

the Howard League for Penal Reform

**Early Career Academics Network Bulletin**

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**Contents**

	<b>Page</b>
<b>Introduction</b>	<b>2</b>
<b>Features</b>	
<b>Systembusters Unite: Doing Prison Reform</b> Sarah Lewis	<b>3</b>
<b>Campsfield 29.11.2014: questioning the legitimacy of immigration detention – views from the voluntary sector</b> Isotta Rossoni	<b>8</b>
<b>A corporate offender and the pains of open imprisonment: ancillary findings from a study of older male prisoners in an English prison</b> Victor Chu	<b>15</b>
<b>Guidelines for submission</b>	<b>22</b>

**ECAN Facebook Group**



The Howard League for Penal Reform is active on [Facebook](#) and [Twitter](#). There is a special page dedicated to the Early Careers Academic Network that you can reach either by searching for us on Facebook or by clicking on the button above. We hope to use the Facebook site to generate discussions about current issues in the criminal justice system. If there are any topics that you would like to discuss, please start a discussion.

## Introduction

The Howard League's Early Career Academic Network has been producing this online bulletin for eight years. The contributions have been from all sectors of the academic community as well as campaigners. The articles have focused on penal practice and thinking in the domestic and international arena and this edition is no exception. However, we are always keen to improve and to that end I will be sending a survey around to canvas your ideas about developing this and the other ECAN offerings. In the meantime, if you have any thoughts you want to share or you would like to submit an article why not email [me](#).

There are several other ways you can engage with the Howard League's work:

The next event in our calendar is our latest offering in our [What if?](#) series. [Nicola Padfield](#), from Cambridge University and expert on release from prison will ask *What if it is for the State to prove to the Parole Board that a prisoner is not safe for release?* Her ideas will then be discussed and challenged by Professor Nick Hardwick, Chair of the Parole Board and our legal



director Dr Laura Janes. Please join us at the LSE on Tuesday 16<sup>th</sup> May at 6.30pm. Space is limited so be sure to [book](#) your place.

The date and focus for the Howard League's bi-annual international conference has been set. The conference, **Redesigning Justice: Promoting civil rights, trust and fairness** will be held on 21 and 22 March 2018 in Oxford. We have already put out a [call for papers](#). It would be great to see ECAN members there.

The [Howard Journal of Crime and Justice](#) and been rebranded and rebooted under the stewardship of [Professor Ian Loader](#). It would be great if could take the time to take another look at the journal and see if it is the place for you to publish your research. Please do not hesitate to submit an article or discuss your submission with Ian.

## The Howard Journal of Crime and Justice

This ECAN bulletin has two articles based on last year's winning **Sunley Prize** entries: [Victor Chu](#)'s article builds on the findings in his work on older men in prison and their preparation for resettlement, and Isotta Rossoni's highly commended work on immigration detention. Could someone at your university be among the [Sunley Prize](#) winners this year? They receive £1000 and their work published and publicised.

So much you can do to support our work, and of course you can always [join](#) ...I look forward to meeting you at one of our events or receiving an email from you.

**Anita Dockley, Research Director**

## Features

### Systembusters Unite: Doing Prison Reform

#### Sarah Lewis

This year, I published my first [prison research blog](#). It was based on my research journals during a six week research project at Bastøy prison in Norway. Norway addresses crime and punishment very differently to England and Wales. Alongside its Scandinavian neighbours, it has been considered within academic debates as exceptional (Pratt 2008ab), due to its low rates of imprisonment and humanistic approach to punishment. Norwegian society is also known for its trusting and tolerant approach, which focuses upon equality. From a prison perspective, this is played out in many ways. For example, public or community services (such as education and health care) are imported into the prison system and are considered a right, rather than a privilege. The Norwegian penal system also upholds the principle of normalisation, which states that prisoners should be given the same opportunities as those who are not in prison. Therefore, on a theoretical level, prison is **not** a place where punishment **takes place**, but instead, punishment is the loss of liberty alone. With rehabilitation and reintegration as the focus, sentences are invariably shorter, as alternative punishments are embraced, including electronic monitoring. The focus on reintegration is particularly evident within sentencing, with a maximum sentence of twelve years.



*Sarah Lewis with a co-researcher, Bastøy prison*

The Norwegian penal system is not without its problems. Over recent years there has been much debate around the darker side to Scandinavian penal practice and the notion of exceptionalism has been challenged (Ugelvik & Dullum, 2012; Barker, 2013). Norway also shares similar practices with England and Wales, with some closed prisons operating to the 23 hour lock-up regime, leaving less room for rehabilitation. Prisons in Norway are generally a lot smaller in size and rather than overcrowding prisons, waiting lists are currently in operation under

specific conditions. They may mean that some people may wait years before there is a space available in a prison, to carry out their sentence. This problem is being actively addressed and recently prisoners have been sent to a Dutch prison, to carry out their Norwegian sentence. This may mean that a proportion of prisoners are closer to home, but for the majority, social bonds are difficult to establish or maintain, for those with loved ones residing in Norway. In light of these issues, taking a closer critical look at Norwegian prisons, and their practices, may allow us to gain some insight into how to deal with people who offend more effectively and where systemic problems in the penal system may lie.

### **Research aims and process**

The research aimed to capture the rehabilitative values of Bastøy prison and the reasons why these values were important, to staff and prisoners. This was a collaborative project, which engaged prisoners and prison staff in the design, implementation and analysis of the

research. The ethos was founded upon the recognition that insider perspectives need to be respected and listened to, thereby embracing collaboration to its fullest. Three prisoners were recruited as co-researchers and a member of staff was allocated to support the project. Photo-essays were chosen for this research project to magnify the research messages and making them accessible irrespective of language. Prisoners and staff alike were asked to use photography to capture what aspects of the prison they valued and then add a caption which summarised the meaning behind the photo. In all, 48 photo-essay interviews were carried out during the research. In addition to this, the photos and captions were displayed in an exhibition at the prison, for staff and prisoners to discuss the findings and consider in what ways they could nurture the identified values, within their practice.

The aim of the research was not only to identify the rehabilitative values of Bastøy, but consider how these can be used to promote



*“Equality”*

future developments in England and Wales. The project sought to challenge the current penal system and propose alternative ways to contribute to **quality** practice. This research was therefore focused upon providing solutions and supporting developments within future prison environments. Since this original research project, I have carried out similar projects in two additional Norwegian prisons, Halden and Sandaker and been fortunate enough to start a photo project in an English prison, using the knowledge gained in Norway, to inform penal practice at home.

### Entering Bastøy for the first time

Last year, when I visited Bastøy prison, I had heard a bit about the place; particularly that it valued working **with** prisoners and it utilised interaction with the environment to promote responsibility and growth. Bastøy also had incredibly low reconviction rates (16%). Having worked in a prison at the beginning of my career and carried out some research in a pretty run down prison in London, a lot of my ideas around prisons were negative. I

believe that prison is the last resort and should be used to incapacitate people with the function of protecting the public. Going forward, I embraced the view that meaningful punishment can be carried out without prison and that more relationship-focused approaches are valuable alternative ways to make amends, such as restorative justice. I believe prison **is** the punishment, rather than a place **to** be punished. My beliefs therefore concur with the key values underpinning Norwegian penal practice, which promote humanistic practices and treating people who offend the same as someone in the community.

I left the prison last year with my eyes open to an alternative way in which prisons can operate. This alternative way fulfilled my core personal values around prison and punishment. I hoped that if I could successfully articulate the benefits of more *successful* prisons, I could contribute in changing our struggling prisons as violence increases, unrest bubbles and anxieties brew.



*“I value real houses rather than cells. Relaxing and feeling you are at home. This is a way of practising for the outside.”*

### The values of a *successful* prison

After a year's planning in 2014, I returned to Bastøy prison to carry out a research project to find out what prisoners and staff value about this *successful* prison and the reasons why they find particular aspects of the prison important. The key values, which emerged from the findings, were:

- Building meaningful relationships with fellow prisoners, staff, family and society.
- Having the opportunities for meaningful work which provided a sense of purpose.
- Feeling free, experiencing peace and having time to reflect on life.
- Experiencing a sense of normality
- Finding positive ways of coping with the pains associated with prison
- Learning new things and being invested in, as an individual
- Experiencing a positive climate, whereupon positive identities can be nurtured.

I am currently publishing the research blog from this experience. The reason for doing this is because I want to fervently discuss why supportive environments help return people to society and support them in moving away from crime. In Norway (generally speaking), prison is the punishment rather than a place for punishment. I propose that we need to adopt a similar attitude to prison and prepare people in prison for release. I believe we all have a role to play in this and I hope the blog will reveal why this is so important. I am ultimately writing this blog because I believe our current prison system fails to

recognise the importance of supportive environments. I believe some practices in England and Wales need to change to improve prisons and examining effective prisons may help us improve the quality of prisons. If we can achieve this, I believe that we will become more successful in reducing the likelihood of future harm in our communities. This approach, for me, is the long-term solution.

The blog will contain 16 entries, which are based my research it covers the myths around research, "cushy" prisons and tries to capture the emotional rollercoaster of being a prison researcher in a foreign country. During the time of the research I was working for the University of Portsmouth, who supported me wholeheartedly through this journey. It was only after these three research projects when I realised that I needed to hang up my academic boots and follow my passion for prison reform more actively. I hope you enjoy reading about my experiences and it stimulates you to consider the importance of research and how it can make a real impact on practice.

#### About the author

Sarah Lewis is now an independent penal reformer working as a consultant in prisons both in the UK and abroad. Until last year she was an academic based at the University of Portsmouth. She can be contacted via Twitter: sarah\_lewis30 and her research blog is available at [penalreformsolutions.com](http://penalreformsolutions.com)



*“Prison life creates many bad memories. Here you can get positive ones, which you can carry with you in the future.”*

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## Campsfield 29.11.2014: questioning the legitimacy of immigration detention – views from the voluntary sector

Isotta Rossoni

### Can immigration detention be legitimate?

The UK has one of the largest immigration detention estates in Europe. According to the latest figures, in January 2015 there were: 11 Immigration Removal Centres (IRCs); 4 Residential Short-term Holding Facilities; 1 Non-residential Short-term Holding Facility; 1 pre-departure accommodation (for families); 19 Holding Rooms at ports; and, 11 at reporting centres. Between 2009 and 2015, 2,500 to 3,500 migrants have been held in detention at any given time. This includes clandestine entrants, visa over stayers, failed asylum seekers and foreign national offenders (FNOs) (Silverman, 2016). While a small number of centres are run by HM Prison Service, the majority have been contracted out to several private companies (Turnbull, 2014: 4).

Confusion and ambivalence surround detention centres: they share many commonalities with prisons in terms of outward appearance and regime; at the same time, immigration detainees are protected by fewer legal safeguards than prisoners, and decisions pertaining to their cases are taken by caseworkers whom they hardly interact with (Bosworth and Slade, 2014: 173, 174). Although the government insists



that IRCs are *not* prisons, many detainees experience their confinement as punishment and feel unjustly labelled as criminals (Griffiths, 2010). The aims of detention – removal, establishing a person's identity, forestalling absconding and harm to the migrant or the public (Silverman, 2016) – are also contested. Research shows that few migrants go underground while awaiting the outcomes of their cases (Amaral, 2013: 40-42); removal can expose migrants to harassment by the police, exclusion or even torture in

their countries of origin (Human Rights Watch, 2014; Hiemstra, 2012), and can also account for inhumane and degrading treatment in and of itself (Bloch and Schuster, 2005: 496).

In light of these tensions and contradictions, scholars such as Mary Bosworth (2014) have questioned the legitimacy of IRCs. Traditionally, legitimacy has been defined as the relationship between rulers and ruled and the state and citizens. Within prison studies it is often measured on the basis of staff-prisoner relationships, fair procedures and outcomes, humanity, dignity, respect and personal development (Liebling, 2004). Legitimacy is considered as the expression of prisoners' consent – without which a coercive institution like the prison could not exist – and as a tool to curb state power (Sparks, 1994 & Coicaud, 2013).

Bosworth (2014) has argued that the applicability of traditional interpretations of legitimacy to immigration detention is problematic. In the prison setting, there is the assumption that prisoners' grievances ought to be listened to and addressed, because those expressing them are citizens and members of the polity (Coicaud, 2013). In fact, legitimacy has traditionally been conceived of in relation to notions of sovereignty, citizenship and democracy. Those who have a right to define it, name it, claim it are citizens, members of the polity, part of the nation-state. What right have non-citizens like immigration detainees, to speak out on the nature and terms of their treatment? Who has a stake in defining the legitimacy of

immigration detention? How can legitimacy help put a rein on state power in detention?

In my research study, "Campsfield 29.11.2014: questioning the legitimacy of immigration detention – views from the voluntary sector", I rely on a small sample of qualitative interviews with members of Oxford-based NGOs and activist groups working in the field of immigration detention, in an attempt to answer these questions.

By inquiring into their views on a detainee-led protest which took place in November 2014, and more broadly on life within IRCs, the study sought to conceptualise the legitimacy of immigration detention through the eyes of volunteers and activists. It aimed to shed light on the aspects of detention that they find particularly bothersome, on their understanding of detainees' grievances, on the nature and goals of detention, and on their outlook on reformation and abolition. Moreover, it attempts to map out voluntary organisations' key activities and contributions at the micro level, as well as questions the voluntary sector's position vis-à-vis different stakeholders involved in immigration detention.

### **The voluntary sector: a key interlocutor in the debate on immigration detention**

To date, researchers have largely overlooked the voluntary sector's role in relation to immigration detention<sup>1</sup>. Some scholars have

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<sup>1</sup> A notable exception is the project 'Building Bridges: Understanding Voluntary Sector Engagements with Immigration Detention' which is currently underway. See:

questioned the Penal Voluntary Sector's (PVS) involvement in the 'administration of punishment', arguing that by collaborating with the statutory agencies of crime control, the non-profit sector is corrupting its philanthropic values and ethos (Tomczak, 2013), as well as contributing to net-widening effects (Cohen, 1979).

Yet, academia has generally paid scant attention to the voluntary sector's activities in the context of IRCs, preferring to focus on the role of the state or the private security companies running the centres (Bacon, 2005; Mountz, 2015 cited in Turnbull, 2015). As a result, it has broadly overlooked voluntary organisations' contributions to the lives of detainees. It has also failed to conceptualise their relationship with IRC staff, the private companies running the centres and the government. In other words, scholarly understandings of the role played by the non-profit sector in the context of immigration detention are at best, nebulous.

There are 20 volunteer groups who visit IRCs, two residential short-term holding facilities and some prisons to provide emotional and practical support to detainees and foreign national offenders (AVID, 2015). Detention Action, Right to Remain, Women for Refugee Women and many others work to support the cause of detainees, asylum seekers and refugees at the local or national level.

Voluntary organisations play a pivotal role in the lives of immigration detainees and

undocumented migrants. Although every organisation has its own ethos and agenda - with some taking a more radical stance than others - the voluntary sector has been vocal in criticising the detention of minors, people with mental health issues, pregnant women and victims of torture (Griffiths 2013: 271, 272). By accessing IRCs, prisons, tribunals, and producing regular reports, voluntary organisations have helped to enhance the transparency of the practice and shedding light on the practice of immigration detention. For this reason, the voluntary sector deserves to be considered as a key interlocutor in the debate on immigration detention.

### **Methodology**

The research was undertaken in three phases. I first sought ethical approval, I then collected the data and finally, analysed it. In the preparatory phase, I selected the organisations I wished to include in my study. I was aiming at incorporating a range of groups, which engage in different activities, but was also impeded by time constraints. I decided to select three organisations that are active in the local area - Asylum Welcome, the Close Campsfield Campaign and Oxford University Amnesty International - in addition to Standoff Films, an independent film production company, responsible for producing and disseminating a [short film](#) on the detainee-led protest of November 2014. My research design involved recruiting participants via their charities and activist groups. I opted for this approach because I am convinced of the importance of establishing a good relationship

with the gatekeepers (Feldman et al., 2003). The drawback of this design is that organisations may pre-select interviewees, thus impacting the representativeness of the sample. Since most organizations allowed me to contact volunteers directly, I believe that this hazard was generally averted. All the interviews took place in April 2015 at various locations in Oxford.

I opted for a feminist methodology, relying on a loosely structured, conversational approach (Noaks and Wincup, 2004: 76, 77). While a list of interview questions was put together, I sought to make interviewees feel at ease and allowed them to digress, in order to get a better sense of their views on a number of relevant issues. The interviews were transcribed shortly after they took place and all the data was password-protected. I analysed the data by reading over the transcripts multiple times, highlighting key themes and topics

and paying particular attention to word choice. Charities, activist groups and interviewees were provided with the final draft of the work a few days before submission, with the possibility of contacting me to ask questions or provide feedback.

### The sample

The sample included seven participants and is more or less evenly distributed across genders. Most interviewees are white British nationals, one was a dual national and two were foreign nationals. The age of interviewees were broadly in two groups: from 21-29 and 60 or older. At the time of the interview, most participants were students at the undergraduate or postgraduate level, two interviewees were employed, one was unemployed and one retired. Many were involved with multiple organisations, beyond those included in the sample. Some were relatively new to volunteering in the context of immigration detention, while others had matured considerable experience over the years. The hours dedicated to voluntary work ranged from two to fifteen per week. All interviewees but one had visited an IRC and three interviewees in the sample had been to other IRCs in the country.

### Findings

Through my interviews with volunteers and activists, it emerged that the voluntary sector is deeply critical of numerous aspects of detention, to the point that many interviewees argued in favour of its abolition. Their criticisms ranged from small things, like the quality of food on offer, to broader issues like the *appalling* quality of health care



Photo credit: IRC Campsfield House, Immigration Detention Archive, Border Criminologies

or the detention of victims of torture, people with mental health issues, children and women, and the absence of a fair judicial process.

Wrongfulness, unfairness, harmfulness, inhumanity were among the words invoked when discussing IRCs. By embracing a more 'cosmopolitan' understanding (Nussbaum, 1994) of the concept of legitimacy, interviewees painted IRCs as deeply illegitimate. Pointing to the detention of minors and victims of torture and the appalling quality of health care, many volunteers emphasised their belief that IRCs contravene national and international law. They were skeptical about the effectiveness of immigration detention, and viewed the pain and suffering inflicted to detainees as a disproportionate means for the achievement of goals such as removal and identification.

Underlying all interviews was a general ambivalence and uneasiness towards IRCs. While many described immigration detention as the expression of state power and control, the state's fragility in the face of global changes and its inability to manage migration flows, also emerged as a central theme (Bosworth and Guild, 2008).

The voluntary sector's engagement with the detainee population is generally worthy of praise. Many interviewees mentioned their weekly visit to IRCs; discussed assisting detainees with their cases; or campaigning to end detention. Yet numerous challenges, many of which internal, also transpired in the interviews. The voluntary sector appears to be

extremely heterogeneous, encompassing a wide range of organisations with different and occasionally, conflicting means and goals. At the micro level access requirements can prevent many organisations from taking a more resolute line against immigration detention, occasionally tarnishing the voluntary sector's efficacy and the power of its message. At the meso and macro levels, bigger charities can be lured into cooperating with the government, thereby losing their critical edge. These findings raise questions about impact at the micro-level, and highlight the need for constant self-reflection within the voluntary sector.

While this study does not consider media and academia's contributions to the debate on legitimacy, volunteers, journalists and academics face common hurdles. Reconfiguring legitimacy, as well as other social and political categories that govern our democratic societies and work to exclude and marginalise foreigners and 'outsiders', is of paramount importance. As is recognising that those who our governments detain are fellow human beings, who share our basic needs and desires. Debunking a burgeoning anti-immigrant sentiment and a general uneasiness about diversity among the population (Duffy, 2015) is likely to prove arduous. Yet only by humanising border control (Singh Bhui, 2013) can we recognise that our current practices are unjustifiable.

Avenues for future research  
Intended as an exploratory study, this work only touches upon several of the key themes that are

central to understanding legitimacy and voluntary work in the context of immigration detention. More research is required to unpack the heterogeneity of the voluntary sector, focusing on both the micro and macro levels and their interaction. There is also a need to tease out the meaning of co-option in immigration detention and shed light on the complex web of relationships between multiple stakeholders. In order to provide a more holistic picture of the non-profit sector and its methods and aims, it would be useful to incorporate the views of senior managers, directors, paid staff and volunteers, providing services to detainees across the detention estate.

More crucially, understanding volunteers' contributions to the lives of immigration detainees necessarily calls for including detainees' point of view. Researchers should explore detainees' opinions on the voluntary sector and compare/contrast them with their views of staff. Likewise, they should engage in dialogue with IRC staff in an attempt to pin down their perceptions of volunteers. Finally, drawing on research conducted in the prison context (see: Jaffe, 2012), scholars should investigate how staff and detainees perceive those who seek help and assistance from volunteers.

#### **About the author**

Isotta Rossoni works as a PR and Projects Coordinator for Victim Support Malta, a Maltese NGO supporting victims of crime. She holds an MSc in Criminology & Criminal Justice from the University of Oxford and has experience

working and volunteering for various NGOs in Italy, the UK and Malta. In the course of her MSc at Oxford she volunteered with Asylum Welcome, visiting immigration detainees at Campsfield House IRC. Her main areas of interest include gender and immigration issues, as well as human rights.

This article is based on Isotta's MSc dissertation which was highly commended in the 2016 [Howard League John Sunley Prize](#).

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## A corporate offender and the pains of open imprisonment: ancillary findings from a study of older male prisoners in an English prison

Victor Chu

Nearly two years ago, I wrote *Greying Behind Bars: The Older Male Offender's Experience of Prison Life and Preparations for Resettlement*. The piece was submitted as my MPhil in Criminology dissertation at the University of Cambridge. I have always been interested in the experience of older people in prison. I am not entirely sure how my interest in this area arose. Perhaps it was after watching a fantastic short documentary entitled 'Fault Lines – Dying Inside: Elderly in prison' by Al Jazeera. The film is only twenty-three minutes in length and focuses on the plight of elderly prisoners in America. I encourage you to watch it.<sup>2</sup> Or perhaps my interest stemmed from my general awareness of older people that really only developed in my final year of high school, when my grandmother, Pamela, passed away. Since that time, my family have been the primary carers for my grandfather, Jack, who is about to celebrate his ninetieth birthday. With each passing year, I have become more acutely aware of Jack's frailty. You can see it in the way he buttons his shirt or picks up a piece of salmon (his favourite meal) to put in his mouth. But while Grandpa Jack inevitably ages, he does so in the



comfort of a familiar place – his home – and with frequent visits from his children, grandchildren and great grandchildren. Grandpa Jack, who lives in Australia, also has the benefit of a first class health care system and can spend his days, quite leisurely, reading the newspaper and taking visitors.

As a criminologist, it did not take long for me to transfer this awareness of ageing and all the slow physiological deteriorations that the process entails to the context of prison. And very quickly, one begins to realise that ageing in prison is very different from ageing

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<sup>2</sup> Available here: <https://www.youtube.com/watch?v=Xvqj8hgXRfg> (accessed 19 February 2017).

on the outside. Everything about a prison is antithetical to growing old and this is especially true in England and Wales, where prisons, fundamentally, were never designed with older bodies in mind. Indeed, to date, the Prison Service continues to lack any specific policy for dealing with older prisoners. No detailed national strategy exists. Older prisoners in England and Wales are subjected to a prison regime designed with the majority in mind – that is, young able-bodied men. This policy gap might be understandable if there were only a handful of older prisoners in the system. However, for more than a decade now, the older prisoner aged 50 and over is the fastest growing prisoner demographic in England and Wales. On 31 December 2016, there were 12,968 prisoners in England and Wales aged 50 and over. Of these, 1,516 were 70 or older (Ministry of Justice, 2017b). It is worth noting that since June 2016, the Ministry of Justice appears to have added the age categories ‘60-69’ and ‘70 and over’ to its prisoner population statistics. In the past, the Ministry simply reported figures for the category ‘60 and over’. While this new level of specificity greatly assists researchers, the fact that the Ministry viewed this as necessary is perhaps a stark reminder of the growing elder population in prison.

[Greying Behind Bars](#) was my attempt to contribute to the limited research on older male prisoners in England and Wales. It involved interviews and focus groups with older prisoners at HMP and YOI Hollesley Bay, a Category D prison in Suffolk. The dissertation won the 2016 [John Sunley Prize](#). In this short article, my intention is to



Credit: PrisonImage

highlight two interesting findings from my research that *do not* fall exclusively within the scope of older people in prison. These are 1) the unique coping and survival mechanisms I observed in a prisoner serving time for a corporate offence; and 2) the pains of open imprisonment. These findings are addressed in the context of older people in the dissertation and interested readers are encouraged to consult that work for fuller details. I set out the findings in a more general context below in the hope that it might encourage future research interest.

### **A corporate offender**

Since the financial crisis in 2008, greater attention, from all sections of the community, has been paid towards issues of corporate governance and corporate criminal liability. The press for example, heavily report news of bankers and City figures who fall foul of the law and commit white-collar crime. Just this month, the press concluded its intensive reporting of the Halifax Bank of Scotland (HBOS) fraud trial, involving senior managers and their associates (Verity, 2017). Six individuals were ultimately sentenced to prison terms ranging in length from three-and-a-half to 15

years (Neate, 2017). Given the complexity of the offences and the fact that corporate criminality often involves breaches of trust by those in positions of seniority and responsibility, it was unsurprising that the six individuals sentenced ranged in age from 51 to 73 (Neate, 2017; Goodley, 2017). During my time in the field at HMP and YOI Hollesley Bay, I met and interviewed several older prisoners who had been convicted of corporate misconduct and fraud-related offences. They were often highly educated individuals who, in their former lives, held senior management positions and commanded respect from peers. Invariably, they were also serving prison sentences for the first time.

While a researcher should never enter the field with any strong preconceptions, when I arranged to interview the corporate offenders I encountered, I was preparing myself for long interviews with men struggling to survive imprisonment. My initial views were grounded in the limited existing literature on older 'first-timers' (people serving a prison sentence for the first time), which paints a bleak picture of their experience of imprisonment. Leaving behind an established outside identity, career and family built up over many years, the existing literature tells us that older first-timers often experience significant distress while incarcerated (Crawley and Sparks, 2005). I expected this to be exacerbated for the older corporate offenders I met, given the stark contrast between their current predicament and former lives of responsibility, respect and wealth. While by no means generalisable, I was surprised to find many of the

corporate prisoners I interviewed to be enthusiastic participants who seemed to be coping well given the circumstances.

One participant, William<sup>3</sup>, a former banker aged 68, typified some of the corporate prisoners I met. During an interview, William noted that he was unfazed by the prison environment. He did not feel intimidated by the regime or the prisoners and staff around him, and generally believed that he was coping well with first-time imprisonment in his 60s. William spoke at length about his former corporate life and believed that if he could have successfully advanced his way to a top management role at a well-known bank, then prison would be just another challenge that he could equally navigate without too much difficulty. William's views accord with the existing literature on older prisoners, which has found that some are able to survive imprisonment by drawing upon past experiences from their long lives (Crawley and Sparks, 2006; Mann, 2012b). It seems that life experience, accumulated over several decades, provides older prisoners with a certain degree of resilience that may be useful for coping with imprisonment.

As my interview progressed, it also seemed that William used neutralisation techniques in order to survive first-time imprisonment. When describing the circumstances leading to his arrest, William minimised or even *justified* his criminal actions. He neutralised the seriousness of his offence by questioning whether it was in fact criminal, arguing that after the

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<sup>3</sup> All prisoners' names are pseudonyms.

financial crisis, the government had created questionable corporate offences in an effort to appease the public that had come to resent bankers and their lavish lifestyles. William also distanced himself from other prisoners, pointing out that his offence, being a corporate crime, also lacked any readily identifiable victim, unlike more obvious offences such as murder or drug dealing. Through such neutralisation techniques, William appeared able to mentally distance himself from the reality of his predicament and seriousness of offending.

The use of various 'techniques of neutralisation' in order to suspend morality and perceptions of right and wrong was first documented six decades ago by Sykes and Matza (1957). Natalie Mann (2012a) applied this research in the context of older child sex offenders, finding that by neutralising the seriousness of their offending and differentiating themselves from other prisoners, the older child sex offenders she interviewed were able to generally cope with imprisonment, despite the significant social stigma associated with their offences and their position towards the bottom of the prisoner hierarchy. My interviews with several individuals serving time for corporate crimes, as typified by William, suggests that such 'techniques of neutralisation' may also be applied to the study of corporate offenders. More research in this area is encouraged. In January 2017, the Ministry of Justice announced a '[n]ew crackdown on corporate economic crime' and is currently consulting on whether to reform legislation that would make it easier to convict individuals for economic crime (Ministry of Justice, 2017a). Such reforms would

invariably increase the number of corporate prisoners in this jurisdiction, making research into how these individuals experience and survive imprisonment a relevant consideration.

### **'The pains of freedom'**

HMP and YOI Hollesley Bay, the study prison for this research, is an open prison; that is, a low-security prison where prisoners are granted a high level of personal autonomy. Many prisoners from Hollesley Bay work each day on licence in Ipswich and the surrounding community as part of the prison's efforts towards rehabilitation and equipping prisoners with employment skills. The prisoners at Hollesley Bay also have keys to their own rooms and the prison is set on a pleasant site, with large open spaces and plenty of trees. I vividly remember one instance when I was interviewing in a small office. It was the end of April and the sun was glaring through an open window. Someone was mowing the lawn nearby and I remember a prisoner telling me that we could have been conducting the interview in an office *anywhere*. There were no real markers that signified being in a prison.

In his study of a Norwegian open prison, Shammass (2014) found that the greater privileges, autonomy and material comforts associated with the prison brought about a new and distinct set of penal frustrations. Labelling them the 'pains of freedom', these included the confusion felt when navigating the dual identities of being a prisoner and an individual granted greater autonomy and responsibility, such as the right to work daily on licence in the community. Another frustration that Shammass

(2014:111) identified was the 'anxiety and ... sense of boundlessness' that inmates feel as they 'transition from closed to open prison, from tight confinement to looser regulations'. Despite the freedoms offered at Hollesley Bay, I found that life in an open prison in the Suffolk countryside came with its own unique challenges and 'pains of freedom'. Consistent with Shammas' research, some of the prisoners interviewed identified the uncertainty and confusion they felt as they began life in an open prison, after having spent several years in higher-security establishments. The greater personal autonomy available at Hollesley Bay took time to adjust to and prisoners were always suspicious. Surely the greater freedoms available at Hollesley Bay were too good to be true? What was the catch? Prisoners described being constantly anxious and on guard.



Credit: PrisonImage

For other prisoners interviewed, life in open conditions exacerbated the pain of being away from their family and friends. Open imprisonment is generally the final stop for prisoners before release, and while appreciating the privileges associated with a low-security environment, some interviewees felt

deeply distressed at Hollesley Bay, where the line between freedom and incarceration was regularly blurred. Several participants described a certain uneasiness about being so close to release, yet simultaneously distant. Henry, a prisoner in his 60s who declined a formal interview, informed me that the frustration he felt from being separated from his wife was worsened by living in open conditions. He felt that living in the relative comfort of an open prison, spending most of his time walking the grounds and doing light gardening was an undeserved privilege while his wife, who had cancer, struggled financially on the outside. These frustrations of being separated from loved ones remained ever-present, despite many prisoners in open conditions qualifying for periodic home leave on temporary licence. Indeed, if anything, these short home visits *increased* the trauma of being separated from family. Henry had recently returned from home leave and, as another interviewee observed, these prisoners were 'best left alone' to process the intense emotions associated with the bittersweet nature of going home on temporary licence only to be required to return back to prison.

An interview I conducted with James, a prisoner serving an indeterminate sentence, brought home some of the intense frustrations associated with open imprisonment. For James, life in open conditions was deeply distressing. He felt constantly anxious and described himself as 'tip-toeing' through the prison, navigating the greater freedoms he now enjoyed, knowing that any wrong step could prevent his release and return him to closed

conditions, where the road to release could be delayed by several years. In an open prison, freedom was closer for James than at any other time during his sentence. But it was nonetheless ambiguous, near but far, within grasp but not. Life at Hollesley Bay was therefore constantly uncertain and extremely stressful.

As far as I am aware, the brief findings I made about life in an open prison in *Greying Behind Bars* remains the only application of Shammas' research on the 'pains of freedom' in the domestic context. Research on the 'pains of freedom' offers a deeper insight into life in open conditions and is needed to counter views of low-security imprisonment as somehow less onerous and 'cushy' – a belief occasionally expressed by the mainstream media (Pattinson, 2014).

### Conclusion

In this article, my intention has been to highlight two findings I made during the course of my research into the experiences of older male prisoners at HMP and YOI Hollesley Bay, a Category D prison in Suffolk. While the findings were made in the context of a study of older prisoners, they are also able to stand alone in a more general context. That several corporate prisoners I encountered seemed to use neutralisation techniques in order to mitigate self-assessments of their offending and cope with the pains of imprisonment is a finding that warrants greater consideration, especially in a climate of growing interest in white-collar crime and a government pursuing a hard-on-economic-crime agenda. Secondly, my findings on the 'pains of

freedom', extending Norwegian research into the domestic context, are an area for further investigation. Additional research on either finding would help to test their robustness and extend our understanding of the nuances of prison life.

### About the author

An Australian, Victor was born and raised in Sydney. He attended Sydney Grammar School and won a scholarship to the University of Sydney, where he read economics and law. He continued his education at Trinity Hall, Cambridge, where he took a double first in law, a Distinction on the MPhil in Criminology and was elected both a Bateman and Wakefield Scholar. Victor's research interests are varied and cover penology, criminal justice reform, international criminal law and the use of force in international relations, among other topics. Currently based in London, Victor is a future trainee solicitor at Slaughter and May, an international law firm.

Victor was one of the Howard League [John Sunley Prize](#) winners 2016.

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