flexibility in the delivery of programmes, from one prison to the next. It will also discuss areas programme participants feel are hugely important in obtaining positive outcomes and will argue that where a prisoner is sent and what programmes are on offer in a prison, along with the motivations of the facilitators and the atmosphere created, can impact greatly on their journey towards

rehabilitation and desistance. Prison programme provision is, then, a 'Rehabilitation Lottery'.

Combating contraband cell phone use in prison

Praveen Jhalani, Hidayatullah National Law University, India

In the contemporary world wireless telephone has become a widespread technology that allows people to connect with anyone, anywhere, at any time. These advancements in the technology are welcome in society in general, but they are having the negative impact on the law enforcement community, as criminals have taken advantage of cellular technology to conduct illegal activities. The use of inexpensive, disposable cell phones has distorted the ancient cat-and-mouse game of controlling inmates correspond with the outside world and is creating serious problems for public safety officials. Contraband cell phones have been used by inmates to arrange the murder of witnesses and public safety officers, traffic in drugs, and manage criminal enterprises. This illegal use of cell phone among inmates jeopardizes the safety of Indian communities and public safety officials. For combating these illegal activities new strategies are required and for that law enforcement and investigation agencies need to upgrade their skills, instruments and capabilities to deal with modern crime because existing technologies and Laws are not able to gain pace with the existing requirements. This research paper provides a broad overview of the international obligations and guidelines, with respect to the care, security and control of prisoners and summaries the various steps taken towards prison reform in India. It further focuses on the method of concealment, prevention strategies and workable polices.

Rage to reason: Creating a restorative prison culture

Lisa Rowles, Design and Development Lead, Khulisa

Khulisa is a national charity dedicated to cutting crime and reducing reoffending. They have worked in a number of prisons, YOIs, schools and communities to build stronger and safer neighbourhoods – drawing on tried and tested programmes and methodologies developed by their sister charity, Khulisa Social Solutions, in South Africa. South Africa has 20 times the UK's violent crime rate and many communities with 80% unemployment. Here they make the case for a fully restorative prison. Our prisons are undergoing unprecedented change. Government strategies have put the prison estate under considerable pressure to reduce cost, restructure and deliver against increased targets. NOMS wants to build a culture of rehabilitation within prison and aims to 'prevent victims by changing lives'. Violence reduction is a critical part of this strategy. Prison staff play a vital role as the prison authority. They are in the strongest position to encourage a shift in offender perspective and have the power to both reinforce an inmates' mind-set and to radically challenge it. They are the game changer. We believe that by developing a restorative relationship between staff and prisoner that values integrity, respect, honesty and fairness, offender accountability and the likelihood of changing lives increase dramatically for both. A restorative culture puts the ethos of rehabilitation into every interaction - from first night reception to conversations on wings. Restorative skills enable staff to build offender capability, increasing a prisoner's personal responsibility and developing skills which improve their wellbeing and outcomes – for example, reduced substance misuse and engagement in education. New models for systemic change within prisons are already being developed. NOMS are piloting PIPEs (Psychologically Informed Planned Environments)

and EE's (Enabled Environments). Both focus on a specific offender type, rather than the whole prison, but they have been shown to help staff understand the impact of their responses on the way offenders think, feel and behave. Staff surveyed in the PIPE pilot confirm that prisoners appeared to take greater responsibility for their actions and behaviour, were recalled less and demonstrated increased compliance with licence conditions. Using a restorative practice model and applying it to the entire prison population - the restorative prison concept – would increase understanding between staff and offenders, enhance wellbeing of offenders and inevitably decrease the prospect of violent incidents. This would create a more stable, safe, secure and rehabilitative culture in prisons, which fosters a greater likelihood of desistance from crime and enables prisoners to behave as contributing members of society. The best practice examples show that the restorative prison concept is statistically and morally worth pursuing. It has the potential to transform prisons into fully rehabilitative custodial settings.

Panel 4: Women, criminal justice and penalty

Building resilience for recovery: Insights into women's desistance from offending

Rebecca Gomm, Building Resilience Project

Women who have offended comprise a group who have experienced high levels of adversity and abuse. Based upon service user insights, this presentation will discuss the context of women offenders lives, charting what it was – and who it was that supported them to desist from offending. Based upon a qualitative study, within an urban setting, desistance from offending will be discussed within a framework which accounts for layers of recovery.

Coaching behind bars

Clare McGregor, Managing Director, Coaching Inside and Out (CIAO)

This paper explores the challenges, changes and humour that arose when a charity made coaching, an approach normally reserved for executives (including prison governors and directors), available to women prisoners in HMPYOI Styal. This increasingly common way of working was begun by a criminal justice consultant who realised after ten years that the real potential for change and effective solutions lie within people themselves. We can all help unlock this potential simply by asking the right questions in the right way; not by thinking professionals know all the answers, not by telling people what to do, but by helping clients think for themselves in the same way coaches work as equals with clients in corporate offices. Coaching offenders is a practical attempt to rebalance the scales of social justice, as so much of where we all end up is luck. Skilled support and the challenge to make the most of your life have led to extraordinary results. CIAO has now coached over 500 men, women and children in prison and in the community since 2010. Clients gain confidence, come off anti-depressants, are reunited with their children, stop harming themselves and others, get jobs, set up their own businesses and train as coaches themselves. Clients' voices and critical reflection by coaches make the analysis of this work thought-provoking, unsettling and heartening in equal measure. Particular dimensions can be highlighted to

fit with the overall needs of the conference as speakers are selected and arranged, if that is helpful.

"Hold your head up girl and you'll go far": The fight for gender equality in criminal justice responses

Gail Wilson, Research & Policy Officer, Up-2-Us

This practice informed paper details why and how we should encourage policy makers and law holders to consider an overhaul of the penal system. Specifically, this paper advocates for the revision of criminal justice responses, to make them appropriate for young women. Experiences of trauma, victimisation and neglect mean that girls are at the attention of services from an early age. The journey often begins in childhood, being subject to Children's Hearings due to neglect or risk from others. As they age into adolescence, antisocial and violent norms, substance misuse culture, and difficulty in controlling emotions continue to keep them in the crossshares of social services, Police, schools; who are there to protect and guide, but unfortunately often instead up-tariff and criminalise. Many individuals in these services are not trained in how to work with girls and their actions can re-traumatise and be a factor in further risk taking behaviours. With the Scottish Government taking more interest in Women's offending, there is a need to implore understanding of the lives of young women as a quite separate population group. This paper will disseminate what we know from gender and age based research and use it to demonstrate and advocate for the rights of young women, not just women. We need to represent young women's specific needs and appropriate responses to them, no matter how small their number nationally. It is the only way to prevent the ongoing generational institutionalisation of the women they are growing into today.

Panel 5: Social justice and community safety

The core conditions of peer mentoring by ex-offenders

Gillian Buck, PhD Candidate, Keele University

Peer mentoring is an increasingly popular approach within criminal justice, yet very little research has been done in this field. This paper draws upon an ethnography of four peer mentoring settings to argue that despite diverse client groups, settings and approaches, a number of core values or conditions are advocated within the work. Mentors and mentees highlight the importance of 'individualised' or mentee-centred practice, along with three core conditions: caring; listening; and encouraging small steps. These conditions are offered as antidotes to what can often be experienced as disconnected, unhearing and technocratic criminal justice practices. Peer mentoring, in contrast, is claimed to be a space to release suffering, to unburden the self of grief and to become capable of new self-direction. It is seen as a safe space to do this given that mentors 'genuinely care' and are tolerant of slip-ups. The paper will therefore illuminate the interpersonal elements of mentoring, which are claimed to promote personal growth and change. Despite these ideals, however, the paper also introduces a number of core tensions. Firstly, whilst 'genuine' care is claimed to foster personal connections and build a sense of self-worth, there is a risk that this discourse burdens peer mentors with an expectation of emotional toil for little or no financial reward. Secondly, whilst mentors

and mentees highlight the importance of listening and encouraging small steps, it is unclear how such unquantifiable approaches will fare within an increasingly results driven technocratic justice system.

From removal to inclusion: A feasibility study that places prisoners in the heart of their communities as the catalyst for change, reshaping the penal and social landscape

Karl Lenton, Creative Director and Claire Shepherd, Director, Safe Innovations Ltd

Prison design is politically driven, with high operational costs offering little return on investment. On release reoffending remains high and prisoners return to their communities often homeless, jobless and reliant on families that in the most part have been impoverished by their own ‘sentence’. These communities are located within city poverty rims with high unemployment, poor housing stock and empty properties. Dealing with empty properties is social, regenerative, financial and strategic. In exploring what is justice and re-conceptualising punishment we propose an alternative approach to the nationally funded institutional scale design of prisons to relocate crime and rehabilitation away from what Zehr (2014) describes as a public dimension represented by the state to the social, local and personal. Couched in principles of restorative justice, community cohesion and developing social capital embedded in local cultures, economics and family structures we argue for a participative system that addresses the needs of victims, offenders and communities. Using the empty properties of Leeds as a case study we propose an architecturally designed domestic scale model for local authority funded rehabilitation hubs providing stabilisation, education and skills creating employment and opportunities for both prisoners and communities. By increasing access during custodial sentences through dynamic hubs to the protective factors that encourage criminal desistance (Farrall 2002, 2004 Brown, Ross, 2010, Leverenz, 2007, Radcliffe, Hunter 2014) and locating capacity within these communities we conclude that this system would break cycles of offending, transform local economies and provide return on investment.

The youth centre as a ‘sanctuary’ in aiding safer communities for young people

Dr Sarah Tickle, Lecturer in Criminology, Liverpool John Moores University

This paper invites us to consider where we are at now. Amidst a climate of cuts and high unemployment rates we have a deepening problem of a population of young people with no legitimate space, which is precisely the same situation that existed at the beginning of the nineteenth century. In 2013, youth unemployment reached an all-time high in England and Wales; approximately 60 per cent of young people were unemployed in some European states (Burgen, 2013). In addition, approximately £259 million has been cut from youth service spending by councils and at least 35,000 hours of outreach work by youth workers have been removed (UNISON 2014). In this context, governments and policy makers alike continued to voice persistent concerns about ‘inadequate parenting’ ‘education’ and ‘employment’, disturbingly reminiscent of the same obsessions documented in 1816, the first official report into juvenile delinquency. Drawing on empirical data with young people aged 10-17 years old, this paper considers the importance of youth organisations in aiding safer communities. Described as ‘sanctuaries’ and ‘safe places’, the youth centres not only provided informal education, social skills and extra-curricular activities, but also food, safety and shelter. However, with the closure of over 350 youth centres since 2010, consolidating austerity

has raised a whole new set of research questions. In particular, the impact of severe austerity measures on children and young people. Exploring these issues the paper argues that we should learn from the past in order to stop repeating past errors in policy and judgment.

Panel 6: Beyond mass incarceration

Doing nothing is not an option

Anisal Huq MP, Honorable Minister, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh; and Richard Miles, Consultant, Rule of Law, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ); and Promita Sengupta, Head of Programme, GIZ Rule of Law Programme, Bangladesh

The Criminal Justice System in Bangladesh is in crisis. Prisons are filled to nearly three times capacity, with a large majority of unconvicted prisoners and a court system with a combined civil and criminal case backlog of over 3 million. It was decided 'doing nothing was not an option'. This paper outlines the steps taken by the Government of Bangladesh to remedy this situation. Drawing on support from the Development Ministries of Germany and the UK, 'South South' cooperation drew examples from Malawi that were adapted to the local context to assist unrepresented prisoners. This was followed by a 'Justice Audit', drawn from an example in Malaysia, to provide a diagnosis of the problem from a quantitative and qualitative perspective which was then presented on a website made 'open source' by the Government of Bangladesh. Restorative Justice was introduced to divert volume crime from the formal system along with NGO staff being allowed in prisons for the first time. The approaches adopted have so far released over 8,000 prisoners, through judicial process and will soon be working in nearly 50% of the prisons in Bangladesh. It is forecast that by the end of the programme in 2018 over 18,000 prisoners will have been released.

Discussants – Michael Jacobson, Executive Director, CUNY Institute for State and Local Governance; and Dr Todd Clear, Rutgers School of Criminal Justice, Newark

Day 2 Parallel Session 3

Panel 1: Informal dynamics of prison governance in Latin America and Brazil

Co-producing order, survival and desistance

Dr Sacha Darke, University of Westminster

Whether by design or default, informal prison dynamics increasingly shape the prison environment across Latin America. As the international trend away from rehabilitative prison environments increases, it appears that Latin American prisons are likely to become yet more self-ordering. This informalisation of governance, if at times more ‘cobbled together’ than crafted, has major consequences for our understanding of prison life in Latin America, and of the limitations and potential unintended consequences of misguided strategies of penal reform. This paper explores the epistemological and policy implications of inmate self-governance in Latin American prisons. In doing so, it warns of the dangers of exporting criminal justice norms developed in North America and Western Europe to other parts of the world without exploring in detail the local conditions under which they are to be translated and implemented. Second, and in contrast, it asks what might be learnt from Latin American models of incarceration, in particular how inmates may be creatively incorporated as shared managers of prison environments, and in ways that are genuinely collective, inclusionary and rights-respecting, and promote the co-production not only of order and survival, but also of rehabilitation and desistance.

Brazilian prison dynamics: The co-production of order and the organic nature of governance

Oriana H. Hadler, Federal University of Rio Grande de Sul, Brazil

How are Brazilian prisons sustained? What is at stake in the operationalisation of some prison houses considered ‘abandoned’ by state forces? These are some of the questions put forwarded by this paper. Ranking third in the world imprisonment ranking, Brazil today has more than 700,000 prisoners: 147,937 of these under house arrest, and more than 550,000 inmates are in closed conditions. Amongst the latter, 32% are on remand. Having conducted two years of research in one of the largest pre-trial detention houses of the south of Brazil, the author analyses how prison overcrowding, minimal institutional structure and the rupture of prisoners’ rights produces an homeostasis system in which entangled relations are sustaining the penal system itself. To make sense of this nuanced understanding, two scenes are presented: the former called *The Brete or Cattle Chute* – in which the intricacies of the daily triage (screening process the inmates have to pass through) is described; the latter entitled *A partnership* – in which a psychologist, a police officer and an inmate worked together to calm down a frightened just-turned 18 year old first time prisoner. Both scenes delineate the everyday realities of informal dynamics within the prison system, especially focusing upon two entwined mechanics of Brazilian prison dynamics: the co-production of order and the organic nature of governance.

Prison growth and violations of human rights in Latin America

Maria Lucia Karam, Carioca Institute of Criminology, Brazil

A continuous expansion of the states' power of punishment has been noticeable worldwide since the last decades of the twentieth century. Despite the recognized failure of the stated functions of the deprivation of liberty and the introduction of alternative sanctions, imprisonment not only subsists, but is growing and becoming tougher. This global trend is especially significant in Latin America. In almost all Latin American countries prison population rates are higher than the world rate. The expansion of the states' power of punishment has been nourished mainly by drug prohibition. The adoption of a 'war on drugs' policy shifted the criminal justice system towards a war-like framework. This war has intensively focused on Latin American drug production and supply countries, thus especially impacting on the region's penal systems. In most Latin American countries drug trafficking has become at least the third leading category of offences by which inmates are charged and sentenced. Punitive laws and practices have always been a critical barrier to the full realization of human rights. The contemporary expansion of the states' power of punishment deepens this barrier. The expansion of the states' power of punishment increases the violence, inequality, discrimination, exclusion and oppression, which are at the core of the very idea of punishment and underpin the persistent logic of the criminal justice system. The growth of prison populations and the resulting prison overcrowding aggravate the harm and the pain caused by the deprivation of liberty. In Latin America, the traditional inhumane living conditions in prisons have deteriorated further, thus deepening the violations of human rights.

Panel 2: Justice reinvestment

Justice reinvestment – is there anything to learn from the USA?

Rob Allen, Co-Director, Justice and Prisons

Justice Reinvestment (JR) covers a variety of initiatives, both in the UK and the USA, which aim to shift resources away from the unnecessary use of criminal prosecution and imprisonment into more productive and cost effective ways of preventing crime and reducing reoffending. There are dangers in seeking to apply lessons from the USA, but recent years have seen important reforms at federal and state level which may be relevant. More than half of states have introduced JR laws or policies to reduce the severity of sentencing for non-violent offences and breaches of parole and supervision in order to avert unaffordable prison growth. The extent of their impact is contested in some states but 2014 was the first time in 38 years that both federal and state prison populations fell in tandem. Many states have used spending that would have been used on new prisons to strengthen alternatives. Drawing on two reports prepared for Transform Justice, the paper will look at how the politics of criminal justice has become more moderate in the USA, how policy has been developed (by involving both a wide range of stakeholders, and careful data analysis) and how incentives have been used to manage low risk and low level offenders outside prison. It will consider what may be relevant to the future of penal policy in England and Wales.

'Justice reinvestment: Winding back imprisonment?'

Emeritus Professor David Brown, Law Faculty, University of New South Wales, Australia

Justice reinvestment emerged as a response to mass incarceration and racial disparity in imprisonment rates in the United States in 2003. This paper is based on a collective research project, some results of which have appeared in the recently published book: Brown, Cunneen, Schwartz, Stubbs and Young, *Justice Reinvestment: Winding Back Imprisonment*, (2015) Palgrave MacMillan: London. The project examined justice reinvestment from its origins, its potential as a mechanism for winding back imprisonment rates, and its portability to Australia, the United Kingdom and beyond. The paper will briefly outline the principles and processes of justice reinvestment, including the early neighborhood focus on 'million dollar blocks' and the shift of focus through the Council of State Government's practical implementation arm, Justice Reinvestment Initiative (JRI), which focusses mainly on criminal justice system reform, largely in probation and parole supervision, in an attempt to reduce the high rate of revocations leading to imprisonment. The paper will scrutinize the claims of evidence-based and data-driven policy, which have been used in the practical implementation strategies featured in bipartisan legislative criminal justice system reforms in the US and in the 'payment by results' approach in the UK. This paper takes a comparative approach to justice reinvestment by examining the differences in political, legal and cultural contexts between the United States and Australia in particular. In the Australian context it argues for a community driven approach, originating in vulnerable Indigenous communities with high imprisonment rates, as part of a more general movement for Indigenous democracy. While supporting a social justice approach, the project confronts the problematic features of the politics of locality and community, especially as they apply to marginalized communities such as people with mental illness and/or cognitive impairment, women, and Indigenous peoples; the process of criminal justice policy transfer; and rationalist conceptions of policy.

Respondent – Professor Ian Loader, University of Oxford

Panel 3: Prisons, penalty and 'race'

The lived experiences of British Pakistani families of prisoners and their support needs

Tahir Abass, Carers Leeds

My thesis explored how imprisonment affects families from the British Pakistani community and what their support needs may be. The British Pakistani community is amongst the most socially disadvantaged in the UK. My findings demonstrated how these disadvantages can intensify as a consequence of the imprisonment of a family member. British Pakistani families can often find themselves to be isolated from both wider society and their cultural and ethnic communities. In exploring support needs, my research discussed the lack of cultural awareness and sensitivity within the CJS at different stages during the families' journey. While most of my findings are specific to the British Pakistani community, some aspects could apply to other BME communities.

Black, minority ethnic and foreign national prisoner experiences in the UK prison system

Jenny Johnstone, Lecturer in Law, University of Newcastle upon Tyne and Dr Bankole Cole, Reader in Criminology and Human Rights, Sheffield Hallam University

Unequal treatment of ethnic minority groups in prison remains one of the key concerns in the UK prison system. Equally pressing but less explored issue is the treatment of foreign national prisoners. While the Equality Act 2010 has attempted to address the issue of discrimination, its impact and effects on prisoners are far from clear. The rapidly increasing foreign prisoner population and budget cuts have created formidable challenges for prisons in terms of maintaining equality of treatment of ethnic minorities and foreign nationals. This research is a pilot case study looking to explore the experiences of Black, Minority Ethnic (BME) and Foreign National (FN) prisoners at HMP Durham. The research is looking at whether implementing the Equality Act 2010 has had any effect on how the prison manages BME and FN prisoners. We ask whether there are effective mechanisms in place to respond to issues of race, ethnicity and nationality. We also ask how the needs of BME and FN prisoners are being met when looking to their transition back into the community and dealing with the UK Border agency decisions to return the individual back to their country of origin post sentence. Finally, the study seeks to identify key issues and questions arising for a further national study and to identify models of best practice in dealing with the issues of race and diversity. The research involves semi structured interviews with prisoners, prison staff and senior staff within regional and national offender management services.

The transnational prisoner?

Professor Francis Pakes, University of Portsmouth

We are currently witnessing the potential emergence of a new type of transnational prisoner. This involves deals signed between national governments that allow those convicted in one country to serve their sentence in another. Such a deal between the Netherlands and Belgium will come to an end at the end of 2016. However, a new deal this time between the Netherlands and Norway is currently in operation. It allows for a few hundred prisoners sentenced in Norway to serve part of their sentence in the Netherlands. This presentation will consider some of the deeper implications of this possibly nascent process of transnationalization of prisoner populations.

Panel 4: Historicising penal reform

Lessons from history: The Penal Reform League-Howard Association merger and the early years of the Howard League, 1907-27

Dr Anne Logan, Senior Lecturer, University of Kent

With reference to the 'learning from history' strand of the conference, this paper critically examines the short-lived history of the Penal Reform League (PRL) before its merger with the Howard Association and the subsequent campaigning trajectory of the Howard League (HL) in the early 20th century. The paper rejects the notion that a 21st century, professionally-run, media-aware campaigning group has little to learn from its

predecessor a century ago. It instead demonstrates the importance and relevance of the extensive policy networks and alliances initially established by PRL activists before 1914 and built upon by the early HL under the control of its first Honorary Secretary, S. Margery Fry (1874-1958). The significance of these policy networks to the campaign successes of penal reformers in the 1920s is examined and illustrated. The paper also considers the legacy of Margery Fry's work in encouraging the development of criminology in Great Britain, her insistence upon evidence-based policy, and the promotion of clearly articulated campaign aims and reformist methods in order to secure social justice and penal reform.

Re-shaping restorative justice. A historical and critical ontology

Giuseppe Maglione, Lecturer in Criminology, Edinburgh Napier University

This presentation aims at outlining a historico-philosophical investigation into the conditions of possibility of Restorative Justice, using a Michel Foucault-inspired perspective. The first (*archaeological*) objective pursued is to draw the archive of Restorative Justice, i.e. to re-construct the range of authoritative discourses which have shaped the 'thinkable and sayable' about Restorative Justice over the last 30 years. The archaeological section intends then, to re-construct and unpack the discursive formation which encompasses and integrates those apparently unrelated discourses on the how and why Restorative Justice has emerged and actually works. The second (*genealogical*) aim is to critically appraise the power/knowledge embeddedness of Restorative Justice as discursive formation, conceptualizing its emergence within a wider context of socio-political transformations and identifying its political rationality. The last (*ethical*) goal to reflect upon the possibility of re-working Restorative Justice as an ethical practice which aims at imagining an expanded field of possible conducts available to people involved in social conflicts. Along these lines it is possible to take a step toward the critical development of new opportunities in the theory and praxis of Restorative Justice, beyond the take-for-granted récits on why and how Restorative Justice has emerged and works.

Racial discrimination and the death penalty in twentieth century Britain

Dr Lizzie Seal, Senior Lecturer in Criminology, University of Sussex

This paper will outline the aims and theoretical basis for a project on racial discrimination and the death penalty in twentieth century Britain. Although a strong element of scholarship on the American death penalty, there is no systematic research on this in relation to Britain. However, the author's previous research into the cultural history of capital punishment in twentieth century Britain suggested to her that minority ethnic individuals were over represented amongst the executed. The paper will outline plans to empirically investigate this, as well as its significance in relation to how to conceptualise early and mid-twentieth century cultures of punishment in Britain. In particular, it will suggest that racial discrimination in the death penalty highlights the need to understand the legacy of harsh colonial punishment alongside the development of penal welfarism. Finally, the paper will argue that the findings from such studies into historical racial discrimination help deepen understanding of present day racism in the criminal justice system and its wider effects.

Panel 5: Vulnerable children and criminal justice processes

Police interviews of child suspects: Neglected in a time of change

Piers von Berg, Barrister, 36 Bedford Row Chambers and University of Birmingham

How a child gives evidence in the criminal justice system has transformed in the last 30 years. This includes the understanding of and rules on competence, obtaining best evidence, cross-examination. This has radically changed the manner of questioning and treatment of children who are witnesses, complainants and defendants. However, child suspects have been neglected. Our research, through Freedom of Information requests to every police force in England, reveals that no comparable system to the Achieving Best Evidence (ABE) guidance exists for child suspects. Similarly, none of the measures, approved by the Criminal Practice Direction (CPD), for child defendants in court, exist in a police interview. This paper evaluates whether police practice for interviewing child suspects is fit for purpose to obtain reliable evidence and have adequate regard for a child's welfare. Current practice fulfils neither requirement. It contains very little of the safeguards found in the ABE or the CPD. What measures do exist rely on individual officer's training and retrospective court rulings. This is contrary to a child's Article 8 rights in police custody as enhanced by the United Nations Convention on Children's Rights (UNCRC) and applied by domestic courts. It also endangers a child suspect's Article 6 rights. These rights can be engaged pre-proceedings in the case of child suspects as effective participation is premised on effective communication. For these reasons, a system and practice for obtaining best evidence of child suspects should be introduced. It should aim to obtain reliable evidence whilst safeguarding a child's welfare.

Countering the criminalisation of 'neurodisability': Reforming penal policy through the application of developmental science

Dr Nathan Hughes, Senior Lecturer, University of Birmingham and Marie Curie Research Fellow, Murdoch Children's Research Institute, Australia

Neurodevelopmental impairments are physical, mental or sensory functional difficulties caused by disruption in the development of the brain or other aspects of the nervous system. These include difficulties regarding: executive functioning; learning; communicating; and regulating and expressing emotions. These are often experienced in combination, as one or more clinically defined 'neurodevelopmental disorder', such as: learning disability; communication disorders; attention deficit hyperactivity disorder; or foetal alcohol syndrome disorder. Despite significant evidence of the disproportionately high prevalence of neurodevelopmental impairments among young people in custody, to date limited attention has been given to this issue within research, policy or practice. This leaves unchallenged the processes within police, court and youth justice systems that serve to disable young people with neurodevelopmental impairment, heightening risk of criminalization, including inadequate assessment, inaccessible court procedures, and inappropriate interventions. This is inherently tautological: the failings of the system to effectively support these young people so as to prevent re-offending reinforce their involvement with the system and its continued failure to do so, resulting in a higher subsequent risk of eventual custodial intervention. This criminalisation can be challenged and addressed through the utilization of advances in neuroscience and developmental psychopathology regarding the etiology and expression of specific neurodevelopmental disorders. Such research can provide

insights into the impact of impairment on behavioural traits that might affect propensity towards criminality, and offer the potential for policy and practice responses that are cognizant of and responsive to the needs of young people made vulnerable by neurodevelopmental difficulties.

Reshaping youth justice: Justice as fairness as a basis for organisational structures

Dr Jessica Urwin, Lecturer in Social Work, De Montfort University

Youth Justice has been highly criticised for not meeting the needs of young people in general, and particularly in relation to addressing mental health needs. Approaches to rectifying this have previously focused on changing aspects of practice and accountability, and have not had the desired impact. This paper explores the underlying philosophical and organisational structures within youth justice, and suggests that this may be a pivotal factor in meeting the needs of young people, and thus the overall aims of the service. Tensions between the differing philosophical approaches to youth justice are well documented, and highlight how ideological factors can have a direct impact upon practice. To meet needs and overcome these issues within practice it is argued that the structure of the YOS and underlying principles need to be reconsidered and re-examined. It is suggested that John Rawls's "Justice as Fairness" could be used to underpin the organisational structure of youth justice, allowing practice to be socially just. The aim of this is to make the principles guiding youth justice practice explicit, and that this will facilitate the meeting of young people's needs.

Panel 6: Law and penal reform 2

The advent of preventive criminal law: An erosion of traditional criminal law?

Dr Ali Emrah Bozbayindir, Istanbul S. Zaim University, Turkey

Nowadays legislators are increasingly inclined to expand the scope of criminal law with a preventionist agenda. Acting with a pre-crime, proactive prevention logic legislators are defining (abstract or presumed) endangerment offences (or pre-inchoate offences) remote from the ultimate harm-to-be-prevented. Thus, such offences are, raising concern among scholars regarding to their legitimacy and compatibility with the fundamental principles of criminal law and of human rights, i.e. the principle of guilt, the harm principle and the principle of proportionality. Opponents of this model of criminal law argue that it poses a threat to the rule of law and it shall eventually become an enemy criminal law (*Feindstrafrecht*) without sufficient legal protection of the perpetrator. Proponents of this preventive criminal law, however, argue that the dangers caused by the new risks can best be averted by criminal law. For, according to this view it is more viable to criminalize the endangerment of harm than to deal with this problem placing it to elsewhere, to police law for instance, since the criminal procedure contains a set of due process guarantees that are not available in its alternatives. Accordingly, the paper shall explore the concept, limits, and validity of this taxonomy of preventive criminal law and its alternatives especially with a special focus on recent (preventive) substantive criminal law legislation of Turkey (criminalization of possession of certain items by the new internal security code) and Germany (new offences against the security of state).

Role of the judiciary in penal reforms in India

Bhabani Sonowal, Doctoral Research Fellow, Rajiv Gandhi School of Intellectual Property Law, Indian Institute of Technology, India

History bears evidence that the Indian penal system is an ingenious creation of the colonial rulers. The ancient penal system in India reveals that punishments were barbaric and cruel in nature and there were no well-developed agencies of criminal justice administration. The movement brought by the British was a watershed in the history of penal reform in India as it facilitated the abolition of the barbarous forms of punishment and instead substituted it with civilized forms such as imprisonment. However, the development of the society demanded the reform of the age-old penal system prevalent in the society as manifest in the Prisons Act, 1894. It was the judiciary that depicted its concern for prisoners' rights in jails. From the past few decades, the Indian Judiciary by the judicial epitomes encapsulate that the rule of law and distributive justice are the goals of constitutional compulsion available in prison settings, and asserted that convicts are not by the mere reason of their detention denuded of their basic human rights. The judgments delivered by the Supreme Court of India in the recent past in the area of prison reforms contain lengthy discussions and references to human values and human rights of the under-trials, convicts, and detenues. The present paper is an attempt to highlight how the Indian Judiciary has established the rights of the prisoners and their status in the criminal justice system and overall brought about significant reforms in the penal system of the country.

Human dignity and common good as the basis of criminalization

Dr Krzysztof Szczucki, Warsaw University, Poland

One of the most important subjects within the frames of penal reform is doubtless the problem of criminalization, particularly premises, which as precisely as possible delimit the scope of the state's right to punish. What is equally important, criminal law should both be treated really as last resort and be consistent with the values characterized by the label of the most important for the community. The method that might be useful and – at least to some extent – achieves these assumptions is the pro-constitutional interpretation of criminal law. I would like to present the premises and assumptions of the method on the Polish example. This paper will be devoted particularly to the most important part of the method, namely to the specific role of the two basic principles: human dignity and common good. The rules of common good and inherited and inalienable dignity constitute directional rules – indicators in the process of resolving conflicts between values. Criminalisation should be preceded by examination of particular aspects of values involved and relations between them. It shall lead to establishing which of the conflicting values, realizes and complements the content the dignity and common rules to a greater extent. This value should be protected to a greater extent in the criminal law, provided that the premises of proportionality test are accomplished: necessity, usefulness and proportionality in the strict sense.

Day 2: Parallel Session 4

Panel 1: Contemporary developments in youth justice and youth penalty

The temporal nature of youth penalty: Macro drivers of penal expansion and reduction

Damon Briggs, PhD candidate, University of Liverpool

Social forces theses within the ‘sociology of punishment’ literature have historically suggested that England and Wales, like many other Western states, has moved towards a trendless path of neoliberal penality and taken a ‘punitive turn’ towards increased punishment, coercion and imprisonment of young people since the end of the twentieth century. However, analysis of national statistics indicates that since 2008 there has been a rapid decline in the number of young people entering the youth justice system and a significant reduction in the number of young people being incarcerated. This largely unexpected diminution has occurred alongside no overt change in politics or policy at a national level. This trend unsettles the ‘punitive turn’ thesis in many ways. Utilizing data obtained from interviews with national policy experts and quantitative analysis for a PhD study this paper explores the drivers of youth penal expansion and reduction since the 1990 with a particular focus on the youth custody drop since 2008. The paper will conclude by thinking about how conceptions of punitiveness, penality and governance have been altered by such reductions in the youth penal state.

Children first, offenders second: A manifesto for change to the youth justice system

Professor Stephen Case, University of Loughborough and Professor Kevin Haines, Swansea University

The *Children First, Offenders Second (CFOS)* model evolves youth justice beyond its contemporary risk focus and promotes a principled, progressive and practical approach to the treatment of children in the Youth Justice System. The measurement, assessment and amelioration of the risk children present to themselves and others underpins and drives contemporary youth justice processes in the UK and internationally. However, the utility of the risk paradigm has been over-stated, it is insufficient in its evidence-base and it is incapable of sustaining the faith placed in it as the guiding principle for animating youth justice practice. Nevertheless, there is at present no consensus about what approach to youth justice should or can replace risk as the driver of policy and practice. This paper outlines the *CFOS* model as a manifesto for changing the Youth Justice System – a modern, economic-normative paradigm founded on central guiding principles for positive youth justice practice – child-friendly and child-appropriate rights-focused treatment, diversion, inclusionary prevention, participation and engagement, legitimacy, the promotion of positive behaviour and outcomes, evidence-based partnership, systems management and the responsibilisation of adults. Therefore, *CFOS* constitutes a blueprint for a distinctive, principled, progressive approach to working with children; one that can be adopted and adapted by local authority areas throughout England and Wales, and by other nation states across the UK, Europe and beyond. The evolution, trajectory and practical realisation of a *CFOS* in Wales will be discussed and animated with evidence from a twenty-year programme of associated reflective research.

Thinking about children's rights in prison: Some observations from the Howard League legal team

Dr Laura Janes, Legal Co-Director, Consultant Solicitor, the Howard League for Penal Reform

This session will explore the tension between children's rights and child protection within child jails. Drawing on case studies and experiences from the Howard League legal team, it will argue that a child rights led approach is the best way to enhance child protection.

Panel 2: Desistance, re-entry and belonging

"Built around failure": County jail inmates' perceptions of re-entry

Dr Michael J. Jenkins; Dr Harry R. Dammer; and Dana Raciti, Scranton, USA

This study examines the re-entry issues of a unique population—currently jail-incarcerated individuals who unsuccessfully tried to re-enter society and were then re-incarcerated and contemplating the challenges they faced previously (and will face) as they attempt to re-enter society for another time. Twenty-eight participants—24 men and 4 women—participated in one of four focus groups. We asked each focus group six open-ended questions pertaining to their most recent re-entry and carceral experiences. We analyzed responses to find commonalities among respondents' concerns related to the local re-entry process. The re-incarcerated individuals in this study identified substance abuse issues and financial difficulties as areas most affecting their re-entry experiences. These also related to their abilities to find reliable housing and employment. The respondents here suggested a greater emphasis on rehabilitation, an individualized approach to their time on probation, and a pre-release plan while incarcerated. They were most adamant about making changes to sentencing, "court costs and fines," and probation systems. This study raises serious concerns about the barriers to re-entry that are criminal justice system effects. It also suggests areas of a returning citizen's life that need more attention if they are to successfully re-enter society and maintain productive lifestyles post-release.

Fathers in prison, children in school: The challenge of participation and the potential for transformation

Dr Helen O'Keeffe, Head of Primary Education, Edge Hill University

This paper examines the potential for imprisoned fathers to participate in the education of their children, reflecting upon the potential benefits for the child and the long-term transformation of the father. Semi-structured interviews were carried out in one prison with three groups of stakeholders: serving prisoners, their partners and their children's schools. With an estimated 200,000 children in the United Kingdom affected by parental imprisonment on an annual basis, a general acceptance that in most cases, continuing family contact is a major positive force in the process of rehabilitation for the prisoner and a rich body of research indicating that separations are likely to have profound consequences for both parent and child, little consideration is given to the child's education and the possibilities for this as a vehicle for increased parental involvement

opportunities for prisoners. The findings of this small-scale study illustrate that schools are yet to develop policies directed at meeting the needs of children and their imprisoned parent. Mothers have a pivotal role to play in any policy directed towards imprisoned fathers' involvement and whilst realistic in their expectations, they are not unwilling to facilitate participation, recognising the potential benefits for their children and their father. Fathers revealed a hidden 'voice' and 'vision' relating to educational involvement, demonstrating potential for the re-shaping of their role in their child's education and in so doing, educating themselves and realising their potential as parents.

Re-evaluating resettlement: Best practice and challenges to the reintegration of offenders

Ester Ragonese, Senior Lecturer, Liverpool John Moores University and Rebecca Askew, Lecturer, Manchester Metropolitan University

In July 2013, Justice Secretary Chris Grayling announced plans for the introduction of seventy resettlement prisons in England and Wales. The purpose of resettlement prisons is to reduce re-offending, by assisting prisoners to overcome barriers to desistance and thereby enabling them to participate proactively in society. Set within academic literature, this paper identifies the best practice and key challenges of resettlement for the prison estate. It presents findings from an evaluation of the resettlement processes in a private prison in the northwest of England. The research took an ethnographic approach with a nine-month fieldwork period combining observations, interviews and in-depth case studies, which were analysed using 'interpretive phenomenological analysis'. The analysis focused on understanding the subjective experience of prisoners' in preparing for their release and the prison staff roles in this process. The paper compares these two perspectives, demonstrating the similarities they share in terms of resettlement goals and the requirements for successful reintegration. It concludes by presenting a series of recommendations to improve resettlement practices within the prison, enabling staff to carry out their duties effectively and better support prisoners in preparing for their release.

Panel 3: Replacing penalty in the quest for justice

Reimagining citizenship: Towards non-penal real utopias

Dr Emma Bell, Senior Lecturer, Université de Savoie, France and David Scott, Senior Lecturer, Liverpool John Moores University

As has long been recognised, the social distance created between offenders and a mythical law-abiding majority helps to fuel punitive practices and hinders any attempts to seriously reform the penal landscape (e.g. Christie, 2000). The commonplace treatment of the majority of offenders as non-citizens precludes meaningful dialogue and debate with 'the citizenry'. As has been evident in recent years, debate about penal issues amongst those who are seen to be worthy of citizenship has often been reduced to base populism (Pratt, 2007). This presentation will seek to argue that penal reform can only result from adopting a genuinely inclusive, pluralist notion of citizenship (Kabeer, 2005) which is capable of incorporating all those affected by both state-defined crimes and various forms of social harm, whether they are regarded as victims or

offenders. Even though we favour a Marshallian rights-based approach to citizenship, we argue that the notion of responsibility is also paramount. Yet, it needs to be understood in the widest possible sense to focus not only on the responsibilities of offenders as citizens but also those of individuals, states and communities to play a meaningful role in tackling harmful behaviour at source. This of course entails shifting the focus beyond harmful actions and those responsible for them to analyse broader agendas for political reform. Just as the debate on penal policy needs to go beyond crime, as it is commonly defined, the solutions proposed for the resolution of harmful behaviour need to go beyond the penal, going further than simply modifying the penal landscape to develop genuine non-penal real utopias.

Justice matters - designing the transition to a society without criminal justice

Will McMahon Deputy Director and Rebecca Roberts, Senior Policy Associate, Centre for Crime and Justice Studies

Criminal justice, as a series of inter-locking systems, is a relatively recent historical invention. In the last quarter of a century the numbers under community supervision and in prison in the UK have expanded rapidly as direct consequence of policy makers privileging punishment over non-punishment as a way of managing particular forms of social harm: there has been a transition to a society much more reliant on punishment as a method of social regulation. At the Centre for Crime and Justice Studies we believe that the United Kingdom's over reliance on policing, prosecution and punishment is socially harmful, economically wasteful, and prevents us from tackling the complex problems our society faces in a sustainable, socially just manner. This paper will discuss how we can begin to build a strategy at the levels of state policy, practice and community action to create a dynamic towards a society that does not rely on criminal justice to regulate social harms: a transition from a criminal justice to social justice society. We will explore options to build policy and practice alternatives to criminal justice. This is not about enhancing the capacity of criminal justice agencies to address the needs of those convicted of offences. It is about rethinking the configuration of policy and practice – for instance in housing, education, health, social security and employment – so that many current criminal justice responses are not required at all.

Panel 4: Bail, remand and sentencing: Key issues in governance and justice

Interrogating ‘gender responsive justice’: An examination of the prior and post release experiences of women on custodial remand in Northern Ireland

Gillian McNaull, Queen’s University, Northern Ireland

This paper is derived from a gendered critique of women’s custodial remand policy in Northern Ireland. The research proposes that women’s custodial remand sentencing decisions are rooted in their gendered marginalisation, rather than the severity of their crime. An element of this decision-making, which this paper will explore, is the significance and influence of an emergent paradigm regarding women’s imprisonment: ‘gender responsivity’. This paper will identify and explore the tensions between contrasting interpretations of ‘gender responsive justice’ particularly its adoption within the discourse of ‘rehabilitation’ within a liberal framework of ‘new penality’. It contends that gender responsivity enables the deflection of the reality of women’s imprisonment

to take place at three distinct but linked levels. First, ideologically through focusing on causation, pathologising the individual and problematising her environment, rather than locating causality within the political economic structures of society and its structural (relations) of inequality. Second, through the discursive transformation of penal policy into 'gendered specific justice', masking the actuality of the prison environment and the harms it enacts, while constructing a discourse of incarceration's potential to reform and rehabilitate that neglects the reality of the prison's identity, concealing the punitive control it delivers. Finally, as a consequence, the criminal justice process fails to address the reality of women's post-release life, promoting 'reintegration' without acknowledging the structural inequalities that contextualised women's experiences pre-incarceration. One of the outcomes of the prison's discursive transformation, is its reinforcement of an unquestioning acceptance of, and commitment to, 'the logic' of imprisonment. While the reformative aims of gender responsivity proclaim 'improvement' in the lives of imprisoned women post-release, what results is a disproportionate increase in their incarceration, as those making sentencing decisions accept the premise that 'gender responsivity' within prisons provides the foundation on which women's 'rehabilitation' can be constructed.

Delineating the relationship between criminal law and regulatory governance: A natural law account

Dr Daniel Ohana, Teaching Fellow, Faculty of Law and Institute of Criminology, Hebrew University of Jerusalem, Isreal

Norms and practices of enforcement concerning regulatory offenses depart in various respects from the traditional criminal law. On the one hand, actors do not face a risk of imprisonment or the prospect of a criminal record in administrative sanctioning proceedings. On the other hand, well-established principles of criminal liability and procedure are often relaxed for the sake of enhancing efficiency in regulatory enforcement. It has proven a major theoretical challenge to develop a coherent conceptual framework that can make sense of these variations between the criminal law and the law governing regulatory offenses and delineate the boundaries between these two spheres of the penal law. This paper, which draws on the natural law theory of morality, attempts to offer such a framework, which is distinctive in two central respects. First, rather than simply depict regulatory governance as a morally neutral form of state rule informed by a thoroughly consequentialist logic it explains the moral basis for the power of state governments to promote the common good, *inter alia*, through the enactment and enforcement of regulatory offenses. At the same time, it spells out the principled limits which necessarily apply to the exercise of this power in practice by insisting that it is equally constitutive of the common good for state authorities to abide by principles of fairness and justice. Furthermore, this account builds on the natural law theory of political authority to articulate a moral basis for granting priority to non-punitive enforcement strategies, whereby the use of administrative monetary penalties or more conciliatory measures (such as negotiation and education) are initially favoured in lieu of setting in motion the machinery of the criminal law. Second, it makes it clear that under the natural law certain courses of action are deemed to be intrinsically wrong – most notably, actions through which the actor intentionally directs himself against a central good (such as human life) – so that even though state governments may enjoy broad discretion in the definition of conduct fit to be prohibited and the instances in which it is appropriate to trigger sanctioning proceedings for the sake of securing the common good, certain core wrongs must be forbidden solely by means of the criminal law to ensure that retributive punishment is brought to bear upon those who act in defiance of the enacted prohibition.

Whose notion of justice does sentencing serve?

Elizabeth Tiarks, Senior lecturer in Law, Northumbria University, PhD student, Durham University, Barrister

Current sentencing practice is ambiguous in terms of whose notion of justice is served in any instance of sentencing. This is partly due to the operation of s.142 Criminal Justice Act 2003, which sets out five contradictory purposes of sentencing, with no hierarchy as to when sentencers should prefer one purpose over another. This leads to sentencers being in a position where they must either second guess what the government intends at a given time; or they must rely on and implement their own understanding of justice. Restorative justice provides a promising way of removing the ambiguity over whose notion of justice sentences serve. Restorative Justice is here conceived of as a process of sentencing which allows stakeholders of an offence (victim, offender and community) to mediate between their different ideas of justice and come to a mutual agreement as to the outcome (or sentence). This means that the outcome should best represent a mediated version of the notions of justice held by those most affected by the offence. The role of the state in this process will also be briefly outlined. Instead of the judiciary verifying restorative justice outcomes for proportionality and consistency with other outcomes (as happens in Northern Ireland, for example), it will be argued that the state should adopt a more administrative role, as suggested by Roche (2003). This should involve assessing the fairness of the process rather than the outcome, having particular regard to potential power imbalances during deliberation.

Panel 5: User participation 2: ‘Supervisible’ and photovoice methodology

Pervasive punishment: The shadow of penal supervision

Professor Wendy Fitzgibbon, London Metropolitan University with Carolyne Kardia, Artist; Angeline Cross, PACT Charity and Julie, a service user

This paper reports on the methods used in and findings of a small pilot study (conducted under the auspices of COST Action IS1106 on Offender Supervision in Europe, and with funding from the Howard League for Penal Reform) in which we invited people subject to penal supervision in the community (or with previous experience of such supervision) to take photographs representing their experiences. This study took place in three locations England, Germany and Scotland . We also conducted focus groups and interviews with the participants to discuss the images, and asked them to provide captions for some of their chosen photographs. This ‘photovoice’ approach provides a new form of data about the lived experience of supervision, and in particular draws attention to its pervasive quality. In some respects, being supervised is like being haunted, even if the ghosts are sometimes friendly.

Panel 6: Issues of sentencing 1

Innocent until proven guilty: A case study of bail decision-making in the magistrates' courts

Diana Grech, PhD Student, Centre for Criminal Justice Studies, University of Leeds

Remand prisoners accounted for 14% of the total prison population in England and Wales at the end of June, 2015 (Ministry of Justice, 2015). Relative to sentenced prisoners, these individuals have varied and complex needs. They often experience heightened stress and anxiety, have limited access to support services, and are at an increased risk of suicide and self-harm (HM Inspectorate of Prisons, 2012). Given that the majority of remand prisoners are considered legally innocent, denying them bail and remanding them in custody can raise serious human rights concerns and strain the central principle of the presumption of innocence. Despite these issues, however, very little is known about the bail decision-making process in England at this time. This is the process by which practitioners determine whether defendants will be released into the community or remanded in custody pending trial. This paper aims to fill the gap in the research through an in depth analysis of bail decision-making at a magistrates' court in Northern England. Specifically, the factors that impact bail decision-making will be identified and the role of various court decision-makers will be examined. Finally, the consequences for defendants and correctional institutions will be outlined and broader due process and human rights implications will be discussed.

Non-payment of fines in Ireland

Eoin Guilfoyle, PhD Student, University of Limerick, Ireland

In 2013 65% of all custodial sentences imposed in Ireland were for failure to pay a court ordered fine. There is a desire across the political spectrum in Ireland to reduce the extraordinarily high number of offenders being sentenced to imprisonment each year for non-payment of fines. This has led to policy makers passing legislation (although it has yet to be fully implemented) which will make a number of changes in relation to how fines are collected and also the sentencing of offenders once they are found to be in default. This paper will focus on the later and in particular on provisions which will allow judges to impose a Community Service Order as an alternative to imprisonment for non-payment of a fine. It will be argued that the provision, when examined in isolation, looks to be extremely positive. However, once placed within the existing Irish sentencing system another picture emerges. It will be shown that due to other sentencing laws and practices currently operating in Ireland, this provision will not be capable of achieving the desired positive impact on the number of fine defaulters being sentenced to imprisonment, and of even greater concern, will end up having a negative impact on the use of the Community Service Order in other areas of the criminal justice system.

Guilty without plea: Out-of-court disposals of offences in Singapore

Jason Too, King's College London and Prosecuting Officer, Ministry of Manpower, Singapore

Given the state's limited resources, out-of-court disposals of offences are an efficient way to deal with minor breaches of the law. In Singapore, this may take the form of a stern warning or an offer of composition administered to a suspect by a law

enforcement agency under general or special directions of the Public Prosecutor, who is also the Attorney-General. The decision to so dispose of a matter technically falls within the Attorney-General's constitutionally-guaranteed prosecutorial discretion which the courts in Singapore have generally taken an attitude of deference towards. In particular, it appears from a recent judgment of the High Court that decisions to stern warn or compound an offence may not even be susceptible to judicial review. This paper will firstly set out the foundations of the stern warning and the composition of offences in Singapore. It will then proceed to review the problems inherent in the current practice of issuing stern warnings without admission from the suspect, as well as trace how the composition of offences has inappropriately evolved from performing a restorative function to becoming a punitive and deterrent measure. More importantly, this paper seeks to critically examine the potential injustice which may be caused by the lack of avenues of redress for a wrongful issuance of a stern warning or an offer of composition against the backdrop of the criminal justice system in Singapore. Comparison will be made to the system of cautions and penalty notices in the United Kingdom where relevant.

Day 3: Parallel Session 5

Panel 1: Youth participation in reshaping criminal justice and penal reform

Youth participation, campaigning and youth voice in the criminal justice system: Who benefits? Reflections on the U R Boss participation project

Lucy Russell, UK Girls' Rights Campaign Manager, Plan UK; Jessica Southgate, Independent Youth Participation Consultant; and Suleman Amad, Young Advisor, the Howard League for Penal Reform

Is youth participation in the criminal justice system meaningful for young people? Are we 'learning as we are doing?' U R Boss is the Howard League for Penal Reforms' youth participation project. Summer 2014 saw the conclusion of the first stage of the work of the project and an independent evaluation by De Montfort University. This paper combines the reflections of staff from this period on their role combining campaigning, youth support and participation with the reflections of young people with experience of custody and the criminal justice system. Young people will examine what the project and the process of participation meant to them, and why they chose participation as a policy priority.

The paper examines some of the barriers faced to offering meaningful participation to young people in the criminal justice system and reflects on the methods used. In particular, it focusses on what it means to develop policy in partnership with young people, to devise meaningful strategies for change and mobilise young people with complex needs to campaign. It will reflect on the learning achieved and make recommendations for practitioners. It will also raise key questions for academia about how we approach participative policy making in youth justice.

Youth participation, campaigning and youth voice in the criminal justice system

Tabitha Kassem, Legal Co-Director, the Howard League for Penal Reform and Shelley Jones, Youth Participation Officer, the Howard League for Penal Reform

This session will present the work of the Howard League 'participation project' which has built on the success of the U R Boss project. It will outline the activities we have undertaken, the partnerships we have made and the key messages received from young people. It will also identify how practitioners can get involved in our participation work over the coming two years. Working with the Transition to Adulthood Alliance ('T2A') our 'maturity report' found that our criminal justice system is failing to support young adults adequately by not offering a distinct approach that recognises their development and varying levels of maturity. It identified sentencing as a key stage in an individual's journey through the criminal justice system. It can be a confusing and overwhelming process and we believe there is real benefit in supporting children and young people to understand the legal principles behind their sentence so that their voices can be heard. We have developed a programme of interactive sessions, combining legal education and youth participation to ensure young people become active citizens. We aim to develop a checklist for those involved in the process of sentencing to encourage a more consistent, informed and principled approach. While sentencing principles for children are established, if not always followed, there is no equivalent for young adults. We are working with T2A on a separate project about

sentencing young adults. This work will build on and develop our participation work with young people and practitioners on this topic for children.

Panel 2: Desistance narratives

Voicing desistance: Female experiences of giving up crime

Una Barr, PhD Student, University of Central Lancashire

Criminological theory and research has historically focused on explaining how people get into crime and much less on how and why they stop, despite the perennial finding that most of those with convictions do eventually stop offending. The very meaning of "desistance" however has been much contested, yet has broadly been linked with themes such as maturity, adult social bonds, agency, identity and hope (Bottoms et al, 2004). Even more concerning, however, is the further marginalisation of already marginalised groups within the vast majority of desistance literature. The bulk of research in this area can be noted for the salience of the white male perspective of offending trajectories. This paper aims to contribute to this under-researched area by giving a female voice to desistance research. The methodology which informs this work is observation research and individual narrative interviews of groups of females with convictions. I argue for a feminist approach to desistance, which recognises that a huge proportion of women in the criminal justice system stem from backgrounds of abuse, economic disadvantage and alcohol, drug and mental health issues. Yet we must move away from the dichotomy of narratives of victimisation and survival and recognise that women have agency. We must challenge the neo-liberal and patriarchal approach to desistance which promotes women's role as care givers and unpaid volunteer workers. Women's desistance can challenge neo-liberal patriarchal constructs much in the same way that women's offending often does.

Desistance in transition: Exploring the impact of transforming rehabilitation on the desistance narratives of offenders on an Intensive Community Order

Christopher Kay, Lecturer in Criminology, Sheffield Hallam University

The introduction of the "Transforming Rehabilitation" (TR) agenda by the Coalition government in 2014 resulted in a major overhaul of the probation service in England and Wales, arguably the largest in its 107 year history. With some even questioning whether its implementation signalled the "end of the probation" service (Guilfoyle, 2013). One of the changes introduced as part of TR, involved the division of probation work between two organisations, a National Probation Service (NPS) and 21 community rehabilitation companies, based upon risk. While research is currently underway to examine the impact of this change on the professional identities of probation staff (see Robinson et al, 2015), there has, up until now, been relatively little talk of how such change impacts upon those on the receiving end of the service. The paper presented here shall discuss the findings of research into the impact of TR on the desistance narratives of probationers on an intensive community order. It will suggest that TR and the bureaucratic overhaul required to implement it, impacted upon the ability of probation staff to facilitate the development of agentic potential and capital acquisition in the probationers under their supervision, both of which are widely considered to be key factors in the successful maintenance of desistance for offenders.

Social (in)justice, penal policy and women's resettlement on release from prison

Jacqueline Kerr, PhD student, Ulster University, Northern Ireland

Women in prison in Northern Ireland experience social and economic disadvantage in relation to their mental and physical ill health, addictions, education and employment, poverty, victimisation and accommodation. It is against this backcloth that women's offending and subsequent incarceration is frequently realised. For many women, prison provides a reprieve or an 'escape' from their social marginalization, the lack of social welfare infrastructure and support initiatives in the community (Segrave and Carlton 2010) and, the associated chaos which characterise their lives. Women experience prison in a particularly gendered way through the breakdown of family relationships, separation from children and mental ill health. Their needs are further compounded by penal practices and procedures which are moulded around male prisoners. On their release from prison, women's social exclusion is exacerbated by their experiences of incarceration. This paper explores the intimate connections between women's histories of social (in)justice, penal policy and their resettlement on release from prison. Drawing upon primary qualitative research with women in contact with the criminal justice system and the professionals working on their behalf, the paper considers how women's needs are eroded by penal policies and practices. The work examines the impact of the contemporary regime for women prisoners and its implications for their successful reintegration into the community on release.

Panel 3: Lesson learning in penal policy

Why (re)imagine policy when you can borrow it? What we know about crime and criminal justice policy transfer

Laura Bainbridge, Doctoral Researcher, University of York

There is nothing novel about policies traveling across state borders. Since their inception nations have borrowed innovative ideas, models and programmes from elsewhere. Yet, in recent decades the phenomenon in which knowledge about overseas practices is deliberately used to develop domestic policy has seemingly intensified and accelerated. In response an expansive and diverse academic literature has emerged which is dedicated to analysing 'policy transfer', with a range of issue areas being investigated including health, education and the environment. But what about crime and criminal justice? What does empirical evidence as opposed to speculation and assumption tell us about the role played by action-orientated intentional learning within this sphere? This paper will present the results of a scoping study designed to answer this question. In discussing the extent, range and nature of published research, explanations as to why the systematic study of policy origins has been neglected by criminologists will be outlined as will the motives of policy-makers who have engaged in transfer activity. Findings concerning what crime policies (if any) have previously been imported to the UK, which jurisdictions are attractive for lesson-drawing purposes, and the key challenges associated with moving initiatives from one country to another will also be explored.

Learning lessons from penal exceptionalism: An exploration into how penal exceptionalism can assist in the re-imaging of penal justice across the globe

Dr Sarah Lewis, Senior Lecturer in Criminal Psychology, Institute of Criminal Justice, University of Portsmouth

There is much debate regarding the notion of penal exceptionalism within Nordic prisons. Whilst Pratt (2008) has identified that Nordic practice should be recognised for its low imprisonment rates and humane conditions within prison, others have provided a counter-commentary on the possible darker sides to Nordic penal practice (Barker, 2013; Ugelvik, 2011). This paper draws on the findings from an innovative research project, which explored the values of a unique low-security prison in Norway that has been recognised internationally as exceptional. The research was designed to embrace and empower the ‘user voice’ by recruiting prisoners as co-researchers to facilitate a visual methodology, through the use of photo-essays and documentary ethnography. Forty-eight participants were involved in the project and this included both staff and prisoners at Bastøy prison. The findings suggested that; (1) experiencing normality, (2) connecting with others and the environment, (3) participating in meaningful work and (4) experiencing a sense of freedom, nurtured personal growth in prisoners. These findings present some reasons to turn our attention to carceral values, prison climates and quality practice in order to make prisons more effective and humane. The paper will end by considering the relevance of these findings for England and Wales and globally, proposing the need to nurture relational congruence and meaningful connections, through an expansion of the therapeutic climate beyond the carceral walls.

Death penalty in India: Emerging perspectives and course correction

Mohammad Nasir, PhD candidate, Aligarh Muslim University, India

Modern jurisprudence informs us that inordinate delay in executing a sentence of death when inflicted is inhuman and humiliating. The torment of fluctuating hope and despair and consequences of such suffering on the integrity and health of the individual renders execution an inhuman and degrading punishment under International law. Indian Supreme Court’s discourse emphasising procedural safeguards in cases of death penalty set a new trend in global jurisprudence. Its position in two cases in early 2014 that undue delay in disposing a mercy petition would warrant commutation of death sentence must count among its most progressive pronouncements on human rights. However, analysis of catena of cases where the question of inordinate delay was considered by the court presents a picture riddled with inconsistencies. The Law Commission of India’s recently released 262nd report favours abolition of death penalty for all crimes except terror cases. Carving this ‘terror’ exceptionalism lacks penological justification because if death ceases to be a deterrent for terrorism as for any other crimes, as the commission itself finds, to persist with it under the garb of national security is unconvincing. Stimulated by commission’s valuable findings, my paper attempts to locate the trajectory of current death penalty discourse in India. It further presses on the need of laying down guidelines to inform judicial and executive action in cases where undue delay can be a vital consideration for commutation of death penalty.

Lessons from an exceptional penal past: What should be resurrected?

Dr Mojca M Plesnicar, Faculty of Law, Ljubljana, Slovenia

At the incarceration rate of 65 per 100,000 one would think that the penal landscape of tiny Slovenia has managed to avoid the wave of punitiveness coming from the West. One would be mistaken. Even though the rate itself and the prevailing penal practices in the country still put it in the group of exceptional penal systems, the reality is dramatically different. The system has experienced a steep rise in punitiveness expressed by the public and mirrored by judicial decisions and penal practice since the fall of the communist regime in 1991. The democratization of society has in fact generated not only expected positive outcomes, but has also allowed for the expression of previously less pertinent and tightly restrained punitive attitudes. Carefully crafted penal policies and practices aimed at rehabilitation and inclusiveness, mainly a product of progressive academics and cooperative (albeit totalitarian) authorities, have gradually been disintegrated - a process aided by emulating western role models in their quest for punitiveness. The paper will describe some of the features conducive towards a more nuanced penal system in the previous era and juxtapose them to the changed social landscape of modern societies. Even though some of them might be impossible and others even undesirable to replicate today, others could assist current endeavours to create a more nuanced penal reality in modern societies.

Panel 4: Issues of sentencing 2

Why day fine concepts fail in certain countries and what can be done with it?

Jakub Drapal, University of Cambridge

There is a need for equality in sentencing. In pecuniary punishment it is expressed by a concept of day (unit) fines. For the same offense the same amount of day fines is set – but for offenders with different wealth the amount of one day fine is different. It is linked to their wealth, mainly to their income. Only such a concept can insure that poor offenders are not imprisoned more than the wealthy ones, as it has been in the United Kingdom and Ireland.

This concept has been since accepted across Europe and world. Spreading from Scandinavian countries it is used today in Europe (p.e. Germany, France or the Czech Republic) and in Commonwealth countries. It has been shortly introduced in England and Wales in early 90's and considered in Scotland in recent years. In my paper I focus not on the theory, which has been thoroughly discussed, but on the practice and problems linked with the application of day fines in different systems. What are the premises for an introduction of functioning day-fine system? What are the problems that different systems encountered from the “technical” point of view and from the “social” point of view? Why do these concepts fail in some countries and are accepted in others? In my analysis I will give special attention to the Czech Republic where I conducted a research proving that the day-fine concept introduced in 2010 does not work and in which I discovered the reasons for it.

An analysis of schedule 21 and its application in the Court of Appeal

George R. Mawhinney, University of Oxford

Murder remains the most high profile crime of all in the UK. As such, its punishment acts as a barometer for public confidence in the criminal justice system. It is, then, critically important that the provisions for its sentencing are sound. In 2003 a new legal framework was introduced by Parliament for the determination of murder sentences, viz. statutory sentencing guidelines comprising Sch.21 to the Criminal Justice Act 2003. This presentation explores findings from my doctoral research regarding the impact of the unique sentencing guidelines for murder upon sentencing by the Court of Appeal. First the guidelines as passed are critiqued from a theoretical standpoint, considering their intention and likely meaning and effect. Then a detailed examination of reported appeals against sentence for murder forms the basis of a thematic analysis of how the Court of Appeal has operated and applied the sentencing guidelines, highlighting approaches, inconsistencies and issues arising from the use of Sch.21. In particular, attention is paid to how the seriousness of different murders is assessed and ordinal proportionality affected through the use of the different starting points stipulated for the three chief categories of gravity.

How a real focus on reducing the prison population could work?

Nicola Padfield, University of Cambridge

I will discuss the changing shape of sentencing and recall. Current developments are not encouraging (more and more extended sentences, increasing recall in the post-CRC and privatised probation world, for example), but there are obvious things that could be done to limit the use of imprisonment: encouraging judges to consider post-release conditions when fixing the initial sentence, compelling the Sentencing Council to take its role in considering cost more seriously, empowering prisoners to take control of their sentence plans etc.

Protection of sex workers in a mal-adaptive legislation: Need for India to step-up her game

Prashasti Singh and Abhinav Surollia, Hidayatullah National Law University, India

Sex workers are a particularly vulnerable group and subject to grave violation of human rights. Majority of the sex workers go into this profession when they are minors, often without their consent and thereby become vulnerable to sexual violence and economic exploitation. Sex workers in India suffer frequent harassment by a variety of people connected with this profession and unlawful detention by police. The Indian Constitution and a plethora of legislations prohibit gender discrimination and exploitation by gender but India has not yet been able to sufficiently remove the discrimination against women from her society. India has been unsuccessful in protecting the human rights of women, in particular those of sex workers even though India is a signatory to many of the international conventions on the rights of women. Governmental policies that focus on rescue and rehabilitation, or are based on the foundation that sex work is immoral, having various lacunae are unlikely to successfully promote the well-being of sex workers. Many a times the very institutions assigned to protect rights have committed violation of these rights as confirmed by Amnesty International in a 1992 report on human rights violations committed by the police and other state actors in India. Also the

lethargic attitude of courts, various human rights commissions and women's commission has resulted in a violation of women's rights. This paper seeks to advocate the human rights of sex workers, particularly in the Indian society, also give an account of the legislation for the protection of sex workers, taking into reflection the Government's attitude towards them.

Panel 5: Interrogating accountability: The prospects and limits of penal reform

How to fool the European anti-torture committee (CPT)? Notes on the limits of penal reform

Tom Daems, Leuven Institute of Criminology, Belgium

In March 2015 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) celebrated its 25th anniversary. Over the past quarter of a century the CPT has become Europe's most important monitoring body for places of detention (prisons, police cells, centers for asylum seekers, etc). The CPT pays periodic and ad hoc visits to closed institutions in all member states of the Council of Europe. On the basis of its findings and recommendations it initiates and follows up a dialogue with the member states. There can be no doubt that the CPT has become hugely influential on the European human rights scene both directly (through its visits and the ongoing dialogue with state authorities) as well as indirectly (as a fact-finding and expert body). Nonetheless, in recent years, the CPT has increasingly expressed concerns about insufficient or lack of follow-up of its recommendations. For example, in its 2008 annual report the CPT observes that '...the failure of States to implement recommendations repeatedly made by the CPT remains a constant refrain of the Committee's reports'. In this presentation we will focus on this 'implementation gap' which risks undermining the CPT's effectiveness. We will discuss more closely how state authorities respond to the findings and recommendations of the CPT – in doing so we will, in particular, draw attention to how findings of the CPT are denied and its recommendations are contested. This will help us better understand the dynamics of the ongoing dialogue between the CPT and state authorities throughout Europe as well as the limits of penal reform 'from above'.

Prison corruption: The inconvenient truth

Professor Andrew Goldsmith, Director of Centre for Crime Policy and Research, Flinders Law School, Australia

This paper examines the status of prison corruption as a policy issue and matter of (limited) importance in penal affairs and practice. It takes Gresham Sykes' observation about the inevitability of corruption of the prison officer's authority as a starting point for reviewing the drivers of prison corruption in areas such as trafficking, inappropriate relationships, abuse of authority, and improper disclosure of information. These drivers, the paper argues, are located at several levels – the individual, the institutional and the environmental. In terms of acknowledgement of corruption as an issue, the paper focuses in particular upon the environmental and institutional factors that permit and/or enable prison corruption to persist, and for the harmful impacts upon prison life and the re-integrative prospects of the prisoner to be ignored or downplayed. In making the argument, examples are drawn upon from a range of countries and jurisdictions,

including Australia, Canada, and the US as well as the United Kingdom, to show that the ‘inconvenient truth’ is not limited in place, that there are some generic features of penal settings and politics at work. The paper also suggests that there are currently few reasons for prison administrators or government officials with responsibilities in penal affairs to take corruption more seriously. Whether things should be any different, and how that might take shape are considered in the final section of the paper.

Reshaping the Japanese penal landscape – is soft civil oversight enough?

Carol Lawson, Australian National University, Australia

Japan’s austere industrial prisons have long received ardent praise for their safety, order and productivity, and strident criticism for their human rights record, both within Japan and abroad. Veteran Japanese prison activist Koichi Kikuta maintains that Japanese prison conditions remain the ‘worst in the world’. This is despite 2005–2006 reforms to harsh, secretive and militaristic carceral conditions, sparked after nearly a century of stagnation by the death and maiming of several inmates at the hands of corrections officers. The reforms were aimed at improving transparency and conditions and introduced a ground-breaking civil oversight mechanism. Inmates write letters to Penal Institution Visiting Committees who summarise the issues raised, meet with prison officials to discuss possible solutions then send written opinions to the Minister of Justice. This ‘soft’ regulatory mode sits at the bottom of the regulatory pyramid model developed by Ian Ayres and John Braithwaite in 1992. The pyramid model suggests that ‘responsive’ regulation – which prefers persuasive and inclusive processes – strengthens the rule of law, and is more effective and sustainable. But this mechanism has been derided as ‘lacking teeth’, and even the local attorneys who serve as Visiting Committee chairs speak wistfully of the authority and powers given Her Majesty’s Inspectorate of Prisons in the UK, an oversight system closer to the coercive top of the regulatory pyramid. Can ‘soft’ oversight be enough in the prison context – particularly in an East Asian jurisdiction - a complex evolving hybrid of civil law and modern Asian democracy with a history of egregious human rights abuses in its prisons? Can ‘responsive’ regulation actually deliver effective implementation of human rights norms for inmates, or is a ‘soft’ design a fatal defect? This paper draws on the observation of nine half-day meetings between Japan’s Visiting Committees and prison officials and more than 30 semi-structured interviews of key stakeholders, with comparative insights from a ‘soft’ civil prison oversight system at the Alexander Maconochie Centre, an innovative ‘human rights prison’ in the Australian Capital Territory. The paper finds that while the initial design of the Japanese civil prison oversight system hampers its usefulness, it still holds significant potential for effective monitoring and enhancement of prison conditions in Japan. Indeed informal regulation is deeply resonant in the Japanese socio-legal landscape, and some outstanding Visiting Committee chairs are clearly already harnessing this familiar tradition of achieving compliance through engagement and persuasion. Putting the question of to what extent human rights are actually normative - universal and inherent - to one side, the paper makes the pragmatic conclusion that, at the very least, implementation is local. And pathways to recognizing and implementing human rights norms will depend on the internal logic of each locality. Ignoring this invites ritualistic subversion rather than adoption and compliance. Given a more rigorous design, enhancing prison oversight through persuasion and inclusion is likely to be a particularly natural regulatory fit in the Japanese socio-legal landscape, with the best prospect of gradually eroding the harsh, militaristic ethos that remains pervasive a decade after the 2005–2006 reforms.

Accountability and prisons: A new frontier for human rights?

Dr Mary Rogan, Dublin Institute of Technology, Ireland

This paper will examine the human rights principles governing inspection, monitoring and complaints procedures in prisons. It will explore the relatively limited attention given by European prison law and policy to this area, and the recent developments under the *Mandela rules*. It will argue that the increased focus on harmonised prison conditions across the European Union is likely to result in analysis of state's mechanisms for achieving accountability. The paper explores the implications of those developments, and the content of what a minimum standard of accountability might look like.

Day 3 Parallel Session 6

Panel 1: Criminal justice and social justice

Individual offenders and social consequences: What is the proper object of criminal justice?

Professor Jonathan Jacobs, John Jay College of Criminal Justice/City University of New York, United States

Debates about how criminal justice is related to justice more comprehensively understood (including distributive justice) are theoretically and practically significant. They motivate questions about fairness in regard to opportunity to comply with the law, whether social conditions encourage criminal conduct, and the locus of responsibility for crime. Considerations concerning the liability of persons, voluntariness, and desert focus on individual offenders. Facts about the conditions of people's lives, their prospects and opportunities, social institutions, and state policies point to explanatory factors at a social level. The proper weight of each type of consideration is causally complicated and normatively disputed. Wherever one locates primary responsibility for criminal conduct *what people are like* when they return to free society is crucially important for its multiple impacts on individuals and civic life overall. If it can be shown that the question of how criminal justice relates to justice more comprehensively understood need not be resolved in a specific way *prior* to recognizing the significance of the difference punishment makes to what ex-offenders and civil society are *like*, issues concerning the proper aims of punishment and the state's responsibilities to offenders could be more tractable. The social *significance of crime* can be addressed independent of commitment to the view that there is extensive social *responsibility for crime*. There are strong reasons for policies and approaches enabling and encouraging offenders to acquire dispositions and attitudes well suited to civil society independent of maintaining the view that criminal justice should be assimilated into justice more broadly understood.

Doing justice for the disadvantaged: Punishment and social mobility

Professor Matt Matravers, University of York

The UK (and USA) are characterised by high levels of economic inequality and poor rates of social mobility. The children of the most socio-economically disadvantaged will in time take the places of their parents at the bottom. At the same time, members of this group both disproportionately commit offences (for all types of crime apart from those for which opportunities are systematically less available) and suffer as victims of such offences. Rectifying this state of affairs is largely a matter of public policy outside criminal justice. But, doing '(penal) justice' for this group cannot mean forgoing criminal justice interventions including punishment. This is because the criminal law both declares that some things ought not to be done (and, other things equal, needs to follow up when they are done) and reduces future instances of offending. Yet, the effects of such interventions are likely to be regressive when it comes to social mobility. Conviction, fines, and imprisonment not only hinder the possibility of social and economic progress for the offender, but also that of their families and dependents. Thus, the demands of economic justice and those of criminal justice are in tension and both are important and legitimate. To relieve the tension requires rethinking how and when we punish and how we understand 'what works'. We need sanctions that as far as

possible advance social mobility – or at least do not obstruct it – but remain within the meaning of ‘punishment’, and we need an understanding of ‘what works’ that goes beyond desert and recidivism and considers the long term prospects of those whom we punish (including their dependents).

Critical reflections on morality and criminal justice

Professor Philip Whitehead, Teesside University

Beginning in the 1980s, followed by new labour administrations after 1997, then the transforming rehabilitation agenda between 2010 and 2015, criminal justice and penal policy have been seized by the technical requirements of economy and efficiency, value for money, numerical outcomes, punishment, prison, and bureaucratic rationality. These features which constitute the organisational logic of new public management, supported by the platform of neoliberal political economy, have imposed a paradigm shift. This is indexed graphically in the reconfiguration of probation services. The vital contribution of this paper argues that criminal justice must not be reduced to an a-moral instrumental function to achieve fiscal efficiencies or provide investment opportunities to the commercial sector. Rather, reductions in crime and harm, and achieving a safer and more cohesive society, are contingent upon engaging with fundamental and foundational issues appertaining to morality and justice. In other words, thinking about criminal justice must proceed beyond the imposition of the aforementioned paradigm, piece-meal alterations, and tinkering in response to a government-directed agenda. This means a return to politics and ethics. My paper interrogates some of the intellectual resources to re-energise thinking on morality drawn from philosophy, theology, personalism, and symbolic ethics. These resources facilitate engagement with fundamental issues, and pose pertinent questions of criminal and social justice under existing politico-economic arrangements. They are fused together in the concept of moral economy developed in my latest book: Whitehead, P. (2015) Reconceptualising the moral economy of criminal justice: a new perspective, Palgrave.

Panel 2: Prison regimes and ‘special needs’: New challenges for penal practice and reform

Pregnant pause: Expecting in the prison estate

Laura Abbott, Senior Lecturer in Midwifery, University of Hertfordshire

It is thought that around 6% of the female prison population are pregnant. Women are usually the primary caregiver of their children, and geographically, prisons in the UK are spread across wide areas making it difficult to maintain relationships. Midwifery care for the pregnant woman in prison has not been standardised in the UK and there is no specific PSO for the pregnant prisoner which potentially impacts upon her care whilst incarcerated. There are some areas of excellent care but pregnant women will often rely on the support and voluntary care by charities such as “Birth Companions” whilst in prison. A pregnant woman may be particularly vulnerable within the prison estate (Abbott, 2015). I have spent the last 2 years training as a birth companion, supporting women in prison at all stages of pregnancy, birth and postnatally, whether with their babies or being separated. Working as a volunteer has meant that continuity of care has been given, albeit, in a birth companion role. My qualitative doctoral research is looking

at the experience of the pregnant woman in prison and has an ethnographic design. My involvement with Birth Companions has led to collaborations being formed and the launch of a "Birth Charter" for women expecting in the prison estate in the UK.

Prisoners' right to education

Professor Susan Easton, School of Law, Brunel University

In the context of recent policy announcements which place greater value on education as a means of rehabilitation, this paper will consider prisoners' right to education. Reference will be made to relevant sources of law, the inherent value and instrumental value of education, but also to the barriers to the realisation of this right in practice. Possible future developments will also be discussed. Susan Easton is a barrister and Professor of Law at Brunel Law School, Brunel University London and the author of *Prisoners' Rights: Principles and Practice* (Routledge 2011), *Silence and Confessions* (Palgrave Macmillan 2014) and co-author of the textbook *Sentencing and Punishment: The Quest for Justice* (OUP 2016, 4th edition).

Dyslexia and related SLDs: Custody or intervention?

Melanie Jameson, Chair, Dyslexia Adult Network (DAN)

Research from the Learning and Skills Council (2005) established that almost 20% of offenders have one or more Specific Learning Difficulty/Difference (SLD), such as Dyslexia, Dyspraxia, Attention Deficit (Hyperactivity) Disorder or Dyscalculia. Rather than leaving unaddressed difficulties to cause increasing problems and vulnerability, how about a re-think? We know that excluded pupils include high proportions of children affected by SLDs and that school exclusion is a common experience for disaffected young people who later end up in custody. This SLD cohort should be properly supported before any mal-adjusted behaviour escalates into indictable offences. Where the CJS has become involved, SLD support must be put in place at the earliest stage. Staff training and identification of SLDs should lead to targeted effective interventions which help to address difficulties and to release potential in this disadvantaged group. Raising self-esteem is an essential step on the way to encouraging people to believe in themselves and their abilities. Case studies show what can be achieved. The presentation will consider abilities linked to SLDs together with those factors which can lead to trouble. Policy issues will also be raised (such as the court liaison & diversion approach associated with learning disabilities and mental illness). Currently the prison population with SLDs calculates at around 17,000 people – unable to lead fulfilling lives and contribute to society. This can be regarded as both a Disability and an Equality & Diversity issue, with Human Rights implications - let alone the massive savings that could be made to prison budgets.

Deafening imprisonment

Laura Kelly, PhD Candidate and Criminology Lecturer, Lancashire Law School

In this paper I consider the experiences of d/Deaf imprisonment. Based on interviews with d/Deaf prisoners and hearing staff members, I examine the subtle and not-so subtle discriminations faced by d/Deaf prisoners in the prison estate in England. I argue that prisons are managed through sound – that is, sound is the medium through which instructions, information and formal and informal communication overwhelmingly takes

place. This implies that, amongst the very many social differentiations of a prison population, d/Deafness occupies a unique place in the pains of imprisonment. I suggest some key issues surrounding the problems of d/Deaf imprisonment in order to instigate a policy discussion about what d/Deafness tells us about the total institution of the prison.

Panel 3: Participatory penal reform: Engaging experiential expertise

A mixed-method review of prison and probation service user councils: What do they do and why it matters

Samuel Cooper, Researcher, User Voice

Organisations within the commercial sector have long understood the importance of adapting their services or products to account for the feedback of their customers. Public and third sector services have begun to assimilate these models of service user engagement. This is particularly true of those organisations that work within the criminal justice system where the central focus is on breaking down the barriers of an 'us and them' culture, while giving the service users opportunities to actively participate in development and delivery of their services. Service users in this sector can often be deemed 'hard to reach' and have therefore habitually found themselves excluded from discussions around service provision. This paper explores the impact of one such model of service user engagement: the User Voice Service User Council. The Councils influence two groups: the individual participants of engagement and the wider service user population. Data from the Measuring the Quality of Prison Life (MQPL) survey is used to examine how the activities of Councils impact on the wider service user population, with particular focus upon factors such as: self-reported levels of personal development, skills development and access to positive role models and networks. These areas were further explored within thematic interviews. Moreover, this paper combines the data from the MQPL surveys and individual Council members to explore whether this model addresses the issues which continue to be reported as most in need of improvement within the MQPL survey, most notably decency, bureaucratic legitimacy and respect and courtesy.

Is the recruitment of ex-offenders to engage with probation service users an effective use of resources? Evaluation of the London CRC engagement worker project

Nigel Hosking, SPO Service User Involvement, London Community Rehabilitation Company (CRC)

Research has long established that the most effective strategy for reducing reoffending is to demonstrate a quality level of offender engagement; one of the primary requirements in being able to provide this quality level of engagement is the ability to relate effectively to service users. Research also suggests that in order to 'relate' to service users, it is necessary for practitioners to exhibit empathy, mutual respect, and an appreciation for the life, perspectives, and needs that the service user experiences. However, it is not always easy for practitioners – often forced to play the role of disciplinarian and authority figure – to connect with service users in a way which allows for this particular model of relationship to develop; the balance between trusted

confidante, and enforcer and disciplinarian is a difficult one to achieve. With this in mind, the London Community Rehabilitation Company (CRC) developed the role of engagement work in order to provide practitioners with another resource to be utilised towards their attempts to establish successful working relationships with their service users. The engagement workers are former users of the Probation Service themselves (a few are still present service users), a life experience that, it is hoped, will allow them to successfully engage service users, in a way that practitioners are not always able to do. Following a year of the engagement worker experiment, the project was evaluated by the London CRC research analyst. This paper sets out to explore whether employing ex-offenders in this way provides a substantive value which is both tangible and unique.

What are the potentials of convict criminology in re-shaping the penal landscape?

Dr Rod Earle, Senior Lecturer, Youth Justice Faculty of Health and Social Care, The Open University

Convict criminology is, broadly speaking, the study of criminology by those who have first-hand experience of imprisonment. Drawing from my own experience and forthcoming book, *Convict Criminology – Inside and Out* (Policy Press June 2016) I will discuss how someone with experience of imprisonment studies crime and punishment and makes sense of two contrasting institutions – prison and university. I trace the emergence of convict criminology in the USA and explore its relevance to the UK and other parts of Europe. I will focus on the perspectives of men who have been imprisoned and gone on to become criminologists. The cases of US scholars John Irwin and Frank Tannenbaum will be connected to European experiences, via a discussion of Peter Kropotkin's 'In Russian and French Prisons'. Addressing epistemological issues of 'insider research', the paper presents reflexive scholarship combining personal experience with critical perspectives on contemporary penality. Drawing from my own experience of imprisonment, prison research and criminology, I consider how this experience can expand the criminological imagination. As criminology has grown it has become almost commonplace for police officers, probation staff, social workers and prison officers to contribute to the discipline, and benefit from studying it. People from these professional backgrounds have also successfully made the transition to careers in criminology, but recently something else has happened. Ex-convicts are making the journey into criminology.

Panel 4: The social meanings of justice

Do we need to communicate criminal justice in a totally different way?

Penelope Gibbs, Director, Transform Justice and Roma Hooper, Transform Justice

Criminal justice reform has been hampered by the public and political debate on criminal justice which has focused on "prison works" and painted reformers as marginal figures whose values have no public support. A new communications project has sought to change the debate through using the latest neurological and anthropological techniques to reframe the messages we use. The FrameWorks Institute, an International NGO, has conducted in depth ethnographic research, on the street interviews and quantitative research to ascertain the "frames" people use in thinking about crime and punishment, and to test out new ways of communicating about criminal

justice which successfully lead people to think more progressively about the subject. The first research findings have been published "like a holiday camp" <http://transformjustice.org.uk/main/wp-content/uploads/2015/05/CJ-UK-Map-the-Gaps-Report-11-20-15-proofed-low.pdf>, these suggest a significant gap between the public's assumptions about why crime is committed and how offending can be prevented, and those of academics and campaigners. At this Conference Penelope Gibbs, Director of Transform Justice, and Roma Hooper, will present the findings of the next phase of research, which will be newly published. This phase will reveal what messages, values and frames have been most effective in quantitative tests with the public. If adopted by those communicating about criminal justice, these "frames" should, over time, help bridge the current gulf between the sector and the public.

Understandings of punishment and justice in the narratives of Polish people

Anna Matczak, London School of Economics and Political Science

This paper explores qualitatively how lay people, from a post-socialist, post-transformation society, view punishment and justice. By lay I mean people who may not have specialized or professional knowledge of crime, sanctions, criminal justice systems or police, but they might have experience of it as victims, offenders, witnesses, or through close friends/family members. The organisation of the paper is a direct result of my doctoral fieldwork and analysis process. While the first part considers people's views of the Polish criminal justice system and police, the second stage explores people's narratives on unpaid work as a sanction. Participants' narratives are delineated against a number of theoretical approaches traditionally ascribed to punishment and justice. In light of these understandings this paper also aims to discuss how lay responses of people, with and without the experiences of the Polish criminal justice system, shed light on the preconditions for restorative justice. A number of lessons can be drawn from the Polish case in order to understand the viability of restorative practices, and it is argued that the preconditions of such viability can be rooted in people's accounts on punishment and justice. Socialist past, the change of political regime, joining the international community, high level of religiosity and many other factors make Poland an interesting context where one can draw insights about the Polish case as well as learn about other societies.

Piercing the religious veil: Human rights of the Devadasis in India

Prashasti Singh, Hidayatullah National Law University, India

It is often perceived in our mainstream thought that religion and sexual activities, especially those of an unmarried woman, do not go hand in hand. However, when exploring deep in some sections of the Hindu religion, we find that even religions can promote sexuality in the form of prostitution, to be precise. The Devadasis, *Devi* being a female servant or slave and *Dasi* meaning god or goddess, are such a faction in the Indian society who, at a very young age, were dedicated and "married off" to a deity, goddess Yelamma, and thus Yelamma becomes their husband. Their virginity is then auctioned to the highest bidder. Once dedicated, they are unable to marry, forced to become prostitutes for upper-caste community members, and eventually auctioned into an urban brothel. A ritual which, before being declared illegal, promoted revered classical art forms such as dance, has today turned into a social evil that even the law cannot get rid of. Prevalent mostly in the South India, the Devadasis are now nothing more than prostitutes living in inhuman conditions in shanties, suffering from a number

of STIs, living on nothing but the meager money they may make from men paying them for sex. This paper tries to throw some light upon the plight of such women, who are forced to sell their bodies in the name of religion. It also tries to determine the causes of the failure of the legislations to abolish this practice completely, what the rights of the Devadasis in such a situation could be and what can be done about it.

Panel 5: Issues of sentencing 3

The cultural landscape for adult conditional cautions

Teena Lashmore, Operations Manager, MTCNova, Community Rehabilitation Company

This paper explores the cultural landscape that challenges the Justice Systems in using the out of court disposal: Adult Conditional Caution (CC), for managing crime in the community - by contrasting the Police's use of two out of court disposal: the CC from the Criminal Justice Act (CJA) 2003 and the Anti-Social Behaviour Order (ASBO) from the ASBO Act of 1998 /2003. This analysis demonstrates the CC presented with numerous challenges – the most dominate being that it was introduced at the height of the retribution discourse, making the ASBO a more attractive tool for managing low-level crime. The ease of the ASBO's application and recording met the politically driven retribution discourse which compliments the Police's transition from a force to a service because the Police had to deliver on crime and present this information using commercial reports and performance techniques (Stanko 2013, Harper 2003). Reporting on punishment, like the ASBO, is far easier than reporting the success or failure of the CC, because the CC contains other sentencing elements such as rehabilitation and restoration. The retribution discourse reinforces the Police's role as enforcer of punishment while underplaying its responsibility in crime management. As a consequence of this dynamic, the community, victims of crime and offenders may not have had the opportunity to engage or access some of the rehabilitation and restoration benefits available from the CC since its debut in 2003.

Is uniformity the price for consistency in sentencing?

Dr Jose Pina-Sánchez, London School of Economics and Political Science

It is widely accepted that consistency in sentencing is a fundamental pillar of any legal system. However, how to promote consistency is a more controversial issue. Multiple voices have criticised the implementation of sentencing guidelines arguing that the loss of judicial discretion fosters uniformity in sentencing, which in turn harms the principle of proportionality. In this paper we use the 2011 Crown Court Sentencing Survey to analyse the level of uniformity in sentencing for offences of assault. We find that in spite of the considerable autonomy enjoyed by Crown Court judges in England and Wales, the level of uniformity is higher than what could be expected, with the ten most frequent custodial outcomes covering 56.1% of the cases of assault. This situation improved slightly with the arrival of the new sentencing guideline, after which the ten most frequent sentence outcomes could only account for 53.8% of cases. However, we noted that given the spread of uniformity in sentencing, the implementation of a grid-based

sentencing system such as the one used in certain States in the US would only result in a reduction of the current level of proportionality by 8.5%.

What is Justice? Two conundrums for desert ideologues

Professor Leslie Sebba, Hebrew University of Jerusalem, Israel

The reorientation of sentencing philosophy from rehabilitation to desert gave rise to questions both as to the components of desert in principle and as to the practicalities of its implementation. The present paper will address two fundamental issues that cut across this dichotomy. The first relates to the underlying concept of desert. Adherence to this objective of punishment assumes that there is a recognized and applicable principle (such as “an eye for an eye”) whereby the deserved sentence can be identified. Both the literature and policy debates have generally failed to identify the underlying principle of what von Hirsch referred to as cardinal (as opposed to ordinal) proportionality in sentencing. The presentation will review the somewhat sparse literature addressing this issue, and consider possible solutions consistent with a humane approach to sentencing.

The reorientation of sentencing towards desert is often described as a move from individualisation to uniformity of sentences. Individualisation may then be reintroduced by way of exceptions or by adopting a hybrid orientation such as “limiting retributivism”. However, it can also be acknowledged as a component of desert under the principle of the imposition of sentences of equal impact. This mechanism will be considered here, in the wake of a recent high-profile appeal before the Israel Supreme Court, in which a departure from the “deserved” sentence was imposed upon a sick defendant. Both of the above issues raise fundamental questions as to the meaning of a “just” sentence.

About the Howard League for Penal Reform

The Howard League for Penal Reform is a national charity working for less crime, safer communities and fewer people in prison. It is the oldest penal reform charity in the UK. It was established in 1866 and is named after John Howard, one of the first prison reformers.

This year's conference on 'Justice and Penal Reform' is a key part of the charity celebrating its 150th birthday during 2016.

We work with parliament and the media, with criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change to create safer communities.

We campaign on a wide range of issues including short term prison sentences, real work in prison, community sentences and youth justice. Our award-winning campaigns have included the Books for Prisoners campaign and a campaign against the criminal courts charge.

Our legal team provides free, independent and confidential advice, assistance and representation on a wide range of issues to young people under 21 who are in prisons or secure children's homes and centres.

By becoming a member you will give us a bigger voice and give vital financial support to our work. We cannot achieve real and lasting change without your help.

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