

# **Howard League** for **Penal Reform**

## **Redesigning Justice: Promoting civil rights, trust and fairness**

**International conference**

**21–22 March 2018, Keble College, Oxford**





**Redesigning Justice: Promoting civil rights, trust and fairness**  
**International conference**  
**21–22 March 2018, Keble College, Oxford**

**Contents**

Welcome	4
Conference agenda	5
Conference venue information and map	7
Sponsors and exhibitors	10
Plenary sessions: Speakers' biographies and abstracts	13
Parallel sessions: Programme and abstracts	25
About the Howard League for Penal Reform	106

Please note that an online version of this booklet is available on the Howard League website at [www.howardleague.org](http://www.howardleague.org)

## Welcome

Welcome to the Howard League for Penal Reform's international conference *Redesigning Justice: Promoting civil rights, trust and fairness*. We are delighted with the programme and look forward to two days of stimulating debate and discussion here, at Keble College, Oxford.

Our relationship with justice is complex. Justice and the systems for delivering (criminal) justice are often criticised but rarely is there a credible, achievable challenge to the status quo proposed: most want to tinker around the edges. We are witnessing a global climate of mistrust and challenge to the establishment, political elites as well as justice leadership. The time is right to consider the way we *do* justice and what we want the justice system to achieve.

The aim of the conference is to bring together academics, policy makers and practitioners from a variety of disciplines to shine a light on seemingly intransigent aspects of justice systems, including what equality and legitimacy mean 50 years after the assassination of Martin Luther King and why prison is still so central to justice responses to crime. It will also seek to develop thinking on the changing dynamics of crime with the increasing prominence of cybercrime and fraud but also the impact of the changing nature of public discourse, with the rise of social media, on justice debates.

Thank you everyone for contributing to make this a constructive, challenging and informative conference.

We hope that you will all continue to support the Howard League at future events. You will know that the Howard League is that rare thing, a charity independent of government. We can put on events like this because we are funded by people like you. Would you make a donation so that we can carry on being that independent voice, being successful at achieving change, being a friend to critical thinking? You can give securely on our website.

Thank you.

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

Anita Dockley, Research Director, Howard League for Penal Reform

## Agenda

### Day 1 – 21 March

<b>9.00–9.45am</b>	<b>Registration and coffee</b> (Sloane Robinson foyer)
<b>9.45–11.10am</b>	<b>Plenary session 1</b> (O'Reilly Theatre) <b><i>Perspectives on justice</i></b>
9.45–9.50am	Chair: Frances Crook, Chief Executive, Howard League for Penal Reform
9.50–10.05am	Alison Saunders, Director of Public Prosecutions
10.05–10.20am	Oliver Lodge, Director, Justice Value for Money, National Audit Office
10.20–10.35am	Professor Ian Loader, Professor of Criminology and Professorial Fellow of All Souls College, University of Oxford
10.35–10.50am	Professor Nicola Lacey, Professor of Law, Gender and Social Policy, London School of Economics
10.50–11.10am	Q&A
<b>11.10–12.40pm</b>	<b>Parallel session 1</b>
<b>12.40–1.40pm</b>	<b>Lunch</b> (Dining Hall)
<b>1.40–3.10pm</b>	<b>Parallel session 2</b>
<b>3.10–3.30pm</b>	<b>Tea, exhibition and networking</b> (Arco Rooms)
<b>3.30–5.00pm</b>	<b>Parallel session 3</b>
<b>5.00–6.30pm</b>	<b>Plenary session 2</b> (O'Reilly Theatre) <b><i>Social justice and reintegration</i></b>
5.00–5.05pm	Chair: Dr Rachel Condry, Associate Professor of Criminology, University of Oxford and Trustee, Howard League for Penal Reform
5.05–5.20pm	Professor Danny Dorling, Halford Mackinder Professor of Geography, Fellow of St Peter's College, University of Oxford
5.20–5.35pm	Professor Barry Goldson, Charles Booth Chair of Social Science, University of Liverpool
5.35–5.50pm	Professor Sophie Body-Gendrot, Emeritus Professor University of Paris-Sorbonne, Researcher at CNRS-CESDIP, Co-editor of The Routledge Handbook of European Criminology
5.50–6.05pm	Professor Fergus McNeill, Professor of Criminology & Social Work, University of Glasgow
6.05–6.30pm	Q&A
<b>6.30–7.30pm</b>	<b>Optional sessions</b> A film screening of <i>Injustice</i> (O'Reilly Theatre) A music session with Vox Liminis (Douglas Price room)
<b>7.30–8.00pm</b>	<b>Free time</b>
<b>8.00–10.00pm</b>	<b>Conference dinner</b> (Dining Hall)

## Agenda

### Day 2 – 22 March

<b>8.30–9.30am</b>	<b>Registration</b> (Sloane Robinson foyer)
<b>9.30–10.45am</b>	<b>Plenary session 3 (O'Reilly Theatre)</b> <b><i>The penal system: domestic and international perspectives</i></b>
9.30–9.35am	Chair: Eoin McLennan-Murray, Chair, Howard League Penal Reform
9.35–9.50am	Andrea Albutt, President, Prison Governors Association
9.50–10.05am	Mauro Palma, former President of the European Committee for the Prevention of Torture
10.05–10.20am	Professor Elena Larrauri, Professor of Criminal Law and Criminology, Universitat Pompeu Fabra, Barcelona
10.20–10.45am	Q&A
<b>10.45–11.15am</b>	<b>Coffee, exhibition and networking</b> (Arco rooms)
<b>11.15–12.45pm</b>	<b>Parallel session 4</b>
<b>12.45–1.45pm</b>	<b>Lunch</b> (Dining Hall)
<b>1.45–3.15pm</b>	<b>Parallel session 5</b>
<b>3.15–3.45pm</b>	<b>Tea, exhibition and networking</b> (Arco rooms)
<b>3.45–5.00pm</b>	<b>Plenary session 4 (O'Reilly Theatre)</b> <b><i>Redesigning justice: identity and social control</i></b>
3.45–3.50pm	Chair: Frances Crook, Chief Executive, Howard League for Penal Reform
3.50–4.05pm	Gary Younge, author, broadcaster and editor-at- large for The Guardian
4.05–4.20pm	Professor Tracey L Meares, Walton Hale Hamilton Professor of Law, Yale University
4.20–4.35pm	Project Future: Dr Lucy Gore, Clinical Psychologist and Project Lead, Project Future; Jess Stubbs, Researcher, Centre for Mental Health; Tola Terriba, Youth Consultant and Peer Researcher, Project Future
4.35–5.00pm	Q&A
<b>5pm</b>	<b>Close</b>

## Conference Information

### Rooms

Plenary sessions will take place in the O'Reilly Theatre, on the ground floor of the Sloane Robinson building. Parallel sessions will take place in the Sloane Robinson building, seminar rooms 1–6, located on the third floor; Douglas Price room located on the first floor; the O'Reilly Theatre and also Roy Griffiths room located the Arco building.

The conference office is room 1512 which is located on Liddon Quad.

Please sign up for seminar sessions in the hall foyer on each day in the Sloane Robinson Building.

### Refreshments

Tea and coffee will be served in the Arco building. Lunch will served in the Dining Hall. The conference dinner will be held in the Dining Hall at 8pm on 21 March.

For those not attending the dinner, Oxford town centre is situated within walking distance of the college. Information on local facilities can be found on the Keble College Bed & Breakfast App. Please visit your App or Google store and search 'Keble B&B'.

The bar, located in the Hayward Quad, will open until 11pm 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 Wiley, for the best PhD paper presented at the conference. The winners will be announced at the final plenary session of the conference.

### Certificate of attendance

If you require a certificate of attendance, please send your request to: [barbara.norris@howardleague.org](mailto:barbara.norris@howardleague.org) and we will be happy to email you the certificate following the conference.

### Papers from Redesigning Justice: Promoting civil rights, trust and fairness

If you are presenting a paper at the conference, we would welcome submissions, based on your conference presentation, to special issues of our online ECAN publication. This publication is aimed primarily at early career researchers, but also has a readership (and authorship) that includes senior academics. It reaches in excess of 3,000 people in the academic community as well as policy makers, professionals and practitioners. Although it is not an academic journal, all submissions will be reviewed. Contributions should be a maximum of 3,000 words in a relatively easy to read style. The final deadline for submissions is 4 June 2018 with publication before the end of 2018. Please email your submission to [anita.dockley@howardleague.org](mailto:anita.dockley@howardleague.org)

### Conference evaluation

We would like to hear your views of the event. Your comments will enable us to better plan and execute future conferences. We would be grateful if you could complete a short online questionnaire at: <https://www.surveymonkey.co.uk/r/9DX8GC8>

## Internet Access

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 you are attending and follow the prompts on screen. The conference password is: HOWARD18

If you are not redirected to the Keble registration website, just try to browse to any non-https webpage (such as [www.it.ox.ac.uk](http://www.it.ox.ac.uk)) 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. Hard wired Internet access can also be provided in bedrooms and requires an Ethernet cable. Ethernet cables are available for hire in the Porters Lodge, a £5 refundable deposit is charged. To access hard wired internet, open your web browser to be redirected to the Keble registration website, click the “Begin Registration” button, select the name of conference you are attending and follow the prompts on screen. The password is: HOWARD18

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

## Photography and filming

Photographs and video footage taken at the Howard League events may be used in the Howard League publications and promotional materials. If you do not wish to have your photo taken or used, you must notify a Howard League staff member during the event.

To capture the conference a legacy page will be created. If you take any photographs during the event and would like to share them, please email the images to: [barbara.norris@howardleague.org](mailto:barbara.norris@howardleague.org).

**Your name badge:** 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.

## 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.

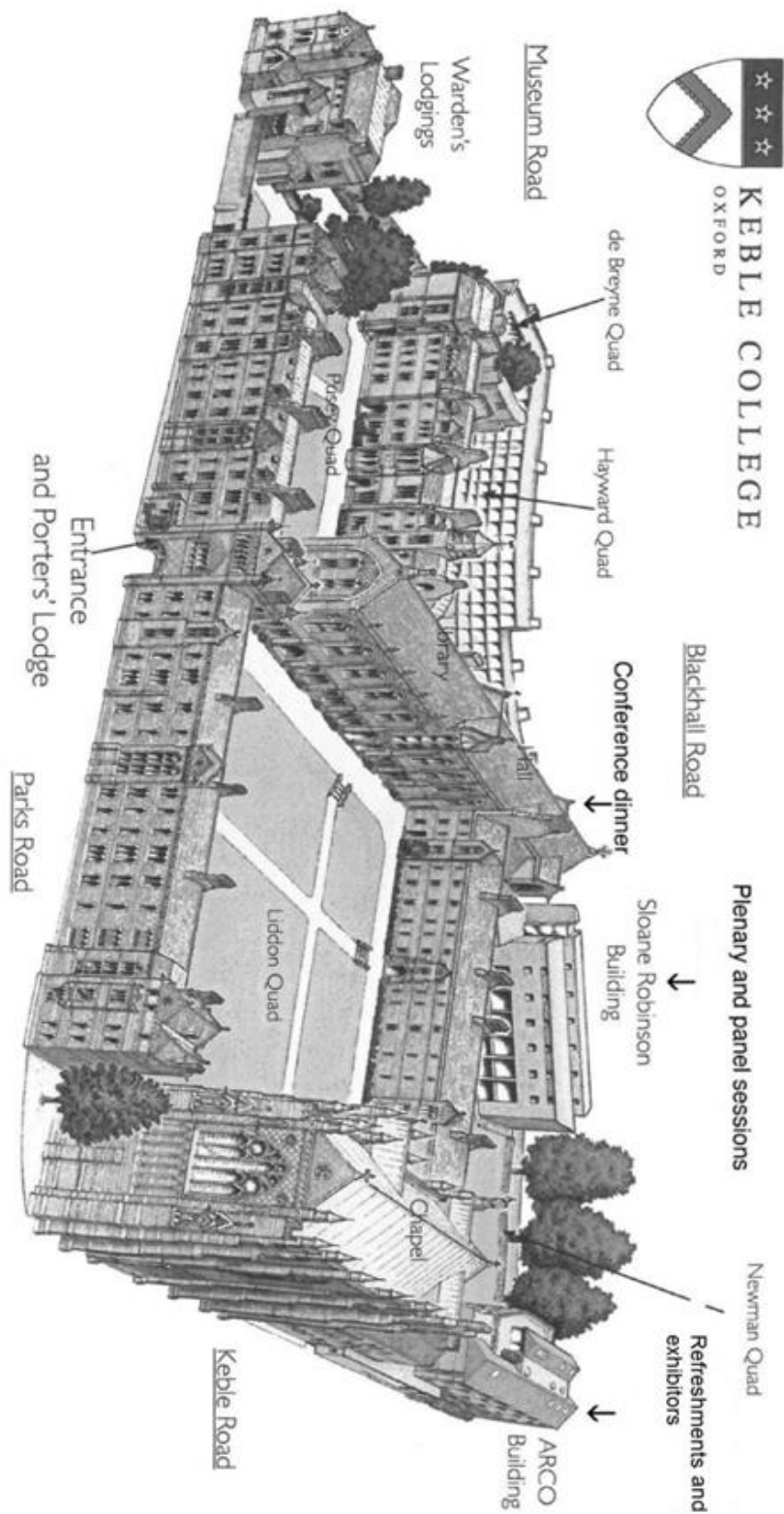
- Please leave the building as soon as the fire alarm sounds. You will hear a continuous two-toned alarm.
- Fire Exits are clearly indicated by luminous green signs.
- Please make your way to the grass area of the Quad and wait there until the all clear is given.

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.

If you need any help or information during the conference, please approach a Howard League staff member.





## Sponsors and exhibitors

### Wiley

WILEY

Wiley is a global provider of knowledge and knowledge-enabled services in research, professional practice and education. Developing digital education, learning, assessment and certification, partnering with societies and communicating research discoveries.

### Liverpool John Moores University



Liverpool John Moores University is one of the largest, most dynamic and forward-thinking universities in the UK, with a vibrant community of 25,000 students from over 100 countries worldwide, 2500 staff and 250 degree courses. LJMU is

celebrating its 25th anniversary of becoming a university throughout 2017/18 and has launched a new five-year vision built around four key 'pillars' to deliver excellence in education; impactful research and scholarship; enhanced civic and global engagement; and an outstanding student experience. The university has supported two students to attend this conference.

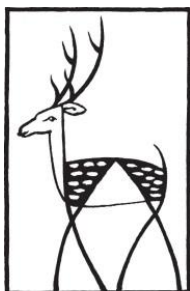
### Routledge



Routledge has one of the largest global lists in Criminology and Criminal Justice, publishing a wide range of textbooks, handbooks and monographs. It has various research series in areas such as critical

criminology, border criminology, desistance and rehabilitation, crimes of the powerful and victimology, and has also published two successful titles with the Howard League: *The Penal Landscape* (2013), and *Justice and Penal Reform* (2016).

### Hart Publishing



• HART •  
PUBLISHING

Hart books aim to be intellectually stimulating and innovative, to contribute to the academic study of law as well as to its development and practical implementation. Hart's list is international in scope, the list includes textbooks, scholarly monographs and works for practitioners and spans the entirety of legal scholarship.

**PROBATION**  
Rob Canton and Jane Downey  
SECOND EDITION

**YOUTH JUSTICE**  
A Critical Introduction  
Stephen Case

**NORDIC NATIONALISM AND PENAL ORDER**  
Waiting the Welfare State  
Veronica Barker

**PRIVATISING PUNISHMENT IN EUROPE?**  
Edited by Tom Dierckx and Tom Vander Beken

**THE POLITICS OF PENAL REFORM**  
WINDUP BY PAY AND THE HOWARD LEAGUE  
ANNE LOGAN

**Change or Continuity in Drug Policy**  
The Rules of Science, Media, and Interest Groups  
Julia Tiedemeyer

**Justice and Penal Reform**  
Re-shaping the penal landscape  
Edited by Stephen Farrall, Barry Goldson, Ian Loader and Anna Dochney

**PENAL CULTURES AND FEMALE DESISTENCE**  
LINNEA OSTERMAN

**Handbook on Punishment Decisions**  
Locations of Disparity  
Edited by John S. Mears and Heidi A. Bradley  
Series Editors: Barbara A. Collier and John R. Hippel

**PUBLIC DISORDER AND GLOBALIZATION**  
Sophie Body-Gendrot

**the future of correctional rehabilitation**  
Moving Beyond the RNR Model and Good Lives Model Debate  
Ronen Ziv

**THE PENAL VOLUNTARY SECTOR**  
PHILIPPA TOMCZAK

**THE PENAL LANDSCAPE**  
THE HOWARD LEAGUE GUIDE TO CRIMINAL JUSTICE IN ENGLAND AND WALES  
EDITED BY ANITA DOOLEY AND IAN LOADER

**The Meaning of Rehabilitation and its Impact on Parole**  
There and Back Again in California  
Rita Shah

**Handbook on Risk and Need Assessment**  
Theory and Practice  
Edited by Tony A. Newman  
Series Editors: Barbara A. Collier and John R. Hippel

**WOMEN'S IMPRISONMENT and the case for abolition**  
Critical reflections on Garsion ten years on  
Edited by Linda Mearns, Phil Scraton and Aislinn Whelan

**Routledge**  
Taylor & Francis Group

**Routledge... think about it**  
[www.routledge.com](http://www.routledge.com)  
an informa business

Special price - £20

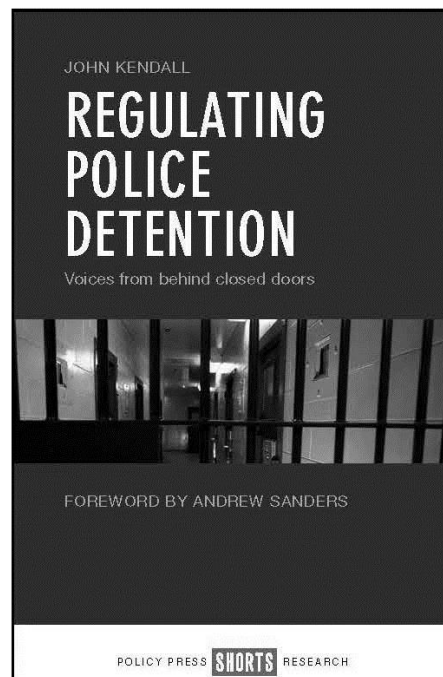
# Regulating police detention

Voices from behind closed doors

John Kendall

*"The first detailed insight, from a uniquely fused practitioner and academic perspective, into custody visiting - a vital aspect of the police custody process"* Roxanna Dehaghani, Cardiff School of Law and Politics

*"John Kendall demonstrates the inadequacies of the current system comprehensively and systematically. The only reasonable response to his conclusions is to adopt them as soon as possible."* Regan Peggs, Birmingham Law Society



When suspects are arrested, they spend their time in police custody largely in isolation and out of public view. These custody blocks are police territory, and public controversies about what happens there often only arise when a detainee dies.

Custody visitors are volunteers who make what are supposed to be random and unannounced visits to police custody blocks to check on the welfare of detainees. However, there is a fundamental power imbalance between the police and these visitors, which calls the independence and effectiveness of custody visiting into question.

Investigating this largely unexplored part of the criminal justice system, this timely book includes the voices of the detainees who have a unique insight into the scheme. It offers detailed proposals for radically reforming custody visiting to make it an effective regulator of police behaviour, with an explanation of the political context that could make that a reality.

HB £45.00 978-1-4473-4351-6      EPUB £8.99 978-1-4473-4369-1  
ALSO AVAILABLE ON AMAZON KINDLE

January 2018

Order your copy from: <http://policypress.co.uk/regulating-police-detention>

or use the order form overleaf

**\*Order at special price of £20.00  
using promo code PORPD18  
until 31/5/2018**

**P Policy Press**  
UNIVERSITY OF BRISTOL

## Plenary Speakers

### Day 1

#### Plenary session 1: *Perspectives on justice*

##### Chair

**Frances Crook, Chief Executive, 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 the penal system. The charity has campaigned to reduce child arrests, reduce the over-use of custody and improve conditions 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 and young adults in custody and has taken a number of successful judicial reviews that have improved the treatment of 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 was appointed by the Secretary of State for Education to serve 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 responsible for the provision of hospital and primary health care. Frances Crook was awarded the Freedom of the City of London in 1997. She was awarded an OBE in the Queen's New Year's Honours list 2010. She was awarded an honorary doctorate in law from the University of Liverpool in 2016. She is a Senior Visiting Fellow at the London School of Economics and a Senior Visiting Fellow at the Department of Criminology at Leicester University.

##### **Alison Saunders, Director of Public Prosecutions**



Alison Saunders is the Director of Public Prosecutions (DPP) for the Crown Prosecution Service (CPS) of England and Wales. Alison was appointed in 2013, the first ever internal applicant to be appointed as DPP. Having joined the service in the 1986, the year of its formation, she has held a number of high profile positions within the CPS. Alison was Chief Crown Prosecutor (CCP) for Sussex, before she set up and led the Organised Crime Division. Alison was also CCP for London, during which time she received her Companion of the Order of the Bath (CB) for actions during the London riots. Alison has also served as Deputy Legal Advisor to the Attorney General.



## ***Prosecutions and the public***

**Synopsis:** Alison Saunders will talk about how the CPS engages with the public to both inform and explain its work, ensuring justice is delivered for everyone.

### **Oliver Lodge, Director, Justice VFM, National Audit Office**



Oliver Lodge is the National Audit Office's Director responsible for value for money work in the justice sector. His recent work includes reports on mental health in prisons, the new generation electronic monitoring programme, the Transforming Rehabilitation reforms, the Parole Board, and the efficiency of the criminal justice system. He joined the NAO in 2001 and took up his current position in 2014 after holding a number of roles, including managing the NAO's work on the BBC, and leading audits of public private partnerships and privatisations.

He is a qualified chartered accountant with a Master's degree in engineering from Imperial College.

## ***Transforming the justice system***

**Synopsis:** Oliver Lodge will explore some of the current pressures facing the justice system and Government's attempts to address these. He will draw on recent National Audit Office work to illustrate the risks and opportunities inherent in efforts to transform public services and the challenges they pose for the Ministry of Justice.

### **Professor Ian Loader, University of Oxford**



Ian Loader is Professor of Criminology and Professorial Fellow of All Souls College at the University of Oxford. Ian arrived in Oxford in July 2005 having previously taught at Keele University and the University of Edinburgh, from where he also obtained his PhD in 1993. He is a Fellow of the Royal Society for the Arts. Ian is the author of six books, the most recent of which *Public Criminology?* was published by Routledge in 2010 (with Richard Sparks) and has been translated into Mandarin. He has also edited six volumes, including *Justice and Penal Reform* (with Barry Goldson, Steve Farrall and Anita Dockley, Routledge, 2016), *Democratic Theory and Mass Incarceration* (with Albert Dzur and Richard Sparks, Oxford UP, 2016) and *The SAGE Handbook of Global Policing* (with Ben Bradford, Bea Jauregui and Jonny Steinberg, 2016). Ian has also published theoretical and empirical papers on policing, private security, public sensibilities towards crime, penal policy and culture, the politics of crime control, and the public roles 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. He is Editor-in-Chief of the *Howard Journal of Crime and Justice*. He has previously served on the Editorial boards of the *British Journal of Criminology* and *Theoretical Criminology*.

## ***Sacrifice and criminal justice***

**Synopsis:** Why, given its recurrent injustices and repeated ineffectiveness, do the police cling so tenaciously to stop and search powers? Why do police shootings, or deaths in custody or detention, so seldom result in prosecutions or adequate redress? Why are prisons not reconfigured so as to reduce demonstrable risks of self-harm or suicide? Why are known collateral effects of incarceration tolerated rather than tackled? In this paper, Ian Loader argues that that we can shed clearer light on such questions if we theorise and investigate criminal justice as a site of sacrifice. Criminal justice is an arena, first, where marginalised individuals are routinely sacrificed – violated, neglected, forgotten; left unheard and invisible – in clear contravention of the claim to treat those who transgress with decency that legitimises and supposedly constrains police and penal power. It is a site, secondly, in which the values that liberal democratic polities purport to hold dear are sacrificed at the altar of a police logic of security and sovereign control. Thinking about criminal justice in these terms helps, he argues, to clarify why authorities find families’ campaigns to remedy or redress abuses of criminal justice so troubling and why such campaigns are typically met with recalcitrance or refusal. The systemic reduction of sacrificial abuse requires, he concludes, a politics grounded in an altogether different and unrealised mode of sacrifice – relinquishing the alluring fantasy of police and criminal justice as constitutive of social order and ‘making oneself vulnerable’ to the ‘new political possibilities’ (Lebron 2016: 158) that may ensue.

### **Professor Nicola Lacey, London School of Economics**



Nicola Lacey is School Professor of Law, Gender and Social Policy at the London School of Economics. From 1998 to 2010 she held a Chair in Criminal Law and Legal Theory at LSE; she returned to LSE in 2013 after spending three years as Senior Research Fellow at All Souls College, and Professor of Criminal Law and Legal Theory at the University of Oxford. She has held a number of visiting appointments, most recently at Harvard Law School. She is an Honorary Fellow of New College Oxford and of University College Oxford; a Fellow of the British Academy; and a member of the Board of Trustees of the British Museum.

In 2011 she was awarded the Hans Sigrist Prize by the University of Bern for outstanding scholarship on the function of the rule of law in late modern societies and in 2017 she was awarded a CBE for services to Law, Justice and Gender Politics.

## ***Institutionalising Forgiveness in Criminal Justice***

**Synopsis:** Criminal justice is standardly associated with judgments of culpability and with punishment oriented to censure or to goals such as deterrence. Within this punitive model, the human capacity to forgive is apt to be marginalised. In her remarks, Nicola Lacey will draw on recent work with Hanna Pickard to argue that the choice to blame, and not to forgive, is instrumentally counter-productive to reducing the risk of future re-offending and inconsistent with the political values of a liberal society. We can, she will argue, conceive institutional counterparts of interpersonal forgiveness, opening up a vision of criminal justice policy and practice with forgiveness in place as a guiding ideal.

## Plenary session 2: *Social justice and reintegration*

### Chair

**Dr Rachel Condry, Associate Professor of Criminology, University of Oxford and Trustee, Howard League for Penal Reform**



Rachel Condry is an Associate Professor of Criminology and a Fellow of St Hilda's College at the University of Oxford. She has previously been a lecturer in criminology at the University of Surrey, and a lecturer and British Academy Postdoctoral Fellow at the London School of Economics. Her work focuses broadly on the intersections between crime and the family. She is a member of the British Society of Criminology and is on the editorial board of the British Journal of Criminology and the ESRC's Peer Review College. Rachel is an Editor of the

Howard Journal of Crime and Justice.

### **Professor Danny Dorling, University of Oxford**



Danny Dorling is a Professor of Human Geography at the University of Oxford. He has also worked in Sheffield, Newcastle, Bristol, Leeds and New Zealand, went to university in Newcastle upon Tyne, having grown up in Oxford. He has published over forty books including many atlases and *Population Ten Billion* (2013); *All That is Solid* (2014); *Injustice: Why social inequalities still persist* (2015); *A Better Politics: How government can make us happier* (2016); and *The Equality Effect* (2017).

### ***Decent rights, trust, and fairness all require greater economic equality***

**Synopsis:** Danny will put forward the case that without greater economic equality than the UK currently enjoys we cannot expect people to trust each other; rights to be upheld, maintained or respected; or for fairness to be preserved. There is an inegalitarian fantasy that it is possible to continue with great economic inequalities but somehow for people to know their place and behave well in it. That fantasy has, unfortunately, become current government policy. The talk will end by discussing who should be held to account when official policies result in mortality rates rising, most recently within mental health institutions, prisons generally, and society more widely.

### **Professor Barry Goldson, University of Liverpool**



Professor Barry Goldson holds the Charles Booth Chair of Social Science at the University of Liverpool. He is also Visiting Professorial Research Fellow at the Faculty of Law, University of New South Wales, Sydney, Professorial Fellow in Social Science at Liverpool Hope University and Adjunct Professor at the School of Justice, QUT, Brisbane. He is the Chairperson of the British Society of Criminology Youth Criminology/Youth Justice Network (YC/YJN) and the Co-Chairperson of the

European Society of Criminology Thematic Working Group on Juvenile Justice (TWGJJ). He previously served on the Board of Trustees of the Howard League for Penal Reform and he is currently a member of the Advisory Board of the Howard



League's 'Criminalisation of Children in Public Care Programme'. He is extensively published and his most recent book is *'Justice and Penal Reform: Re-shaping the penal landscape'* (Routledge, 2016, with Farrall, Loader and Dockley). Two further books – *'Juvenile Justice in Europe: Past, Present and Future'* and *'Youth Justice and Penalty in Comparative Context'* – are scheduled to publish later this year, and his long-standing project *Re-imagining Juvenile Justice* will publish in 2019. Barry is on the Editorial Board of the Howard Journal of Crime and Justice and member of the Howard League's Research Advisory Group.

### ***Youth justice 1968-2018: Fifty years of floundering policies and failing practices – time for redesign***

**Synopsis:** In 1968, a long-awaited White Paper was published under the title 'Children in Trouble'. It proposed measures for family support and placed an emphasis on the prevention of 'juvenile delinquency' and the 'rehabilitation' of children and young people. In the fifty years that have followed, juvenile/youth justice policy has floundered within an overarching context of incoherence. At the extremes, policy responses have swung between welfare imperatives at one end of a continuum and crude retributive impulses at the other. The practices that have flowed from such inconsistent policies have, ultimately, failed - both children and young people and the wider public interest. It is time to redesign youth justice in a form that will promote human rights, secure public trust and deliver fairness and equality.

### **Professor Sophie Body-Gendrot, Univeristy of Paris-Sorbonne**



Sophie Body-Gendrot, PhD from Sciences-Po Paris and MA in English and American studies from the University of Paris-Sorbonne, is Emeritus Professor at the University of Paris-Sorbonne and a researcher at the French Scientific Research-CNRS/ Centre of sociological research on law and penal institutions-CESDIP/ French Ministry of Justice. She is a member of the European Group of Research into Norms (GERN)/CNRS. She held a lecturing position for ten years at Sciences Po and has taught, lectured and frequently researched abroad, in particular at NYU, New York and in Australia. She taught at the school of information and communication (CELSA-Sorbonne), at NYU Paris and at the

National School of Administration in Strasbourg. Her research focuses on comparative urban policies, urban unrest, ethnic and racial issues and citizen participation. She was a member of the National Police Complaints Authority for five years. A former President of the European Society of Criminology (2008-2011), she is currently an expert adviser for the LSE in the Urban Age Programme, for the Council of Europe and for the European Commission. With the Richard Rogers/LSE Team, she was involved in the elaboration of ideas for Greater Paris (2008-2009). She was part of the Board of Trustees and of the Executive Committee of the Milton Eisenhower Foundation, Washington, D.C. for ten years (1998-2008). She is an Officer of the French Legion of Honour. Her most recent work is: *Public Disorder and Globalization* (Routledge, 2017); *Policing the Inner-City* (Pgrave, 2014); *Globalization, Fear and Insecurity* (Palgrave Macmillan, 2012); *The Routledge Handbook of European Criminology* (Routledge, 2013) (coed.); *La peur détruira-t-elle la ville?* (Bourin, 2008); *Violence in Europe. A historical and contemporary perspective*, (co-dir Pieter Spierenburg) (New York, Springer, 2008); *Sortir des quartiers. Pour en finir avec la tyrannie des territoires* (avec

C. Wihtol de Wenden) (Paris, Editions Autrement, 2007); *Police et discriminations raciales: le tabou français* (Paris, Editions de l'atelier, 2003); *La société américaine depuis le 11 septembre* (Paris, Presses de sciences Po, 2002); *Villes: la fin de la violence?* (Paris, Presses de Science Po 2001); *The social control of cities? A comparative perspective* (Oxford, Blackwell, 2000); *Les villes face à l'insécurité, Des ghettos américains aux banlieues françaises*. (Paris, Bayard Editions, 1998); *Mission sur les violences urbaines* (with N. Le Guennec). (Paris, La Documentation française/IHESI, 1998); *Les villes américaines. Les politiques urbaines*, (Paris: Hachette (Les Fondamentaux), 1998); *Ville et Violence. L'irruption de nouveaux acteurs*. (Paris : PUF (Recherche politique), 1993, 2nd print. 1995); *Les Etats-Unis et leurs immigrants. Des modes d'insertion variés*. (Paris : La Documentation Française, 1992); *Les Noirs américains aujourd'hui*. (Paris : A. Colin, 1984).

### ***Institutions and social justice: comparative perspectives***

**Synopsis:** Structural differences between countries' legal systems generate different levels of perceived legitimacy. In Europe, consensual democracies seem to generate more welfare-friendly approaches than in majoritarian, more punitive democracies. Cities' decisions where matters of police and justice are of great importance for citizens' daily life have more innovative approaches than national levels, impacted by global influences. Perceptions and concerns need to be distinguished from real experiences. Whether offenders and victims believe that police and courts are legitimate follows their own satisfaction with their justice experiences and their willingness to cooperate with the state. It is frequently more difficult for poor minorities to trust the police and courts. Expectations of what institutions should do also differ, according to individual characteristics and places where people live in. This paper sheds light on what does not work (prisons) and on what works (within limits). It ends on the thorny issue of terrorism and the current shortcomings of research.

### **Professor Fergus McNeill, University of Glasgow**



Fergus McNeill is Professor of Criminology and Social Work at the University of Glasgow where he works in the Scottish Centre for Crime and Justice Research and in Sociology. Prior to becoming an academic in 1998, Fergus worked for a number of years in residential drug rehabilitation and as a criminal justice social worker. His many research projects and publications have examined institutions, cultures and practices of punishment and rehabilitation – and questions about their reform. He recently led a pioneering ESRC funded project, 'Discovering Desistance', which developed dialogue between academics, practitioners and ex-offenders about how criminal justice can better support people to leave crime behind and influenced policy and practice development in many countries. Between 2012 and 2016, he chaired an EU funded research network on 'Offender Supervision in Europe' which involved about 80 researchers from across 23 jurisdictions. As well as researching, teaching and writing, Fergus has been involved in providing consultancy advice and support to governments and criminal justice organizations in many jurisdictions around the world. Between 2011 and 2014, he was appointed by the Cabinet Secretary as Chair of the Scottish Advisory Panel on Offender Rehabilitation. He is a Trustee, Council or Board Member of several charities including Faith in Communities Scotland, Positive Prisons? Positive Futures..., the Scottish Association for the Study of

Offending and Vox Liminis. He also served recently as a member of the Poverty Truth Commission. Fergus has co-written or co-edited several books including *Offender Supervision: New Directions in Theory, Research and Practice*, *Offender Supervision in Europe*, *Reducing Reoffending: Social Work and Community Justice in Scotland*, *Understanding Penal Practice* and *Youth Offending and Youth Justice*. His most recent books include *Community Punishment: European Perspectives* (co-edited with Gwen Robinson), published by Routledge in 2015; *Probation: 12 essential questions* (co-edited with Ioan Durnescu and Rene Butter), published by Palgrave in 2016; and *Beyond the Risk Paradigm in Criminal Justice* (co-edited with Chris Trotter and Gill McIvor), published by Palgrave in 2016. Currently Fergus is working on two major projects: 'Distant Voices: Coming Home' is a major 3-year Economic and Social Research Council/Arts and Humanities Research Council project exploring reintegration after punishment. 'Pervasive Punishment' is a British Academy funded mid-career fellowship which examines the emergence and contours of 'mass supervision'. Fergus is Chair of the Howard League's Research Advisory Group.

### ***Waking up to life after punishment***

**Synopsis:** Fergus McNeill uses the metaphors of sleeping and waking to think, respectively, about punishment and re/integration. Conceptualising punishment as a kind of compelled civic sleep, exploring what waking up involves for those who have been forced to slumber; and to explore why we all must, and how we all might, wake up to the challenges of supporting life after punishment.

### **Vox Liminis**

A music session with Vox Liminis, including songs from the Distant Voices project, which explores reintegration.

### ***Injustice – a film screening***

2017 saw the worst prison riots in decades, as we saw recently in HMP Manchester. Across the country the prison estate exploded, as warned by campaigners and prisoners. The flames of the riots cast a light on the so-called prison crisis. Look hard and you'll see it's not that prisons are in crisis, prisons are the crisis.

Injustice investigates the prison crisis, and delves into the world of prisons, crime and the judicial system. More than 60% of prisoners suffer mental health problems, the majority are from broken homes, poor backgrounds with little education or prospects. We have to ask whether further disadvantaging them merely deepens the problem rather than providing solutions.

Ex-prisoners, activists, criminologists, prison guards, inspectors and even a governor tell us who the prisoners are and why they are inside. We hear what happens inside, and outside, and the stories are shocking. The system is broken and nobody inside or out, innocent or guilty, perpetrators or victims, is being helped.

## Day 2

### Plenary session 3: *The penal system: domestic and international perspectives*

#### Chair

**Eoin McLennan-Murray, Chair, Howard League for Penal Reform**



Eoin McLennan-Murray graduated from London University (Queen Mary College) with a BSc Hons in Biological Sciences in 1977 and joined the Prison Service in 1978 on their graduate scheme. He has worked in 10 different prisons, three of which as governing governor. In 2000 he completed his Masters Degree in Criminology and Prison Studies at The Institute of Criminology, Cambridge University. He was President of the Prison Governors' Association for 4.5 years before retiring from the Prison Service in 2015.

#### **Andrea Albutt, President, Prison Governors Association**



After a 6 year career as a military nurse, Andrea joined the Prison Service in 1990 as a Prison Officer. She has worked through all promotion grades and has been a Governing Governor since 2003. Her in-charge positions include HMP Low Newton, Swansea, Eastwood Park and more recently HMP Bristol. She is currently operational lead for a national project. Andrea was elected onto the PGA NEC in 2007 and became Vice President in 2009. She was elected unopposed to

President in October 2015 and again in 2017.

#### ***Lessons from the past - will we never learn?***

**Synopsis:** An historical overview of key events in prisons from 1990 to present and Governments' response to them.

#### **Mauro Palma, former President of the European Committee for the Prevention of Torture**



Mauro Palma, mathematician and doctor in law *honoris causa*, is the President of the Italian Independent Authority for the Rights of Persons Deprived of Liberty (*Garante nazionale dei diritti delle persone private della libertà*), appointed by the President of Republic, after the approval of the Italian Parliament. As this Authority was designated as the NPM under United Nations OPCAT, he is the Chair of the NPM. In the context of the Council of Europe, he was the Chair of the Council for Penological Co-operation (2012 – 2015); during the years 2000-2011, he was member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and from 2007 to 2011 he was the President of the Committee. Expert on criminal justice and

prison systems, he founded *Antigone*, Italian non-governmental Association for the rights and guarantees in the context of deprivation of liberty, tasked to visit prisons and

monitor detention conditions throughout the national territory. Currently he is the Honorary President of the Association. From 1997 to 2015 he was member of the board of Directors of the Istituto della Enciclopedia Italiana Treccani. Lecturer at various Italian and international universities, he is member of the Scientific Committee of several national and international Foundations (inter alia, European Observatory on Fundamental Rights, Centre for Initiatives and Studies on the State Reform, 'Italiani-Europei' Foundation) and member of the Board of scientific reviews on prisons and penal system (inter alia, *Dei delitti e delle pene*, *Studi sulla questione criminale*, *Questione giustizia*). In this context he published a number of articles and essays.

**Synopsis:** A useful criterion for discussing criminal justice is starting from its end point: the execution of sentences. This is the outcome of law, procedures and concrete implementation of legal provisions. In many cases this end point is imprisonment. It puts questions about the effective equity of the penal system and its ability to reduce the social gap that characterises people in the community at large: is the deprivation of liberty useful to help reduce this gap or does it tend to amplify it? A first step to positively reply to this question lies in the principle that the execution of any sentence should be fully respectful of the dignity of the person concerned and effectively aimed at returning him/her to the community with more tools and less vulnerability, so reducing the risk of recidivism. Starting from this perspective, my contribution to the Conference is built on the experience of the European Committee for the Prevention of Torture (CPT) in its almost thirty years of activity. The Committee bases its activity on the principle, that cannot be derogated, that no one can be subjected to ill-treatment or to a treatment or punishment disrespectful of his/her dignity. Over the years, it has developed a set of standards that can help to give positive purpose and efficiency to justice responses to crime.

### **Professor Elena Larrauri, Univeritat Pompeu Fabra, Barcelona**



Elena Larrauri is Professor of Criminal Law and Criminology at the Universitat Pompeu Fabra (Barcelona). She has been Fulbright scholar at the University of Santa Barbara, California, Alexander von Humboldt scholar at the University of Frankfurt and Visiting Fellow at All Souls College at the University of Oxford (2013-14). She is also past President of the European

Society of Criminology. Her current research interests are prison systems, criminal records, community sentences, and gender analysis of criminal justice system. She is a founding member of the Criminology and Criminal Justice System Research Group. She is currently (2016-) Head of the Department of Law in the UPF. Elena is a member of the Howard Journal of Crime and Justice Editorial Board.

### ***'Prison Leave' and the perception of legitimacy***

**Synopsis:** Prison leave is routine temporary release permits for inmates serving a sentence in closed prisons for the purpose of allowing inmates to keep ties with their family and to provide a brief contact into the community. Prison leave tends to be characterised as a *privilege*. Although the law sets some minimum criteria, prison boards and the courts tend to add others. Through participant observation in different prison boards this research aims to uncover the eligibility criteria that are actually used before granting prison leave in Spain. The use of prison leave is widespread in Spain; however the lack of clear and certain criteria, the use of debatable criteria and the lack of a fair procedure strains the prison system, and probably affects the legitimacy of all of it.



## Plenary session 4: *Redesigning justice: identity and social control*

### Chair

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

(See page 12 for biographical details)

### **Gary Younge, Editor-at-large, The Guardian**



Gary Younge is an author, broadcaster and editor-at-large for The Guardian. He also writes a monthly column, *Beneath the Radar*, for the Nation magazine and is the Alfred Knobler Fellow for The Nation Institute. After several years of reporting from all over Europe, Africa, the US and the Caribbean Gary was appointed The Guardian's US correspondent in 2003, writing first from New York and then Chicago. In 2015 he returned to London where he is now The Guardian's editor-at-large. He has written five books: *Another Day in the Death of America*, *A Chronicle of Ten Short Lives*; *The Speech, The Story Behind Martin Luther King's Dream*; *Who Are We?*, *And Should it Matter in the 21st century*; *Stranger in a Strange Land*, *Travels in the Disunited States* and *No Place Like Home*, *A Black*

*Briton's Journey Through the Deep South*. His books have won many awards. This year *Another Day in the Death of America* won the J. Anthony Lukas Book Prize from Columbia Journalism School and Nieman Foundation, was shortlisted for the Helen Bernstein Book Award for Excellence in Journalism from New York Public Library, The Jhalak prize and The Orwell Prize for Books. It was also longlisted for the Andrew Carnegie Medal for Excellence in Non Fiction from American Library Association. *Who Are We?* was shortlisted for the Bristol Festival of Ideas Prize. *No Place Like Home* was shortlisted for The Guardian's first book award. He has made several radio and television documentaries on subjects ranging from gay marriage to Brexit and enjoyed several prizes for his journalism. In 2017 he received the James Aaronson Career Achievement Award from Hunter College, City University of New York. In 2016 he won the Comment Piece of the Year from The Comment Awards and the Sanford St. Martin Trust Radio Award Winner for excellence in religious reporting. In 2015 he was awarded Foreign Commentator of the Year by The Comment Awards and the David Nyhan Prize for political journalism from Harvard's Shorenstein Center. In 2009 he won the James Cameron award for the "combined moral vision and professional integrity" of his coverage of the Obama campaign. From 2001 to 2003 he won Best Newspaper Journalist in Britain's Ethnic Minority Media Awards three years in a row. Currently a visiting professor at London South Bank University, he was appointed the Belle Zeller Visiting Professor for Public Policy and Social Administration at Brooklyn College (CUNY) from 2009-2011. In 2016 he was made a Fellow of the Academy of Social Sciences and in 2007 he was awarded Honorary Doctorates by both his alma mater, Heriot Watt University, and London South Bank University. Born in Hertfordshire to Barbadian parents, he grew up in Stevenage until he was 17 when he went to Kassala, Sudan with Project Trust to teach English in a United Nations Eritrean refugee school. On his return he attended Heriot Watt University in Edinburgh where he studied French and Russian, Translating and Interpreting. In his final year of at Heriot Watt he was awarded a bursary from The Guardian to study journalism at City University and started working at The Guardian in 1993. In 1996 he was awarded the Laurence Stern

Fellowship, which sends a young British journalist to work at the Washington Post for three months.

### ***"He must have done something": Empathy, Solidarity, Racism and Resistance***

**Synopsis:** Black people on both sides of the Atlantic are more likely to be both incarcerated and the victims of crime than other groups. The historical inequalities that make this possible have also fostered a mindset among some that there is something inherent in communities that are criminalised that makes them responsible for their plight. To shift that race-based perception demands a combination of greater empathy, effective solidarity and political resistance.

#### **Professor Tracey L. Meares, Yale University**



Tracey L Meares is the Walton Hale Hamilton Professor and a Founding Director of the Justice Collaboratory at Yale Law School. Before joining the faculty at Yale, she served as a professor at The University of Chicago Law School from 1995 to 2007. She was the first African American woman to be granted tenure at both law schools. Professor Meares's teaching and research interests focus on criminal procedure and criminal law policy with a particular emphasis, at the moment, on policing. She has worked extensively with the federal government having served on the Committee on Law and Justice, a National Research Council Standing Committee of the National Academy of Sciences and the Department of

Justice Office of Justice Programs Science Advisory Board. In December 2014, President Obama named her as a member of his Task Force on 21st Century Policing. She has a B.S. in general engineering from the University of Illinois and a J.D. from the University of Chicago Law School. Tracey is on the Editorial Board of the Howard Journal of Crime and Justice.

### ***Theories of Community in Popular Legitimacy***

**Synopsis:** In recent years, procedural justice has become a central theory in rethinking the role of police in society. As both researchers and policy makers emphasise the importance of the relationship between procedural justice and legitimacy, legal authorities have begun to make efforts to attend procedural justice in the dealings with members of the public. Much research focuses on individual contacts between police and community residents, but decades of research in other disciplines suggest the value of theorising about community-level efforts that legal authorities can take to build legitimacy.

#### **Project Future**



Project Future is an innovative mental health and well-being project that work alongside young men who are impacted by offending and serious youth violence. It is located in one of the most deprived boroughs in the UK. Central to Project Future's approach is understanding how multiple inequalities contribute to young men getting caught in the criminal justice

system and uses evidence based psychological interventions to promote well-being and reduce offending. The project has been co-produced with young men, clinical psychologists and youth works that attends to young people needs holistically and tackles issues at multiple levels. Project Future is a partnership project that is run in collaboration between Barnet, Enfield and Haringey Mental Health Trust, Haringey Council and the charity MAC-UK. Project Future won an award at the Howard League Community Awards 2017 for its liaison and diversion work.

**Dr Lucy Gore** is a Clinical Psychologist and Project Lead at Project Future. Lucy completed her Doctorate in Clinical Psychology at University College London in 2015. Lucy has worked at Project Future from the initial setup three years ago and has supported the development of an innovative and effective clinical approach that supports young men affected by inequality, serious youth violence and "gang" affiliation. Lucy has a special interest in developing the use of Community Psychology and Narrative Therapy practices within the criminal justice system to support marginalised young people within these systems to address unmet mental health needs, break out of cycles of offending and achieve their full potential. Lucy is working alongside the project partners to sustain, develop and disseminate the approach developed by Project Future both locally and nationally.

**Jess Stubbs** is a researcher from Centre for Mental Health who evaluated Project Future over the past three years, exploring the impact of the project in improving mental health, wellbeing, employment and education opportunities, access to service and reducing offending. Jess has a special interest in peer-led and social action research and has worked with young people to develop these research approaches at Project Future. At Centre for Mental Health, Jess has also done research in prisons exploring what contributes to poor mental health and risk of suicide with Howard League for Penal Reform as well as conducting a mental health needs analysis in Immigration Removal Centres. She is currently studying Psychology and has a Masters in Evidence Based Social Intervention and a degree in Social Policy.

**Tola Terriba** is a Youth Consultant and Peer Researcher at Project Future. Tola has been integral to the setup, daily running and on-going development of Project Future. Tola has championed issues and effective solutions that impact young people within the criminal justice system (e.g. knife crime) in numerous forums including the House of Lords and in meetings with His Royal Highness The Prince of Wales. Tola has also supported research within the project and with the Institute of Education, specifically investigating the factors that contribute to young men getting caught in offending cycles and how to successfully intervene to break such cycles.



## Parallel Sessions

### Day 1: Parallel session 1

#### **Panel 1: Imprisonment and vulnerabilities**

**Chair: Dr Laura Janes, Legal Director, Solicitor, Howard League for Penal Reform  
Room 1, Third Floor, Sloane Robinson Building**

*Anxiety, indifference and violence: The design and psychodynamics of life in a local prison*

Eleanor Fellowes, Visiting Lecturer, Portman Clinic, Tavistock and Portman NHS Foundation Trust

*The isolation of children in prison*

Dr Laura Janes, Legal Director, Solicitor, Howard League for Penal Reform

*Prison as a place of safety for women with complex mental health needs*

Tamara Pattinson, Inspector, Her Majesty's Inspectorate of Prisons

#### **Panel 2: Rethinking justice**

**Chair: Stephanie Davin, Campaigns Officer, Howard League for Penal Reform  
Room 2, Third Floor, Sloane Robinson Building**

*The problem of legislative omission in the Iraqi political system after 2003*

Abdulahleem Mohammed, University of Reading

*Material insecurity and institutional ineffectiveness as mediators of the effect of procedural justice in Ukraine: Does vulnerability explain the failure of Tyler's legitimacy construct in developing countries?*

Robert P Peacock, Doctoral Candidate, Michigan State University

*Customary law - A challenge to justice in Indian legal framework : A case study of Meghalaya, a state of North East India*

Sanghamitra Sarker, Associate Professor, Department of Political Science, SNCW College, University of Calcutta, India

*How do we 'do' justice? Using philosophy to clarify organisational systems*

Dr Jess Urwin, De Montfort University

#### **Panel 3: Citizenship**

**Chair: Dr Julie Trebilcock, Middlesex University and Howard League Research Advisory Group  
Room 3, Third Floor, Sloane Robinson Building**

*Prisoners' rights and penal reform in a European context: Exploring obstacles to policy transfer*

Dr Tom Daems, Leuven Institute of Criminology (LINC)

*Redefining the prisoner as citizen*

Professor Susan Easton, Brunel Law School

*Criminal records, 'collateral consequences' and civic purgatory: How might we achieve 'justice as fairness'?*

Dr Andrew Henley, Lecturer in Criminology, Keele University

*The disenfranchisement of ex-felons in Florida: A history*

Sarah A Lewis, Professor of Legal Research, University of Florida Levin College of Law

**Panel 4: Education and criminal justice**

**Chair: Anna Spencer, Caseworker, Howard League for Penal Reform**

**Room 4, Third Floor, Sloane Robinson Building**

*Learning cultures in prison: Creating spaces of aspiration*

Morwenna Bennallick, PhD candidate, Royal Holloway, University of London

*Rethinking the school-to-prison pipeline: Moving from institutional entanglements to civic ecologies*

Dr Benjamin Justice, Professor and Chair, Department of Educational Theory, Policy and Administration, Rutgers University Graduate School of Education

*Re-engaging young offenders with education in a secure custodial setting: Reality over rhetoric*

Adeela ahmed Shafi, University of Bristol; Senior Lecturer in Education, University of Gloucestershire

**Panel 5: Diversion**

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

**Room 5, Third Floor, Sloane Robinson Building**

*Keeping criminal cases out of court*

Rob Allen, Independent Researcher

*Preventing the unnecessary criminalisation of children in residential care in England*

Claire Sands, Youth Justice Researcher

Andrew Neilson, Howard League for Penal Reform

*Diversion in youth justice: What can we learn from historical and contemporary practices?*

Professor Roger Smith, University of Durham

**Panel 6: Penal policy and practice**

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

**Room 6, Third Floor, Sloane Robinson Building**

*Monuments in stone: A comparative historical analysis of prison building programmes in England and Wales since 1959*

Dr Thomas Guiney, Mannheim Centre for Criminology, London School of Economics and Political Science

*Understanding and reducing the use of imprisonment: Emerging evidence from ten jurisdictions*

Catherine Heard, Director, World Prison Research Programme and Senior Research Fellow, Institute for Criminal Policy Research, Birkbeck

*When is a National Preventive Mechanism truly independent?*

Professor Nick Hardwick, Royal Holloway University of London

Marie Steinbrecher, Royal Holloway University of London

**Panel 7: Creative methodologies and activism**

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

**O'Reilly Theatre, Sloane Robinson Building**

*Serious games: Socially engaged art practice within the criminal justice system*

Dr Emma Murray, Liverpool John Moores University

Anne Hayes, Liverpool John Moores University

Dr Will Jackson, Liverpool John Moores University

Dr Steve Wakeman, Liverpool John Moores University

Hwa Young Jung, Artist

Emily Gee, Adults Learning Manager, Foundation for Art and Creative Technology, Liverpool

Aimee Harrison, Learning Coordinator, Foundation for Art and Creative Technology, Liverpool

**Panel 8: Courts and sentencing**

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

**Douglas Price Room, Sloane Robinson Building**

*'Severe environmental deprivation' defence: A criminal law intervention*

Dr Louise Kennefick, Maynooth University

*'Drunk and doubly deviant?' Gender, intoxication and assault: An analysis of crown court sentencing practices in England and Wales*

Dr Carly Lightowlers, University of Liverpool

*Measuring sentencing disparity in Indonesian corruption cases: An empirical inquiry*

Andreas Nathaniel Marbun, Criminal policy researcher, Indonesia Judicial Monitoring Society of Faculty of Law, Universitas Indonesia

Anugerah Rizki Akbari, Lecturer, Criminal Law Department, Indonesia Jentera School of Law

Adery Ardhan Saputro, Criminal policy researcher, Indonesia Judicial Monitoring Society of Faculty of Law, Universitas Indonesia

*Grime in crime*

Suzanne O'Connell, Solicitor, High Court Advocate with Tuckers Solicitors

**Panel 9: Counter-terrorism and terrorism**

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

**Roy Griffiths Room, Arco Building**

*Radicalisation, containment and dispersal: What can be learned from imprisonment during the Northern Irish conflict?*

Claire Green, Queen Mary University of London

*Arab audiences' dependency on traditional and new media as information sources about terrorist attacks in Paris 2015*

Dr Bashar Abdul-Rahman Mutahar, Yarmouk University, Jordan

*Counter-terrorism and judicial review: Justice, mistrust and legitimacy in the Israeli High Court of Justice's jurisprudence on house demolitions*

Dr Daniel Ohana, Teaching Fellow, Hebrew University of Jerusalem

*Counter-terrorism laws and human right protection*

Zhang Xue, Doctoral Candidate, Sussex Law School

## Day 1: Parallel session 2

### **Panel 1: Miscarriages of justice**

**Chair: Dr Julie Trebilcock, Middlesex University and Howard League Research Advisory Group**

**Room 1, Third Floor, Sloane Robinson Building**

*Reforming the adversarial legal system and freeing innocent people*

Tim Bakken, Professor of Law, US Military Academy, West Point

*The impact of the CCRC; is it fit for purpose?*

Dr Jill Dealey, Research Officer in Criminology, University of Winchester

*Innocence compensation: A comparative analysis of the common law and civil law traditions*

Dr Myles Frederick McLellan, Algoma University, Canada

### **Panel 2: Restorative justice**

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

**Room 2, Third Floor, Sloane Robinson Building**

*Restorative justice: A new approach to an old system?*

Dr Yasmin Devi-McGleish, Lecturer in Criminology, University of Wolverhampton

Dr David J Cox, Reader in Criminal Justice History, University of Wolverhampton

*The importance of training partner selection and quality assurance when using restorative practices in response to crime*

Jennifer L Lanterman, PhD, Assistant Professor, Department of Criminal Justice, University of Nevada, Reno

*Restorative justice behind prison walls*

Inbal Peleg-Koriat, PhD, Yezreel Valley Academic College

Dana Weimann-Saks, PhD, Yezreel Valley Academic College

*Restorative justice: How I learned to stop worrying and love inconsistency*

Dr Elizabeth Tiarks, Northumbria University

### **Panel 3: Policing cultures**

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

**Room 3, Third Floor, Sloane Robinson Building**

*Does being treated fairly leads to fair treatment of citizens? An exploration of the Croatian police officers' views*

Sanja Kutnjak Ivkovich, PhD, SJD, Professor, Michigan State University

*Police diversity: Examining evidence of a tipping point for shifting police culture*

Dr Tara Lai Quinlan, University of Sheffield

*The colonial era of American policing*

Perfecta Oxholm, Goldman School of Public Policy, University of California, Berkeley

**Panel 4: Imprisonment and families**

**Chair: Dr Rachel Condry, University of Oxford and Trustee, Howard League for Penal Reform**

**Room 4, Third Floor, Sloane Robinson Building**

*The pains of indeterminate imprisonment for family members: Findings and implications*

Dr Harry Annison, Lecturer in Criminal Law and Criminology, Southampton Law School

Dr Rachel Condry, Centre for Criminology, Oxford University and Trustee,  
Howard League for Penal Reform

*An institution within an institution: Young people's experiences of having a family member in prison while they are within a Young Offenders Institution*

Kirsty Deacon, PhD Researcher, University of Glasgow

*The rights of dependent children in adult sentencing decisions*

Dr Shona Minson, Research Associate, Centre for Criminology, University of Oxford

**Panel 5: Histories of youth justice**

**Chair: Anna Spencer, Caseworker, Howard League for Penal Reform**

**Room 5, Third Floor, Sloane Robinson Building**

*Learning from history by seeing it differently: Frameworks for understanding the socio-historical development of youth justice*

Justin Brett, Postgraduate Research Student, Loughborough University

Professor Stephen Case, Director of Studies, Department of Social Sciences,  
Loughborough University

*Child removal: Why it is time to end a toxic 200 year experiment*

Professor Pamela Cox, Department of Sociology, University of Essex

*Revisiting the borstal experiment, c. 1908–1982*

Heather Shore, Professor in History, Leeds Beckett University

Helen Johnston, Reader in Criminology, University of Hull

**Panel 6: Race and public spaces**

**Chair: Stephanie Davin, Campaigns Officer, Howard League for Penal Reform**

**Room 6, Third Floor, Sloane Robinson Building**

*The role of space in eugenics criminology*

Brie McLemore, PhD Student, University of California Berkeley

*Implicit racial bias and students' Fourth Amendment Rights*

Jason P Nance, Professor of Law, Center on Children and Families, University of  
Florida Levin College of Law

*"Power to the people!" The regulation of police stop and search in England and Wales*

Dr Michael Shiner, Associate Professor, London School of Economics and Political  
Science

Paul Thornbury, Head of Security, LSE; and a PhD Candidate in the Department of  
Sociology, London School of Economics and Political Science

**Panel 7: Narrative criminology and penal practice**

**Chair: Dr Laura Janes, Legal Director, Solicitor, Howard League for Penal Reform  
O'Reilly Theatre, Sloane Robinson Building**

*Innovation and justice*

Carlotta Allum, Stretch Founder and Director, MA, Unlock Trustee, RSA Fellow, WCMT Fellow

*Lessons learnt from the narratives of women who self-harm while in prison: A cross-sectional descriptive study*

Jonathan Gibb, Medical Student, University of Manchester

*Young people's voices shaping law and practice: a participatory approach to legal advice, education and change*

Dr Laura Janes, Legal Director, Howard League for Penal Reform

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

**Panel 8: Criminalising public space**

**Chair: Eoin McLellan-Murray, Chair, Howard League for Penal Reform  
Douglas Price Room, Sloane Robinson Building**

*Begging and freedom. The two (antithetic?) faces of common law*

Eleonora Innocenti, Attorney at law, member of the Florence Bar Association; PhD in Comparative Law, University of Florence, Italy

*No fixed abode, no property, no justice: Revisiting the relationship between homelessness and justice*

Dan McCulloch, Lecturer in Criminology, The Open University

Vickie Cooper, Lecturer in Criminology, The Open University

*Boredom and the buzz: 'It's all about killing time'*

Dr Johanne Miller, Lecturer, University of the West of Scotland

**Panel 9: Howard Journal publishing workshop**

**Roy Griffiths Room, Arco Building**

Professor Ian Loader, University of Oxford and Editor-in-Chief, Howard Journal for Crime and Justice

Grace Ong, Senior Journals Publishing Manager, Wiley, Global Research

Anita Dockley, Managing Editor, Howard Journal of Crime and Justice and Research Director, Howard League for Penal Reform

## Day 1: Parallel session 3

### **Panel 1: Trauma-informed practice**

**Chair: Stephanie Davin, Campaigns Officer, Howard League for Penal Reform  
Room 1, Third Floor, Sloane Robinson Building**

*The Enrich approach – Trauma-informed policing*

Superintendent Stan Gilmour, Local Policing Area Commander for Reading  
Natausha van Vliet, Director of Business Development, Parents And Children Together

*Youth justice: Does it require an omnicultural and trauma-informed approach?*

Iman Haji, Research and Programme Coordinator, Khulisa

*The Anawim research study: A gold standard evidence base for community interventions with women after custody*

Dr Joanna Long, School of Social Policy, University of Birmingham

Dr Susie Balderston, Senior Research Fellow, University of Birmingham

### **Panel 2: Judicial practice**

**Chair: Anna Spencer, Caseworker, Howard League for Penal Reform  
Room 2, Third Floor, Sloane Robinson Building**

*Plea bargains, judicial conflict resolution and criminal mediation*

Professor Michal Alberstein, Bar-Ilan University, Israel

Dr. Nourit Zimmerman, Bar-Ilan University, Israel

*Legal empowerment: Promoting autonomy, avoiding institutional inequality*

Yurii Sheliashenko, Post-graduate student, KROK University of Economics and Law (Kyiv)

*The effects of malleability beliefs and emotions on judicial assessment*

Dana Weimann-Saks, PhD, lawyer and a social psychologist, and faculty member at the Yezreel Valley Academic College

Inbal Peleg-Koriat, PhD, lawyer and conflict management and negotiation specialist, and a faculty member at the Yezreel Valley Academic College

Eran Halperin, PhD, Professor and the Dean of the School of Psychology, IDC in Herzliya.

### **Panel 3: Restorative justice**

**Chair: Dr Julie Trebilcock, Middlesex University and Howard League Research Advisory Group  
Room 3, Third Floor, Sloane Robinson Building**

*Making the offer: The construction and selection of the ideal restorative justice victim*

Rebecca Banwell-Moore, University of Sheffield

*Restorative justice: Transforming the way we do justice*

Lucy Jaffé, Director, Why me? Victims for Restorative Justice



*Towards a “humanism of justice” through restorative justice: Improving criminal justice systems is not a utopia.*

Professor Grazia Mannozi, University of Insubria, Como

**Panel 4: Access to justice**

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

**Room 4, Third Floor, Sloane Robinson Building**

*Procedural justice theory in relation to bereaved family participation in the inquest system following a death in custody*

Dr Jo Easton, University of Essex

*Self-representing defendants in magistrate’s courts: A growing problem?*

Dr Kate Leader, York Law School

*Access to justice in the United States: Are we failing to provide?*

Rachel Purcell, J.D., M.L.I.S. Information Management Librarian and Professor of Legal Research, University of Florida Levin College of Law

**Panel 5: Engagement in prison regimes**

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

**Room 5, Third Floor, Sloane Robinson Building**

*Prisoners’ motivation to engage in healthy behaviours: An evaluation of the cell workout workshops*

Hannah Baumer, PhD Researcher in the School of Law at Royal Holloway, University of London

*“You do what you know until you learn better”: Motivation to participate in a prison-based crime diversion programme*

Annie Bunce, PhD student, University of Surrey

*No longer impossible: Reducing overcrowding in South African prisons*

Emily Nagisa Keehn, Associate Director, Academic Program at Harvard Law School’s Human Rights Program, Cambridge, MA, USA

Ariane Nevin, National Prisons Specialist, Sonke Gender Justice, Cape Town, South Africa

**Panel 6: Crime prevention**

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

**Room 6, Third Floor, Sloane Robinson Building**

*Signs of rural crime and the aspects which set it apart from urban crime*

Roger Hovell, Doctoral Student (DCrimJ) University of Portsmouth

*Crime prevention as distributive justice: A luck egalitarian perspective*

Makoto Usami, Professor of Philosophy and Public Policy; Chair of Department of Global Ecology

*The comprehensive control of guns: A systematic study on prevention of violent crimes involving guns in mainland China*

Xiaohai Wang, Ph.D. and Ying Liu, Ph.D.' College of Criminal Investigation,  
Southwest University of Political Science and Law, Chongqing, China

**Panel 7: Resettlement culture**

**Chair: Professor Fergus McNeill, University of Glasgow and Chair, Howard League Research Advisory Group**  
**O'Reilly Theatre, Sloane Robinson Building**

*Building a resettlement culture within a local prison: A case study of partnership working between practitioners, researchers and educators*

Ester Ragonese , Liverpool John Moores University

Dr Helen O'Keeffe (Associate Dean) – Faculty of Education, Edge Hill University

Kev Kenealy, Children and Family Interventions Coordinator, G4S, HPM Altcourse

Paul Handley, Community Engagement Manager, G4S, HMP Altcourse

**Panel 8: Probationary: The Game of Life Licence**

**Roy Griffiths Room, Arco Building**

A game playing session lead by a team from Liverpool John Moores University and Foundation for Art and Creative Technology, Liverpool

## Day 2: Parallel session 4

### **Panel 1: Probation and supervision**

**Chair: Professor Lol Burke, Liverpool John Moores University and Howard League Research Advisory Group**

**Room 1, Third Floor, Sloane Robinson Building**

*Post-release supervision of long sentence male prisoners: Perspectives on rehabilitation, resettlement and community supports*

Jane Mulcahy, Irish Research Council employment-based PhD candidate in Law at University College Cork, co-funded by the Probation Service, Employment partner is the Cork Alliance Centre, a desistance project in Cork city

*Exploring the potential of victim-oriented electronic monitoring*

Dr Craig Paterson, Department of Law and Criminology, Sheffield Hallam University

*Co-creating gendered desistance through personalised engagement and client relationship networks*

Natalie Watson, Manchester Metropolitan University

### **Panel 2: Reconciliation**

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

**Room 2, Third Floor, Sloane Robinson Building**

*Building a framework for reconciliation*

Kevin Hood, Associate Professor/Department Chair, Department of Public Safety and Justice Studies; Faculty of Health and Community Studies MacEwan University

*Development bias of special autonomy in West Papua: studied from bargaining principles of conflict negotiation and prisoner's dilemma of the game theory*

Wa Ode Siti Latifatul Malik and Siti Khotima, Universitas Gadjah Mada, Indonesia

*The role of amnesty laws in processes of reconciliation: Between moving forward and the erasure of the past*

Carla Prado, Centre of Social Studies, University of Coimbra, Portugal

### **Panel 3: Rethinking justice**

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

**Room 3, Third Floor, Sloane Robinson Building**

*Defendants on video – conveyor belt justice or a revolution in access?*

Penelope Gibbs, Research Associate, Centre for Criminology, University of Oxford

*DIY policing, democratisation and the digital disruption of law enforcement*

Katerina Hadjimatheou, Research Fellow, Interdisciplinary Ethics Research Group Dept. of Politics and International Studies, University of Warwick

*Plea bargaining in India: Need for re-look*

Ajay Kumar, Professor at JIMS School of Law, GGS IP University, New Delhi.

Aditya Kumar Singh, student of BBA LLB- IIInd year at JIMS School of Law, GGS IP University

*Becoming architects of justice: Moving beyond traditional paradigms and models of justice*

Dr David Patton, Senior Lecturer in Criminology, University of Derby

**Panel 4: Veterans and the criminal justice system**

**Chair: Dr Emma Murray, Liverpool John Moores University**

**Room 4, Sloane Robinson Building**

*Exploring opportunities for desistance from crime for ex-military personnel in custody*  
Dr Christine Haddow, Lecturer in Criminology, Edinburgh Napier University

*10-years on? Empowering the creative agency of military veterans in prison through socially engaged art*

Dr Emma Murray, Senior Lecturer in Criminology, Liverpool John Moores University

*A review of the literature: The complexity of studying the military veteran offender and the families who are affected by them*

Jacqueline Rappoport, PhD Researcher, Edinburgh Napier University

**Panel 5: Redesigning justice decisions**

**Chair: Christopher Bennett, University of Sheffield and Howard League Research Advisory Group**

**Room 5, Third Floor Sloane Robinson Building**

*Expert decision-making, democracy and criminal justice*

Dr Christopher Bennett, Department of Philosophy, University of Sheffield

*Delivering justice in an age of algorithms*

Dr Mojca M Plesničar, Institute of Criminology, Faculty of Law, Ljubljana

*Sentencing offenders: Is it impossible to employ restoration as alternative to proportionality?*

Professor Stephan Terblanche, Department of Criminal and Procedural Law, University of South Africa

*More than numbers: Our response to youth justice*

Malvika Unnithan, Northumbria University

**Panel 6: History and justice**

**Chair: Frances Crook, Chief Executive, Howard League for Penal Reform**

**Room 6, Third Floor, Sloane Robinson Building**

*Mere anarchy? or, what Yeats might have told us about colonialism, storytelling and the narrative arc of the British justice system*

Dr Victoria Anderson, Chair of Stretch Charity; Visiting Researcher, Cardiff University

*Looking backward to see forward: A review of falling levels of crime in contrast to a record prison population*

Roger Hovell, Doctoral Student (DCrimJ) University of Portsmouth

*This paper focuses on the neglected history of international human rights campaigning by members of the Howard League for Penal Reform during the 1920s, '30s and '40s.*

Dr Anne Logan, University of Kent

**Panel 7: Youth justice policy and practice**

**Chair: Dr Laura Janes, Legal Director, Solicitor, Howard League for Penal Reform**

**O'Reilly Theatre, Sloane Robinson Building**

*The punitive continua of youth justice: An end to the age of innocence*

Professor Stephen Case, Loughborough University

*Which children do we place in secure in England and what are their needs?*

Heidi Hales, Consultant Adolescent Forensic Psychiatrist; Chair of the Adolescent Forensic Psychiatry Special Interest Group at the Royal College of Psychiatry

Professor Annie Bartlett, Professor of Offender Healthcare St George's, University of London; Honorary Consultant in Forensic Psychiatry CNWL NHS FT; Clinical Director, Health in Justice and other Vulnerable Adults Clinical Network, NHSE (London)

*Prison without trial: The case of Nigerian young offenders*

Genevieve P Ohaeresaba, Director of C-JUSOS Consults

*The impact of political and professional networks on the reform of youth justice in new democracies*

Daniela Rodríguez Gutiérrez, University of Edinburgh

**Panel 8: Victims of crime**

**Chair: Robert Preece, Campaigns and Communications Manager, Howard League for Penal Reform**

**Douglas Price Room, Sloane Robinson Building**

*Examining victim rights within China: Face-to-face interviews with Chinese criminal justice bureaucrats*

Jing Cao, Tilburg University, Netherlands and Southwest University of Political Science and Law, China

Tao Li, Southwest University of Political Science and Law, China

*Communicative justice for victims of international crimes?*

Patryk Gacka, University of Warsaw, Poland

*What should justice look like? Perspectives of victim/survivors*

Professor Marianne Hester, Chair in Gender, Violence and International Policy, School for Policy Studies, University of Bristol

*A new model of criminal justice: Victims' rights as advancing penal parsimony and moderation*

Dr Marie Manikis, McGill University

**Panel 9: Probationary: The Game of Life Licence**  
**Roy Griffiths Room, Arco Building**

A game playing session lead by a team from Liverpool John Moores University and Foundation for Art and Creative Technology, Liverpool

## Day 2: Parallel session 5

### **Panel 1: The legality and hope of long term imprisonment**

**Chair: Dr Julie Trebilcock, Middlesex University and Howard League Research Advisory Group**

**Room 1, Third Floor, Sloane Robinson Building**

*In the Search for identity: A Rehabilitative-punitive conundrum in Indonesian criminal justice*

Anugerah Rizki Akbari, Lecturer, Criminal Law Department, Indonesia Jentera School of Law

*Looking for hope in hopeless places: Life limited (re)sentencing for juvenile homicide offenders in the US and its discontents*

Dr Evi Girling, Senior Lecturer in Criminology, School of Social Science and Public Policy, Keele University

*Re-designing justice for those subject to indeterminate sentences for public protection*

Dr Ailbhe O'Loughlin, Lecturer, York Law School

Dr Harry Annison, Lecturer in Criminal Law and Criminology, Southampton Law School

*Hope, life imprisonment and human rights*

Dr Marion Vannier, University of Manchester

### **Panel 2: Gender and violence**

**Chair: Dr Laura Janes, Legal Director, Solicitor, Howard League for Penal Reform**

**Room 2, Third Floor, Sloane Robinson Building**

*Social justice in civil courts for whom? Women, domestic abuse and agency*

Dr Kirstin Anderson, Lecturer in Criminal Justice, The University of the West of Scotland

*Prostitution, exploitation, inequality and justice*

Dr Andrea Matolcsi, Senior Research Associate, University of Bristol, Centre for Gender and Violence Research

*Safety and the city: A critical understanding of gender violence in India*

Ayesha Wahid, University of Michigan Ann Arbor

### **Panel 3: Young people and vulnerability**

**Chair: Claire Salama, Solicitor, Howard League for Penal Reform**

**Room 3, Third Floor Sloane Robinson Building**

*Exploring peer mentoring as a form of innovative practice with young people at risk of child sexual exploitation*

Dr Gill Buck, University of Chester

*'Children must be protected from all forms of violence'; including the violence of committing a crime - a literary analysis of the violent effect criminalisation has on*

*children in England and Wales*  
Pia de Keyser, Birkbeck School of Law

*Neuro-psychological disabilities in executive functions and fluid intelligence of juvenile offenders in probation programmes in Santiago de Chile*  
Gabriel Sepúlveda, Corporación Promesi

*Navigating online space: Risk and harm experienced by vulnerable children and young people in a coastal resort*  
Dr Sarah Tickle, Liverpool John Moores University  
Dr Sarah Greenhow Liverpool John Moores University

#### **Panel 4: Minorities and justice**

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

*Reclaiming justice: Transformative potential in Aotearoa New Zealand*  
Dr Katie Bruce, Director of JustSpeak, New Zealand

*Attitudes and identities of young male Muslim ex-prisoners: Prison as a source of respite from community conflict*  
Tracey Davanna, University of Birmingham

*Confined queers: The role of human rights in challenging the essentialist legal framework of UK prisons*  
Giuseppe Zago, Northumbria University

#### **Panel 5: Criminalisation of children**

**Chair: Andrew Neilson, Director of Campaigns, Howard League for Penal Reform**  
**Room 5, Third Floor, Sloane Robinson Building**

*Young people and the police: A perception gap?*  
Katharine Evans, PhD Student, Liverpool John Moores University

*Diversion inside out: 'Preventive supervision' in Hungary - Comments on fairness and proportionality in responding to antisocial behaviour of youth*  
Eszter Párkányi, University of Leeds

*Residential care and criminalisation: The impact of system abuse*  
Dr Julie Shaw, Senior Lecturer in Criminology, Liverpool John Moores University

#### **Panel 6: Rethinking justice**

**Chair: Professor Ian Loader, University of Oxford**  
**Room 6, Third Floor, Sloane Robinson Building**

*Civility, trust, and the relation between the rule of law and law enforcement*  
Jonathan Jacobs, John Jay College of Criminal Justice

*How the doctrine of Hell has shaped our criminal justice system and how that can be undone*  
Christabel McCooley, Criminal and Human Rights Barrister, Goldsmith Chambers



*Respect and criminal justice*

Dr Gabrielle Watson, Leverhulme Early Career Fellow, Faculty of Law, University of Oxford; Postdoctoral Research Fellow, Christ Church, Oxford

**Panel 7: Women and justice**

**Chair: Dr Emma Murray, Liverpool John Moores University  
O'Reilly Theatre, Sloane Robinson Building**

*Transforming punishment for women? Experiences of gender-specific services in a Women's Centre*

Kirsty Greenwood, Liverpool John Moores University

*Infiltrating the gendered criminal system for justice and human rights*

Carol Jacobsen, Professor of Art, Women's Studies and Human Rights, The University of Michigan, Director, Michigan Women's Justice and Clemency Project, The University of Michigan

*Imprisoned mothers separated from their young children: Redesigning current policy and practice from staff perspectives*

Claire Powell, PhD student, Forensic Psychology, Middlesex University

**Panel 8: Policing and suspects' rights**

**Chair: Anita Dockley, Research Director, Howard League for Penal Reform  
Douglas Price Room, Sloane Robinson Building**

*PACE, suspects' rights and the case for the defence: ineffective lawyering, police impropriety and the efficacy of legal protections'*

Dr Roxanna Dehaghani, Cardiff University

*The protection of personal data used by the police and criminal justice authorities from May 2018 onwards*

Gabriela M Ivan-Cucu, PhD Candidate University of Nottingham

*Regulating police detention: Voices from behind closed doors*

John Kendall PhD, Visiting Scholar, Birmingham Law School, and former custody visitor

**Panel 9: Probationary: The Game of Life Licence**

**Roy Griffiths Room, Arco Building**

A game playing session lead by a team from Liverpool John Moores University and Foundation for Art and Creative Technology, Liverpool

## Parallel Sessions Abstracts

### Day 1: Parallel Session 1

#### **Panel 1: Imprisonment and vulnerabilities**

##### ***Anxiety, indifference and violence: The design and psychodynamics of life in a local prison***

**Eleanor Fellowes, Visiting Lecturer, Portman Clinic, Tavistock and Portman NHS Foundation Trust**

It is provocative to put psychoanalysis and prison anywhere near each other. One is the preserve of the privileged, the other a byword for social deprivation. It's also ethically dubious, given what we know about the social roots of crime. There is the risk of a medicalisation of justice, which says that the alternative to punishment is treatment: if we can't change you this way we'll try another. However, there is a well-established tradition of studying and working with social institutions from a psychoanalytic stance that has rarely been applied to prison. In this paper, I briefly outline the key principles of this research and practice tradition, a landmark example of which was a study of chronically high levels of sickness and resignation amongst trainee nurses in a hospital in the 1950s, conducted by Isobel Menzies-Lyth. I go on to apply this approach to the design and functioning of a local prison, based on my experience in it as a probation practitioner and teaching of prison staff on the Offender Personality Disorder Pathway. I will analyse the relational processes that happen between staff and prisoners – in particular the inter-related dynamics of anxiety, indifference and violence. I will suggest that these dynamics can help us understand how efforts to create environments that are safe, secure and decent are undermined, and corrupted. Finally, I suggest that these dynamics can help make sense of why prison occupies a central place in our justice system, despite the social, economic and individual harms perpetuated.

##### ***The isolation of children in prison***

**Dr Laura Janes, Legal Director, Solicitor, Howard League for Penal Reform**

On average, one in every three children in penal custody under the age of 18 is likely to spend time in isolation (Office of the Children's Commissioner, 2015: 14). Isolation might involve a child being locked in their cell for short or prolonged periods when children would ordinarily be allowed out of their cells. Isolation may also include solitary confinement.

There are very stringent legal restrictions and safeguards surrounding the isolation of children in prison. Given the irreversible damage that isolation is considered to cause in fully grown adults, there is good reason for this. Yet these restrictions do not appear to have the effect of curbing the use of isolation for children. Evidence gathered from independent reports and the experience of the Howard League for Panel Reform's specialist legal team for children in prison suggests that prevalence of child isolation in penal custody in England and Wales requires urgent attention.

This session will explore the prevalence and impact of isolation on children in prison, the applicable law, lessons from our legal work and some reflections to inform future thinking.

***Prison as a place of safety for women with complex mental health needs***

**Tamara Pattinson, Inspector, Her Majesty's Inspectorate of Prisons**

The purpose of this study was to examine whether prison is being used as a 'place of safety' for women who have complex mental health needs and deemed in need of 'protection' from themselves. The research is based on interviews with police, court and prison staff. The researcher was also able to examine a number of warrants received from the courts to establish the reason for disposal into custody with specific emphasis on those cases where 'own protection' was the primary factor. The findings suggest that the current use of prison as a place of safety for women with complex health needs is unworkable, flawed and potentially dangerous and not in the best interests of the women offenders and prison staff.

**Panel 2: Rethinking justice**

***The problem of legislative omission in the Iraqi political system after 2003***

**Abdulhaleem Mohammed, University of Reading**

Many countries around the world have faced this problem of "legislative omission" in their legal systems, that is when lawmakers do not enact laws or provisions which are required by the constitution or related to the protected freedoms and rights and potential to violate the constitution. In Iraq, which is the focus of this paper, there are several important laws which still have not enacted such as High Federal Court Law, which should be enacted by the constitution. How can this situation be remedied? Many countries tried to remedy this problem through giving the constitutional judiciary the power to order or direct the lawmakers to enact these laws and provisions. However, these countries have different perspectives on how can this order can be issued and its legal value. The High Federal Court in Iraq has issued several decisions which relate to this problem, but they are still limited. This paper focuses on a discussion of the extent to which it is possible for the constitutional judiciary in Iraq to issue an order requiring the legislature to enact a piece of legislation, which should be enacted according to the Constitution and achieves the purpose for which it was intended. This analysis is based on an analysis of High Federal Court decisions.

***Material insecurity and institutional ineffectiveness as mediators of the effect of procedural justice in Ukraine: Does vulnerability explain the failure of Tyler's legitimacy construct in developing countries?***

**Robert P. Peacock, Doctoral Candidate, Michigan State University**

Scholars and practitioners in developed countries are increasingly turning to Tom Tyler's theory of legitimacy to model judgments on trust and fairness in criminal justice institutions as well as, to guide vital procedural justice reform. Across North America, Western Europe, and Australia, a wave of scholarship continues to demonstrate that the public's perceptions of procedural justice are the strongest predictor of an agency's legitimacy which then predicts the public's willingness to comply and cooperate with criminal justice organisations. Unfortunately, tests of Tyler's theory in developing countries have generally not supported the full model and may not succeed without accounting for significant socio-political differences between societies.

This study introduces measures of material insecurity and police ineffectiveness to a test of the Tylerian model of police legitimacy in Ukraine. The indicator of material insecurity, which weighs a cluster of normative values against instrumental concerns for

personal survival, proved to be a key mediator of the perceptions of procedural justice on the public's willingness to cooperate with law enforcement. While police effectiveness failed as a mediator in Ukraine, the study's factor analyses demonstrate that perceptions of procedural justice are likely deeply intertwined with judgments of institutional effectiveness in systemically corrupt countries. The study's findings support Tankebe and colleagues (2016) proposition that the introduction of socio-political measures to legitimacy models are critical to understanding how procedural justice influences judgments on law enforcement across different societies.

Drawing on the Ukrainian test and the extant legitimacy literature, this study proposes a new ratio that weighs normative (procedural justice) versus instrumental (institutional effectiveness) in order to compare priorities in evaluating the legitimacy of criminal justice institutions.

***Customary law - A challenge to justice in Indian legal framework: A case study of Meghalaya, a state of North East India***

**Sanghamitra Sarker, Associate Professor, Department of Political Science, SNCW College, University of Calcutta, India**

The customary law exists in the Indian legal framework as a part of legal pluralism. This research paper will present the argument that the coexistence of customary law along with constitutional law in the tribal dominated Sixth Scheduled areas in India poses a serious challenge to justice as guaranteed under the Indian legal system. This paper is based on a research project carried out in Meghalaya, a tribal North East Indian state on the sample survey based quantitative and qualitative analysis. Meghalaya is practicing matrilineal society and their customary law prevents women participation in local self-government, traditionally known as Darbar and Nakma. The argument of customary law is that tribal society is matrilineal, so some political power at grass root level, i.e. Darbar and Nakma should be reserved for male participation only, just like other patrilineal society requires reservation for women. The denial of female participation in local self-government leads to denial of their benefit sharing and different penal code of conduct under customary law leads denial of social and legal justice for its members. In conclusion, this paper will argue for reorienting the legal structure in sixth scheduled areas in India without violating the spirit of pluralism at grass root level.

***How do we 'do' justice? Using philosophy to clarify organisational systems***

**Dr Jess Urwin, De Montfort University**

Seeking 'justice' can mean many different things depending on the context, the person seeking it, and what they consider 'justice' to be. On the whole we do not have a clear shared understanding of what justice is in society, making delivering it difficult. Compounding this confusion is the lack of clear principles to guide 'justice' in practice, which leads to it being applied or operationalised in different ways, further muddying the waters. To develop a clear definition of justice on a societal level would be impractical, and potentially impossible, however we can clarify how justice should be defined and applied within specific organisations. Within criminal justice systems, we lack a defined philosophical and ethical approach to practice. This lack of clarify filters through the whole organisational system, leading practitioners to use their own personal judgement in practice, a lack of consistency in practice, and approaches that may not be considered to be 'just' to be applied. Philosophy has always attempted to create guidance on what the right thing to do is, and so could be utilised to develop organisational structures that promote just practice and are underpinned by a clear

definition of what 'justice' is in that context. This paper argues that we need to develop a practical philosophy of criminology to ensure that the structures and practices through which we carry out the law are in themselves just, and poses questions of what we want justice to be.

### **Panel 3: Citizenship**

#### ***Prisoners' rights and penal reform in a European context: Exploring obstacles to policy transfer***

**Dr Tom Daems, Leuven Institute of Criminology (LINC)**

In this paper we will discuss the role key European institutions (such as the European Court of Human Rights, the European anti-torture committee or the European Court of Justice) play in formulating and diffusing norms and ideas with respect to the treatment of prisoners from a policy transfer perspective. The paper will focus in particular on the failure to diffuse such norms and ideas: what are the obstacles to policy transfer? Notwithstanding some important progress in developing prisoners' rights within a European context it has been noted that member states often fail to execute judgments of the European Court of Human Rights or to implement recommendations from the European anti-torture committee. How and why is this happening?

#### ***Redefining the prisoner as citizen***

**Professor Susan Easton, Brunel Law School**

This paper argues for a broadening of the notion of the prisoner as citizen. It considers the ways in which the prisoner's status as a citizen has been undermined by the penal system. Attention has focused in recent years on the starkest denial of citizen status, namely disenfranchisement. While voting rights are important, and rightly pursued and defended, as a recognition of equality and dignity, the paper argues that citizenship should be construed more broadly and that citizenship is already performed through a range of activities in prison which should be given more support. Developing these forms of active citizenship, it is argued, will promote recognition of the contributions of prisoners and have positive benefits for the prisoner, the prison community and the wider society.

#### ***Criminal records, 'collateral consequences' and civic purgatory: How might we achieve 'justice as fairness'?***

**Dr Andrew Henley, Lecturer in Criminology, Keele University**

Over 11 million people in the UK have a criminal record listed on the Police National Computer. Despite the introduction of legislation such as the Rehabilitation of Offenders Act 1974, previous convictions may still negatively affect access to employment, financial services and other social goods as well as the right to participate fully in civil society. A substantial proportion of the population therefore exist in a potential state of 'civic purgatory' – no longer as 'criminals' within the justice system, but excluded from a return to full and meaningful 'citizen' status (if, indeed, such a status was ever enjoyed prior to the acquisition of a criminal record).

This paper suggests that such a situation has emerged due to the hegemony of utilitarian approaches to criminal justice and two related doctrines which are underpinned by this penal philosophy - 'less eligibility' and 'non superiority'.

Respectively, these delimit the conditions of life for lawbreakers both *during* their sentence and *after* they have paid the penalty for their crime.

As a remedy, the paper suggests that a restatement of deontological justifications for rehabilitation is now urgently needed within contemporary penal policy. It applies Rawls' (1971) notion of 'justice as fairness' to the problem of old convictions, by asking what principles society might agree on if disclosure and barring policies were designed from behind a 'veil of ignorance'.

***The disenfranchisement of ex-felons in Florida: A history***

**Sarah A. Lewis, Professor of Legal Research, University of Florida Levin College of Law**

In the United States, felony disenfranchisement affects close to six million people. In the State of Florida alone, 1.6 million people are affected. Florida's felony disenfranchisement is considered one of the harshest in the United States. Felons are permanently disenfranchised regardless of the type of felony committed. Ex-felons do have an opportunity to regain their voting rights but the process is onerous and few regain their rights. This paper will explore the origins of Florida's felony disenfranchisement in the three year period from 1865 to 1868. The first part of this paper will review the 1865 Florida Constitution which limited the right to vote to white males only and the 1865 Black Codes which imposed harsher penalties for crimes committed by African-Americans than by whites. The second part of the paper will explore Florida's rejection of the Fourteenth Amendment which granted equal citizenship to freed slaves. In response, Congress passed the Reconstruction Act of 1867 which conditioned recognition of Florida as a state on its writing of a new constitution extending the right to vote to all males regardless of race and its ratification of the Fourteenth Amendment. The third part will examine the 1868 Florida Constitution which provides for the disenfranchisement of ex-felons for some of the same crimes as contained in the Black Codes.

**Panel 4: Education and criminal justice**

***Learning cultures in prison: Creating spaces of aspiration***

**Morwenna Bennallick, PhD candidate, Royal Holloway, University of London**

Learning is recognised as a situated phenomenon (Lave and Wenger, 1991) influenced by many external factors (Hodkinson et al, 2007). These influences together may be described as forming a learning culture. Interest in the understanding, and manipulation, of these cultures has been prevalent across organisational studies (e.g. Wang and Ahmed, 2003), schools (e.g. Deal and Peterson, 1999) and the Further Education sector (Hodkinson et al, 2007), yet the domain of prisoner learning has largely avoided this cultural perspective.

This paper presents a theoretical framework to understand cultures of learning in prison and reflects on attempts to manipulate and foster a positive learning culture. In doing so, it draws upon the burgeoning body of literature of cultures of learning in other educational fields, alongside developments in carceral geography and the emotional geography of spaces of education in prison (Crewe et al, 2013).

Using data collected from an innovative wing-based, prisoner-led education space, the paper describes key structural features of a prison-based learning culture and begins to

unravel some of the mechanisms through which these features operate. It goes on to explore the way these are played out in the wing-based learning space. It argues that the cultural infrastructure of the prison underpin (or undermine) any initiative within it, with important implications for decision-makers in prison.

***Rethinking the school-to-prison pipeline: Moving from institutional entanglements to civic ecologies***

**Dr Benjamin Justice, Professor and Chair, Department of Educational Theory, Policy, and Administration, Rutgers University Graduate School of Education**

This paper will review two decades of research on the relationship between public schooling and criminal justice in the United States to understand the rise, and limitations, of the current “school-to-prison pipeline” framework. While important for raising awareness of highly dysfunctional institutional arrangements, the school-to-prison pipeline framework is also limiting and narrow in its conception of the complex relationship between public education and criminal justice. Instead, I will argue, research from multiple disciplines suggests that a *civic ecology* view is more productive than an *institutional entanglement* model for understanding the relationship between schools and prisons and, more generally, education and justice. Not only does the criminal justice system do the work of schools – offering a systematic and powerful education in what it means to be a citizen – but both educational and criminal justice systems have profound secondary effects on civic development of youth, their families, and their communities. What we need to develop – as researchers and as policy makers – is a holistic conception of justice and education as co-defining and iterative objects of social policy, acknowledging the power (and promise) of social policy writ large in shaping democratic society’s civic health and wellbeing.

***Re-engaging young offenders with education in a secure custodial setting: Reality over rhetoric***

**Adeela ahmed Shafi, University of Bristol; Senior Lecturer in Education, University of Gloucestershire**

Young offenders in custody are described as disengaged with education and learning. But for too long, we have been doing more of the same in the education of young offenders in custody. Despite knowing the challenges and despite falling down the same holes, education in youth justice continues to follow the model of mainstream school which has already failed many of the young people who come into conflict with the law, albeit with smaller class sizes.

This session will present on the findings from a doctoral level ethnographic case study. The research highlights how it was possible to re-engage young offenders with learning and education whilst incarcerated and within a relatively short space of time. It demonstrated how the distinct nature of disengagement in young offenders and the impact of the secure context required a different approach in order to re-engage them with education. All young people in this case study showed the potential and enthusiasm to re-engage with education when given the opportunity, indicating continued hope despite the circumstances.

However, re-engagement was subject to certain conditions being met. Many (if not all) referred to barriers created by the organisational structures of the secure setting. This shifts the emphasis from a ‘deficit in the learner’ approach to one which scrutinises the nature and organisational structure of the secure context, thereby placing some



responsibility for lost opportunities and lost potential within the penal system. Addressing some of these barriers at an organisational level can make re-engaging young offenders with learning a reality rather than rhetoric.

### **Panel 5: Diversion**

#### ***Keeping criminal cases out of court***

**Rob Allen, Independent Researcher**

England and Wales has a long-standing tradition of diverting first time and minor offenders from prosecution. A community resolution, simple or conditional caution, drug warning or penalty notice can be administered quickly, cheaply and locally, allowing the police to concentrate on more serious crime. Diversion can work better than prosecution at reducing reoffending, and is generally acceptable to victims. But recent years have seen a large decline in the use of so called out of court disposals.

Based on a paper published by Transform Justice, the presentation will look at the pros and cons of diversion, trends in policy and practice and the likely consequences of government plans to end the cautions culture. It will argue that diversion's potential will be fulfilled by

- Encouraging police to use their professional skills to resolve minor problems and disputes at the lowest level locally without the need to take any formal action
- Ensuring more first time offenders and cases likely to be dealt with by an absolute or conditional discharge or small fine are instead, with proper safeguards, dealt with outside court
- Extending the approach to diverting children away from the courts to young adults
- Identifying and promoting the best models for scrutinising diversion arrangements

This paper will recommend funding treatment options (including restorative justice) to be attached to community resolutions and conditional cautions and developing a justice reinvestment approach which uses savings from diversion to fund local programmes to reduce crime and prevent offending.

#### ***Preventing the unnecessary criminalisation of children in residential care in England***

**Claire Sands, Youth Justice Researcher**

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

Data collected by the government shows that children living in residential care are being criminalised at excessively high rates compared to other children, including children in other types of care. The reasons for this are complex. There are elements of the child's background, including the trauma and abuse so many have suffered, that appear to increase the possibility of contact with the police. Research suggests that care can either be a protective factor which reduces the likelihood of criminalisation for traumatised children or it can exacerbate the potential for police involvement. It is contended that systemic failings within local authorities, children's homes, the police and other services are contributing to the unnecessary criminalisation of children and that much can be done, and in some places is being done, to improve practice and protect children.

This presentation will look at what is causing the criminalisation of children living in residential care and draw on the research undertaken by the Howard League to explore



the issues from a range of perspectives. It will offer insights from interviews and workshops with children who are, or have recently, lived in children's homes and it will summarise examples of good practice on the part of the police and children's homes to prevent unnecessary criminalisation.

***Diversion in youth justice: What can we learn from historical and contemporary practices?***

**Professor Roger Smith, University of Durham**

Diversion has recently undergone a resurgence in popularity in youth justice, which perhaps makes it a topic of current interest. In fact, of course, diversionary practices have been a feature of the criminal justice landscape over a very long period of time; and this paper seeks to explore its origins and development as a precursor to understanding present day developments and their implications. Equally in a context of considerable divergence between adult and children's justice systems and outcomes, diversion of young people must be linked with wider notions of childhood, developing capacities and children's rights. This helps us in turn to identify recurrent themes in the practice domain which modify or reframe conventional assumptions about responsibility and punishment. In shifting the focus to contemporary models of practice in diversion, the aim of the paper is thus to apply a critical and historically-informed lens to these and on this basis to articulate a clear outline of the key characteristics of progressive diversionary interventions.

**Panel 6: Penal policy and practice**

***Monuments in stone: A comparative historical analysis of prison building programmes in England and Wales since 1959***

**Dr Thomas Guiney, Mannheim Centre for Criminology, London School of Economics and Political Science**

In November 2015, the Chancellor and Justice Secretary announced a major prison building programme in England and Wales. The £1.3bn investment was lauded as a once in a generation modernisation of the prison estate that would deliver nine purpose-built prisons and modernise 10,000 prison places by 2020.

At a time of significant reductions in public expenditure the announcement reopened longstanding debates over the cost-effectiveness of imprisonment and the appropriate policy response to a growing, and increasingly complex prison population. Since 1959, the government has embarked upon five phases of prison building in support of such varied policy objectives as improved security, better conditions and the alleviation of prison overcrowding. For these reasons, prison building must be understood as a key instrument of penal policy which has, over time, absorbed a sizeable proportion of the finite resources allocated to the criminal justice system.

The cumulative impact of these programmes has been marked, but very little is known about how such large investment decisions were made, by whom and for what reasons. Drawing upon detailed archival research this paper will review the recent history of prison building programmes in England and Wales. It will explore the complex negotiations between HM Treasury and spending departments as part of the annual Public Expenditure Survey, and examine how the official rationale for investment in prison building has evolved over the past 60 years. Finally, this presentation will offer

some initial reflections on how successful these programmes have been in achieving the objectives set by government.

***Understanding and reducing the use of imprisonment: Emerging evidence from ten jurisdictions***

**Catherine Heard, Director of the World Prison Research Programme and Senior Research Fellow, Institute for Criminal Policy Research, Birkbeck**

This paper will draw on initial findings of a research and policy project launched in early 2017 examining the use of imprisonment in ten jurisdictions across five continents, namely: Kenya, South Africa, Brazil, United States, India, Thailand, England and Wales, Hungary, Netherlands, Australia.

These countries have vastly different prison population sizes and rates and very different stories to tell about changes in their use of imprisonment in recent decades. All have important lessons to impart about the issues to be addressed if today's high and rising prisoner numbers are to come down – and stay down.

Recent decades have seen unrelenting growth in the use of imprisonment across much of the world. Today, around 11 million people are imprisoned worldwide. There are great disparities between regions and countries in rates and trends of imprisonment. Since 2000, prisoner numbers have soared in many Latin American countries; in some European countries (such as the Netherlands) rapid growth in prisoner numbers has been followed by decline, while in others (such as Hungary) we have seen an opposite trend.

This project aims to show that these geographical and temporal disparities in the use of imprisonment can only be accounted for by reference to several diverse, interlocking factors. They include not only factors concerned with crime and criminal justice (levels of offending, criminal law and procedure, justice policies and practices), but also contextual factors reflecting social, cultural, economic, political and geo-political conditions.

***When is a National Preventive Mechanism truly independent?***

**Professor Nick Hardwick, Royal Holloway University of London  
Marie Steinbrecher, Royal Holloway University of London**

Our research concerns the Optional Protocol to the Convention against Torture (OPCAT), which created, inter alia, the obligation for State Parties to designate a National Preventive Mechanism (NPM). NPMs have the mandate to visit all places of deprivation of liberty with the intention to prevent torture and ill-treatment. In order to work effectively and gain the trust of people deprived of their liberty, the mechanisms are required to be independent from the government and other stakeholders. Independence is argued to be one of the crucial characteristics of these innovative bodies and one posing a great breadth of challenges, some of which are unique to the specific jurisdiction and NPM structure and some of which apply to a diversity of mechanisms.

The OPCAT itself sets out only the basic requirements that must be met by the State party and the NPM itself to ensure the NPM's independence. Drawing on our direct experience in the UK, the limited relevant academic literature, the early stages our research with a range of European NPMs and the international human rights standards

applying to other justice sector bodies, we conclude that the provisions of the OPCAT alone are insufficient to guarantee an NPM's independence and begin to examine what it means in practice for an NPM to be, and be perceived to be, truly independent.

### **Panel 7: Creative methodologies and activism**

#### ***Serious games: Socially engaged art practice within the criminal justice system***

**Dr Emma Murray, Liverpool John Moores University**

**Dr Steve Wakeman, Liverpool John Moores University**

**Anne Hayes, Liverpool John Moores University**

**Dr Will Jackson, Liverpool John Moores University**

**Hwa Young Jung, Artist**

**Emily Gee, Adults, Learning Manager, Foundation for Art and Creative Technology, Liverpool**

**Aimee Harrison, Learning Coordinator, Foundation for Art and Creative Technology, Liverpool**

This panel explores an example of how artworks produced through collaborative methodologies can contribute alternative forms of knowledge to this discourse.

*Probationary: The Game of Life on Licence* explores the lived experience of being on probation. It was produced through workshops with men on licence. *Probationary* is a board game that takes its players on a journey through the eyes of four playable characters as they negotiate the complexities of the probation process. Board games, from *Monopoly* to the *Game of Life*, contain within them the structures and values of the society in which they are produced, presenting back to us the world in which we live. Taking this as a starting point, *Probationary* reflects real experiences of being subject to the criminal justice system and presents us with an opportunity to collectively play, understand and discuss such systems within our contemporary society. The panel will involve contributions from the artist, producer and the academic team involved in the production of a new artistic commission, *Probationary: The Game of Life on Licence* (2017) to explore concepts including how socially engaged art practice encapsulates practices that address social and political issues often associated with activist strategies; the project's methodological implications; whether through the collaborative and constructive medium of 'play' can reveal new and progressive ways of understanding criminologically significant phenomena; and the potential for this method to allow activism to move to activism in penal reform campaigns. This research has been supported by the Howard League for Penal Reform.

### **Panel 8: Courts and sentencing**

#### ***'Severe environmental deprivation' defence: A criminal law intervention***

**Dr Louise Kennefick, Maynooth University**

This paper argues for the introduction of a (partial) defence of 'severe environmental deprivation' (Delgado, 1985) in the criminal law, with a view to informing further academic debate and public policy discussion. It legitimises the proposed defence within the context of criminal law theory, political science, and behavioural and social psychology. First, by showing that the current construct of the individual under the criminal law is the product of a prejudicial and outdated model, it creates the ideological space to construct a 'fair blame' framework, which takes account of the pressing reality

of social injustice. Second, it draws on the field of psychology to show that psychological factors are predictive of risky, illegal, or criminal behaviour, and that these psychological factors are not innate causes of such behaviour, but are themselves the product of an individual's environment and resources.

Once the legitimacy of the defence is established, and critics answered, the paper considers the co-ordination of the defence within the criminal legal process, as a means of addressing the (often-vacant) space between criminal law theory and practice. It goes on to examine the practical significance of the defence in a wider criminal justice setting, recognising the fact that for a fair blame framework to be effective, and useful to as many stakeholders as possible, it must reinforce all dimensions of the criminal legal sphere.

***Drunk and doubly deviant? Gender, intoxication and assault: An analysis of crown court sentencing practices in England and Wales***

**Dr Carly Lightowlers, University of Liverpool**

Both norms surrounding gender and intoxication are known to influence judicial decision making. However, little is known about how alcohol intoxication impacts sentence outcomes, or whether it does so equitably for male and female defendants. Given a routine association between alcohol intoxication and violent offending, this study assesses the extent to which intoxication differentially aggravates sentence outcomes for male and female defendants of assault offences. It does so by modelling the probability of custody and sentence severity using pooled data from the Crown Court Sentencing Survey (2012-2014; n=30,861). The respective logistic and ordinal regression models control for all sentencing factors cited as relevant as well as the offence type, age and sex of the defendant. The study also pioneers the inclusion of specific interaction terms to account for the gendered application of sentencing factors; in this case intoxication. The study's main finding is that the 'uplift' in sentence severity when intoxication is cited as aggravation is higher for women than for men controlling for relevant case characteristics (both in terms of the probability of custody and severity of the sentence dispensed). The study thus spotlights how cases of alcohol-related violence are processed through the criminal justice system and raises concerns with how gender equality is interpreted in sentencing practice with reference to alcohol intoxication. In so doing, it contributes to unpicking answers to broader questions about how alcohol consumption impacts punishment in different contexts and for whom.

***Measuring sentencing disparity in Indonesian corruption cases: An empirical inquiry***

**Andreas Nathaniel Marbun, Criminal policy researcher, Indonesia Judicial Monitoring Society of Faculty of Law, Universitas Indonesia**

**Anugerah Rizki Akbari, Lecturer, Criminal Law Department, Indonesia Jentera School of Law**

**Adery Ardhan Saputro, Criminal policy researcher, Indonesia Judicial Monitoring Society of Faculty of Law, Universitas Indonesia**

This paper reveals an empirical investigation on sentencing disparity in Indonesian corruption cases. Having more than 550 district courts' verdicts throughout the country, this study measures such discrepancies by proposing five important variables, namely the nature of the offence, state loss, utilisation of corruption money, provincial aspects, and occupation of the defendants, in order to indicate similarity between cases. Though the findings do not find a large amount of disparity, nor huge differences in sentences

between different cases, yet this research confirms the existence of some disparity in sentencing in Indonesia's anti-corruption court. This research also highlights the failure of Indonesian judges in determining aggravating and mitigating factors in individual cases which exacerbates disparity in sentencing. In addition, the absence of circular information on sentencing practices among judges (and other law enforcement agencies) intensifies such difficulties. Notwithstanding the existence of disparity, this research cannot conclude whether the disparity is warranted or unwarranted due to the absence of a sentencing guideline in the Indonesian criminal justice system. In pursuance of the ideal sentencing system and reducing unwarranted disparity, this paper also considers how other countries, with both common law and civil law legal traditions, resolve the problem in a manner which is feasible replicate in Indonesia's penal system.

### ***Grime in crime***

**Suzanne O'Connell, Solicitor, High Court Advocate with Tuckers Solicitors**

The field of law has long been recognised as one of the oldest professions. However, with the advent and increasing evolution of technology and digital working, the profession, particularly in the field of criminal law, has been moved, albeit somewhat unwillingly, into the 21st century. Most technically-savvy, and perhaps progressive, firms are moving towards total digital working practices. Indeed, the courts and Crown Prosecution Service are now fully digital albeit not without their own different problems. With such technical shifts in mind, this paper considers the courts attitude towards the use of 'grime' videos as evidence in criminal proceedings. It recommends that defence advocates should become much more knowledgeable with this area of important societal evidence in order to engage with the issues which are raised by such cases and the potential civil libertarian, as well as human rights, issues that are undoubtedly raised by the use or potential use of such forms of evidence. It also considers the demise of the youth justice system and the continued criminalisation of children.

### **Panel 9: Counter-terrorism and terrorism**

#### ***Radicalisation, containment and dispersal: What can be learned from imprisonment during the Northern Irish conflict?***

**Claire Green, Queen Mary University of London**

Irish republican politically-motivated prisoners held in Great Britain during the 1969 - 1998 Northern Irish conflict were dispersed around the country and amongst the general prison population. Differences between this historical example of PIRA prisoners in mainland prisons and contemporary prisoners convicted of terrorism offences and/or at risk of promoting radicalisation have been suggested as influencing a move from dispersal to segregation. However, the example of prisons in Northern Ireland during this period is also instructive as to the potential dangers of isolating and containing such prisoners together.

From 1976 onwards, conflict-related imprisonment in Northern Ireland was characterised by politically-motivated prisoners' demands for political status, and the UK government's refusal to formally grant it. Nevertheless, the rise in Northern Ireland's average daily prison population from approximately 600 at the onset of violence to 3,000 in 1979 created both extraordinary penal circumstances and also indicated an extraordinary type of prisoner, to which prison authorities had to respond. In Northern Ireland, this response, mainly focused on the specially-constructed facility at Long

Kesh/Maze, allowed prisoners to be accommodated by paramilitary faction, with a high level of self-governance and hierarchical organisation. Housed together, prisoners could drill, debate and develop their paramilitary allegiances whilst in the prison, which itself provided a physical focus for communities outside. Incarceration was thus not only of symbolic importance, but was used by prisoners for practical benefit.

***Arab audiences' dependency on traditional and new media as information sources about terrorist attacks in Paris 2015***

**Dr Bashar Abdul-Rahman Mutahar, Yarmouk University, Jordan**

An online survey was conducted with a convenience sample of 400 respondents from Arab countries to examine their dependency on traditional and new media as a source of information about terrorist attacks in Paris 2015, and to investigate the reasons and effects of this dependency. The results indicated that the most respondents depended on new media more than traditional media as information source about these attacks, and behavioural effects were the most important effects of this dependency, the results also referred to a strong relationship between respondents' dependency on both traditional and new media as information sources about terrorist attacks and the effects of this dependency. The findings also revealed that there was a significant effect for respondents' gender, age and educational level on this dependency.

***Counter-terrorism and judicial review: Justice, mistrust and legitimacy in the Israeli High Court of Justice's jurisprudence on house demolitions***

**Dr Daniel Ohana, Teaching Fellow, Hebrew University of Jerusalem**

In 2014, the Israeli military reintegrated house demolitions into its counter-terrorism strategy. This paper discusses the rulings of the Israeli High Court of Justice, which have upheld the legality of this policy. While it has affirmed that house demolitions are not punitive in nature or intent – and so, do not amount to collective punishment – the Court has refrained from endorsing a theory of crude deterrence by imposing on the military a series of conditions and constraints rooted in principles of constitutional and administrative law. Taking an interpretive rather than a normative approach, my paper examines the various contextual factors that have informed the double nature of the Court's position in the light of the tension that exists between its duty to do justice and its need to secure public legitimacy in an environment of deep mistrust on the part of the executive and legislative branches of the state. My analysis builds on the work of Nicola Lacey, which frames penal practices as practices of 'responsibility-attribution' and investigates their role in facilitating and legitimizing the establishment of order and security, whilst considering the various ways in which prevailing 'ideas, interests and institutions' impact their emergence and evolution over time. I identify five factors that mark the High Court's jurisprudence on house demolitions: first, the notion that the homeowner can be said to bear responsibility for failing to take action to prevent the family member from engaging in terrorism; second, the 'moral panic' that spreads among the public in the wake of a lethal attack against Jewish civilians, drawing political actors and media pundits to urge tough action; third, the institutional relationship between the judiciary and the army in Israel, whereby courts exhibit deference towards the professional judgment of military authorities in assessing the necessity to thwart the onset of a deadly cycle of violence; fourth, the increasingly weakened standing of the Court in the current political climate, as government ministers and members of the legislature doggedly push for constitutional law reforms designed to limit its powers of judicial review; and lastly, the Court's responsiveness to the pressure of domestic and international NGOs, which have disparaged house demolitions as an unconscionable

practice that is tantamount to a war crime. My discussion of these factors in analyzing the High Court's rulings on house demolitions aims to demonstrate the productivity of taking a contextualizing approach, which highlights the wide range of forces and actors influencing its position, rather than focusing narrowly on the legal aspects of its argumentation.

***Counter-terrorism laws and human right protection***

**Zhang Xue, Doctoral Candidate, Sussex Law School**

**Dr Wang Xiumei, Professor of International Criminal Law, School of Law, Beijing Normal University; Deputy Secretary General of International Association of Penal Law**

Terrorism is not a new concept although there is no explicit definition of it. The 9/11 terrorist attack was a significant turning point for the world to reframe conceptions of terrorism, which lead to a new era of countering terrorism. The famous US-lead "War on Terror" has become the established attitude to terrorists (terrorist organisations). Terrorism has evolved new forms with the establishment of ISIS, threatening the security of the public. The issue of Foreign Terrorist Fighters (FTFs) was put on the agenda by Security Council of United Nations in Resolution 2178 on 24 September 2014. However, the "War on Terror" has not ended yet. By virtue of the defeat of ISIS, the so-called "state" seems to lose its control, thus countries are challenged by the returnees phenomenon. New counter terrorism laws and strategies sprang up since 9/11. Notwithstanding, Countries are faced with a serious challenge: how to fight terrorism effectively and without seriously compromising human rights and basic freedoms. This challenge is most pronounced in the legislation when the executive branches of countries pass laws that empower the administrative security forces to take tough measures as part of the war on terror, ranging from "travel ban orders" to such judicial procedures as "indefinite detention" and stringent sentence, even capital punishment promotion on terrorism related perpetrators.



## Day 1: Parallel Session 2

### **Panel 1: Miscarriages of justice**

#### ***Reforming the adversarial legal system and freeing innocent people***

**Tim Bakken, Professor of Law, U.S. Military Academy, West Point**

This paper will consider how to reform the adversarial system to prevent the convictions of innocent people. Through the advent of DNA testing over the past 20-30 years and the subsequent exonerations of innocent people, researchers have a better idea of the rate of error in the American adversarial system. In perhaps the most significant study to date, from 2015, researchers concluded that about 4.1 percent of the people convicted and sentenced to death in the U.S. from 1973-2004 (n = 7,482) were innocent. Many of the innocent people on death row were exonerated, often through DNA testing, but some of them were probably executed.

Despite recent positive changes to current adversarial procedures, such as those concerning interrogations and identifications, there is little evidence to suggest the number of innocent person convictions has been reduced significantly. Some jurisdictions have instituted new post-conviction procedures, but more could be done to exonerate innocent people prior to trial and imprisonment. This paper urges systemic changes to the adversarial process, especially the investigation. Accused people, most of whom are poor, should have the right to plead innocent and require the government to conduct an innocence investigation, so long as the accused waives the right to remain silent and agrees to be interviewed. This paper posits that the adversarial system should be more concerned with trying to discover the truth in each case.

#### ***The impact of the CCRC; is it fit for purpose?***

**Dr Jill Dealey, Research Officer in Criminology, University of Winchester**

**Brian Thornton, Senior Lecturer in Journalism, University of Winchester**

Wrongful conviction causes serious harms to the individual and their family, and leaves victims without a true sense of closure; if the system designed as a last resort is ineffective, the consequences are serious (Naughton, 2014). This presentation will discuss the effectiveness of the Criminal Cases Review Commission (CCRC). We will argue that in comparison to its predecessor, the Home Office Department C3, it is a less productive agency, despite its larger size.

As Zander (2009) has observed, the development of the CCRC was lauded as a much-needed independent body, which removed the examination of wrongful convictions from political control. A level of neutrality was seen to have been introduced; and Zander argues that for a period of time there was reduced concern regarding the risk of miscarriage of justice. Yet, despite an increase over time in the number of convicted individuals who claim to be a victim of a miscarriage of justice, the system for examining cases appears to be becoming less effective over time. This can be evidenced by a relative lack of cases in the Court of Appeal. In 1995, C3 referred 1% of cases claiming wrongful conviction to the Court of Appeal. By 2016, the CCRC referred 0.7% of the cases it received. The presentation will explore the potential reasons for the decline in referrals to the Court of Appeal, and assess the importance of this issue for individuals claiming wrongful conviction.

***Innocence compensation: A comparative analysis of the common law and civil law traditions***

**Dr Myles Frederick McLellan, Algoma University, Canada**

**Dr Oriola Sallavaci, Anglia Ruskin University**

The innocence movement and its adherents over the course of the last thirty years have been dedicated to alleviating the harm caused by systemic errors of the criminal justice system that have led to miscarriages of justice. Primarily that harm has been the wrongful incarceration of the innocent. Attention has also turned to the collateral harm of financial damage and the need to compensate the wrongly convicted in order to promote efforts to rebuild a life. Most western democracies have turned their attention to the issue of innocence compensation fundamentally motivated by their international human rights obligation to do so. However, there are dramatic differences in approach between the avenues for redress found in jurisdictions with common law versus civil law traditions. This paper reports the preliminary findings of an ongoing study which analyses the comparative remedies between these jurisdictions addressing this issue both quantitatively and qualitatively.

The avenues for compensation vary even within these broader traditions themselves. Both the UK and thirty American states have statutory schemes with various thresholds to recovery that provide little relief to the wrongly convicted. Canada, Australia and New Zealand rely upon the exercise of the prerogative of mercy and allow for compensation by way of ex gratia schemes. This route is highly dependent upon political exigencies and provides financial redress to very few. All jurisdictions allow for litigation against state actors but employ significant Crown or state immunities to prevent indemnity for the errors of the criminal justice system. We question whether the approach taken by civil law jurisdictions addresses the human rights concerns and the issue of innocence compensation more adequately than those of the common law.

**Panel 2: Restorative justice**

***Restorative justice: A new approach to an old system?***

**Dr Yasmin Devi-McGleish, Lecturer in Criminology, University of Wolverhampton**

**Dr David J. Cox, Reader in Criminal Justice History, University of Wolverhampton**

Restorative justice has become an increasingly popular alternative to more traditional punishment methods in the last two decades within the criminal justice system in England and Wales. Emerging from a wide range of peacekeeping, feminist, abolitionist and psychological literature; the term ‘restorative justice’ was coined in the late 1970s. However, it is well known that restorative type practices are reminiscent of justice practices used the world over by indigenous communities, and this paper will challenge the notion that restorative justice type practices are a “new” form of justice in the England and Wales. It argues that restorative justice has a long antecedence, albeit one that is largely overlooked by modern criminologists. It will demonstrate that several forms of what we now term “restorative justice” were being used centuries before the modern day resurgence of this form of justice. In most (though not all) of the several examples discussed, there is a clear separation of restorative justice practices from the formal criminal justice system operating at the time, and this may prove to be a useful guide to the future use of restorative justice as an adjunct to more legalistic criminal justice processes. Finally, reintegrative shaming will be revisited as an underpinning theory of restorative justice, from both an historical and modern day perspective.

***The importance of training partner selection and quality assurance when using restorative practices in response to crime***

**Jennifer L Lanterman, PhD , Assistant Professor, Department of Criminal Justice, University of Nevada, Reno**

Restorative justice (RJ) is a mechanism through which justice may be pursued. RJ may be used as an alternative to or in conjunction with conventional criminal justice system responses. This mechanism utilises a variety of processes that may yield benefits for victims, offenders, and effected communities (Bazemore and Umbreit, 1994; Braithwaite, 2002; Brown and Polk, 1996; Christie, 1977). Conversely, these processes may be counterproductive if facilitators are not properly trained or if they fail to properly implement models of practice. Despite the promise of benefits if the models of practice are properly implemented and the potential for unintended consequences if the models of practice are improperly implemented, discussions about proper training and quality assurance are largely absent from the literature. This paper reports on the results of a multiple-case study of RJ practitioner trainings and advances recommendations for training partner selection and quality assurance processes.

***Restorative justice behind prison walls***

**Inbal Peleg-Koriat, PhD., Yezreel Valley Academic College  
Dana Weimann-Saks, PhD, Yezreel Valley Academic College**

Restorative justice has been applied at various stages in the criminal justice process. However, despite its rehabilitative qualities, restorative projects in programmes that are punishment-based such as prison, are very rare. Moreover, very few studies have attempted to examine the inner motivations of imprisoned offenders to participate in restorative proceedings. The goal of this empirical study, conducted in Israel, is to examine whether the imprisoned are accountable for the impact of their crimes and if they are willing to have personal encounters with victims. In addition, the present study seeks to examine the impact of a restorative practice on the willingness of imprisoned to take part in these proceedings.

The results from an experimental study indicate that relative to the control group, participants in the experimental group showed enhanced motivations to participate in restorative proceedings, expressed more remorse for their actions and took greater responsibility for and willingness to rectify the damage they have caused. The study offers a model for easy and practical therapeutic practice within prison that can contribute to the rehabilitation of the prisoner and integration into the society after release from prison.

***Restorative justice: How I learned to stop worrying and love inconsistency***

**Dr Elizabeth Tiarks, Northumbria University**

Restorative justice is often criticised as leading to inconsistent outcomes, where lay participants are afforded a significant amount of decision-making power concerning what should happen to an offender. This has led to a tendency to favour forms of Restorative justice which are limited in how much power they truly devolve to lay participants and which have a stronger focus on achieving particular outcomes, which often involves significant input from criminal justice professionals. This tends to be with ideals such as proportionality and consistency of outcome in mind. Such forms of Restorative justice have their strengths, but do not allow for the true empowerment of lay participants.

The paper will seek to demonstrate why consistency of outcomes should not be of prime importance and will discuss flaws in arguments for consistency in sentencing. For example, arguing that as consistency becomes more the focus, it also becomes increasingly likely that the scope for decision-making will not be flexible enough to allow for the peculiarities of particular cases to be taken into account, and this makes it more difficult for justice to be done.

The aim will be to show that consistency of outcome should not be prioritised above the empowerment of lay participants in restorative justice conferences. Empowerment offers many benefits, such as increased satisfaction in the process and an increase in penal legitimacy, which more outcome-focused restorative models, that do not fully take into account the views and wishes of lay participants, are less likely to achieve.

### **Panel 3: Policing cultures**

#### ***Does being treated fairly lead to fair treatment of citizens? An exploration of the Croatian police officers' views***

**Sanja Kutnjak Ivkovich, PhD, S.J.D., Professor Michigan State University**

**Robert Peacock, Michigan State University**

**Irena Cajner Mraovic, University of Zagreb**

Tyler's procedural justice theory has been used extensively to explore police-community interactions. Extant research, primarily from developed countries, suggests that citizens expect the police to use fair procedures when dealing with citizens. Police behaviour in line with procedural justice generates trust in the police and enhances police legitimacy. While external procedural justice focuses on the relationship between the police and the public, that is, the quality of communication between police officers and the public, internal procedural justice focuses on the relationship within the police agency. This paper explores the connection between internal procedural justice (fair treatment of subordinates by police administrators) with external procedural justice (fair treatment of citizens by police officers). In particular, using a 2017 survey of 500 Croatian police officers, the paper studies whether police officers' satisfaction with the way they are perceived to be treated by their police supervisors is related to the way they think that citizens should be treated.

#### ***Police diversity: Examining evidence of a tipping point for shifting police culture***

**Dr Tara Lai Quinlan, University of Sheffield**

This paper examines the relationships between police organisational cultures in the United Kingdom and United States and racially, ethnically and gender diverse police officers.

This paper begins by defining police culture and discussing the key debates around police cultures, which are commonly understood as the informal norms, attitudes and values that can shape police behaviour in police organisations (Chan 1997, Reiner 2010). While these workplace cultures can vary across different policing agencies (Cockcroft 2013), they can also vary within the same police organisation, particularly for street officers, middle management and senior leaders (Reuss-Ianni and Ianni 1983, Manning 2007). But police cultures are not static and can evolve over time (Loftus 2009).

This paper will next review the empirical evidence about the impact of police cultures on the experiences of racially, ethnically and gender diverse police officers in police services in the United Kingdom and United States (Holdaway, 1997, Brown, 2015, O'Neill and Holdaway, 2015). The paper will consider the empirical evidence about the pressure on diverse police officers to conform to existing police cultures, particularly at the street officer level. Finally, it will consider the empirical evidence about the roles diverse police officers can play in shifting police culture norms and values (e.g., Skolnick, 2008). This paper will argue that there is a tipping point for police officer diversity that, if achieved, can play an important role in helping to shift policing cultures away from traditional police culture norms.

***The colonial era of American policing***

**Perfecta Oxholm, Goldman School of Public Policy, University of California, Berkeley**

American police are the product of the distinct context in which they developed, with each corps emerging at the intersection of geography, time period, and policing era. Despite the diversity of conditions from which police developed, contemporary police forces have evolved into very similar models. This convergence points towards the strong influence of external forces in creating police institutions (Monkkonen, 1981). Unarguably, race is one of the most influential forces influencing the development of policing, yet racial conditions remain a far less examined influence on the development of US policing. The history of US policing remains incomplete because it has not been connected to the particular racial history of the US. This paper explores the history of US policing through a critical race theory lens, focusing specifically on the time before traditional policing histories begin, termed the colonial era, to demonstrate the fundamental role race has played in the development and practice of contemporary US policing. The paper asserts there is a critical chapter at the origin of American policing that is missing, that this missing chapter is etched into the DNA of the American policing systems, and that many of the seemingly intransigent disparities in policing are a product of the practices that originated during this era. Any effort to improve policing in the modern era must contend with the origins of American policing history.

**Panel 4: Imprisonment and families**

***The pains of indeterminate imprisonment for family members: Findings and implications***

**Dr Harry Annison, Lecturer in Criminal Law and Criminology, Southampton Law School**

**Dr Rachel Condry, Centre for Criminology, Oxford University and Howard League Trustee**

The increasing utilisation – sometimes stuttering and contested – of forms of indeterminate imprisonment and indefinite detention targeted at the ‘dangerous’ has been a signal feature of developed Western nations since the 1990s. In England and Wales the most striking demonstration of this has been the IPP (Imprisonment for Public Protection) sentence, which, though abolished in 2012, caught over 8,000 individuals in its net. The structural drivers and political processes integral to these developments have been subjected to detailed analysis. Research has also made clear a range of harms and dangers to which such measures give rise: including to prisoners, to prison officers, and to the sustainable operation and legitimacy of the penal system. This paper makes an original contribution to this existing knowledge by presenting findings from a

research project that examined the experiences of family members of IPP prisoners. We will argue that these family members' experiences speak, in particular, to broader developments in the ways in which punishment is experienced and endured in the social media age, and the changing nature of public discourse on justice debates.

***An institution within an institution: Young people's experiences of having a family member in prison while they are within a Young Offenders Institution***  
**Kirsty Deacon, PhD Researcher, University of Glasgow**

There has been an increasing focus recently on families of people within prison, both from a desistance point of view as well as in respect of the need to support those who are experiencing the imprisonment of a family member. There is little, however, which considers the experiences of young people who are within prison themselves but who also currently have, or have previously had, a family member in prison. This paper will look at this based on ten semi-structured interviews carried out with young people aged between 17 and 21 and currently serving a sentence within a Young Offenders Institution.

The paper will reflect on the differing experience of inter-prison family relationships and contact compared to those taking place between family members where only one is within the prison estate. It will also consider ideas of desistance and how the family can be constructed as a resource, exploring the reasons for encouraging the maintenance of family relationships and contact during the serving of a prison sentence. It will also explore the narrative around prison negatively impacting on family relationships by considering narratives from some of these young people around their feeling of having "closer" relationships during concurrent periods of imprisonment with family members.

***The rights of dependent children in adult sentencing decisions***  
**Dr Shona Minson, Research Associate, Centre for Criminology, University of Oxford**

This paper focuses on the rights of dependent children when their parents (especially primary carers) are sentenced for criminal offences. The paper draws upon original empirical research in England and Wales with Crown Court judges, children whose mother was imprisoned at the time of interview, and those who care for the children in their mothers' absence. It highlights the harms suffered by children as a consequence of their primary carers' imprisonment and provides evidence of how such children are regarded within sentencing calculus. It examines the application of the United Nations Convention on the Rights of the Child 1989 to children whose parents are facing imprisonment due to criminal convictions. The way in which the rights of a child to non-discrimination (Article 2), primary consideration (Article 3), participation (Article 12), and special assistance when separated from a parent (Article 20) are given consideration in adult sentencing proceedings is examined and this is contrasted with the treatment of children separated from their parents by the state in proceedings under Section 31 of the Children Act 1989. The approach of the South African Constitutional Court in the case of *M v The State* [2007] illustrates the way in which children's rights can be upheld within the adult sentencing process. The paper concludes with a discussion of the implications for society of disregarding the rights of children rather than adopting a more communitarian approach, which would uphold their rights and in doing so benefit society as a whole.



## **Panel 5: Histories of youth justice**

### ***Learning from history by seeing it differently: Frameworks for understanding the socio-historical development of youth justice***

**Justin Brett, Loughborough University**

**Professor Stephen Case, Loughborough University**

If we wish to re-imagine youth justice in terms of civil rights, trust and fairness, then we need to situate, understand and inform this re-imagining within a broader context. In doing so, we would benefit from a more detailed understanding of the development of youth justice in socio-historical terms. The main hegemonic frameworks for current understandings of youth justice are historically focused, often with acritical emphasis on social constructionism, discourse and language use or critically focused on legislative developments, guided by youth governance or youth justice foci. These frameworks present youth justice as an ideological and political battleground, but nevertheless remain dependent upon current official political discourse. They restrict theoretical and conceptual space for re-imagination. Furthermore, they demonstrate what Norbert Elias described as 'process-reduction' – the tendency to reduce processes conceptually to states.

This presentation offers an alternative framework for understanding the development and contemporary manifestations of youth justice. We propose that youth justice studies would be enhanced by an Eliasian process-type framework for analysing its socio-historical development. This has the advantage of examining youth justice through a more detached lens. By looking at the process rather than the struggle, we might achieve a greater understanding of youth justice as framed by conflicting arguments and perspectives that feed off and influence each other over time. We conclude by suggesting that the focus on process over time within this framework facilitates learning from history by establishing a direction of travel for youth justice from past to present and thus to the future.

### ***Child removal: why it is time to end a toxic 200 year experiment***

**Professor Pamela Cox, Department of Sociology, University of Essex**

Britain has a long history of child removal. The practice of placing large numbers of young children and teenagers within institutions of various kinds is deeply ingrained in our juvenile justice and child protection systems. It was also exported across the globe via imperial and Commonwealth legislatures with highly troubling consequences. In the last 200 years, over a million children have been admitted to British reformatories, workhouses, children's homes, approved schools and young offender institutions. However, we have rarely considered the broader impacts and normative legacies of this social policy experiment. This paper draws on the findings of the first historical life course study of a large group of those involved: *Young Criminal Lives: Life Courses and Life Chances from 1850* (Oxford University Press, Clarendon Criminology series, 2017) by Barry Godfrey, Pamela Cox, Heather Shore and Zoe Alker. This new book documents the protective effects offered by historical child removal, notably re-offending rates much lower than present day counterparts, but argues that these were offset by a range of harmful effects, notably linked to physical and emotional ill-treatment. Further, it argues that current moves by the Ministry of Justice and others to dramatically scale down our juvenile secure estate should be stepped up through the closure or therapeutic reframing of remaining young offender institutions, secure training centres and secure children's homes, and the re-negotiation or termination of their PFI



contracts. Finally, it makes the case for ‘juvenile justice reinvestment’ - the transfer of resources from carceral to community approaches - and, with it, an end to a toxic 200 year experiment.

***Revisiting the Borstal experiment, c.1908–1982***

**Heather Shore, Professor in History, Leeds Beckett University**

**Helen Johnston, Reader in Criminology, University of Hull**

Young adult prisoners have long been perceived as a problem for both society and government. Historically, they have been over-represented in prisons and their re-offending rates are high. Recent inquiries have found that this group of offenders and prisoners remain a significant and ongoing problem for government, and have been described as ‘a forgotten group in the penal system’ ([www.barrowcadbury.org.uk](http://www.barrowcadbury.org.uk)). The Borstal system for young adult offenders (17-21 years, later raised to 23) dominated the penal landscape for most of the twentieth century. The Borstal experiment lasted for over 80 years and yet remains a blank spot in the history of criminal justice and incarceration. The institutions that sprang up have received surprisingly little examination by crime historians. In the decade or so before its abolition in 1982, the system was often depicted as ‘violent and oppressive, its staff callous and cruel’ (Canton and Hancock, 2007: 29) but in its early years, in theory, it offered a beacon of hope for young adult offenders in the early twentieth-century custodial sector. More recently, in 2016 proposals for secure colleges for younger offenders also seem to hark back to the main principles of the borstal system. This paper arises from the first rigorous examination of the rationale, principles and goals behind the origins of this enduring institution, and connects to a large scale empirical study into the Borstal system.

**Panel 6: Race and public spaces**

***The role of space in eugenics criminology***

**Brie McLemore, PhD Student, University of California Berkeley**

Eugenics has played a prominent role in explaining theories of crime since the field of criminology was first established. While this occurrence has been well documented, the centrality of space, geography, and the environment within “eugenics criminology,” and eugenics more broadly, has been largely omitted from the discussion. The role of “space” within eugenics has not been adequately theorised and interrogated. Social science research falsely situates geography and place as apolitical, ahistorical, and insignificant.

Through this project, I assess how space has played an essential role in “eugenics criminology” by geographically locating racialised subjects who are then targeted for state intervention. I first provide an historical account of crime maps which essentially equated crime with impoverished, racialised, inner-city regions. These maps obscured how space is a socially constructed project of the state, which defines and sequesters racialised bodies. I then discuss how statisticians utilised crime maps to provide “evidence” of where crime occurs and, by extension, expanded the scope of eugenics from individual “defect” to community-wide “degradation.”

I then survey the evolution of crime cartography to challenge misconceptions that eugenics no longer plays a central role in criminology. This will highlight the importance of space in broken-windows and “hot spot” policing. These policing tactics appear to be

“race-neutral,” but actually intensify the state surveillance and violence racialised communities are subjected to. The inherent eugenics ideology is obscured by seemingly “colour-blind” approaches for addressing questions of crime and criminal behaviour.

***Implicit racial bias and students’ Fourth Amendment Rights***

**Jason P Nance, Professor of Law, Center on Children and Families, University of Florida Levin College of Law**

Tragic acts of school violence such as what occurred in Columbine, Newtown, and, most recently, Parkland, provoke intense feelings of anger, fear, sadness, and helplessness. Understandably, in response to these incidents (and for other reasons), many schools have intensified the manner in which they monitor and control students. Some schools rely on combinations of security measures such as metal detectors, surveillance cameras, drug-sniffing dogs, locked and monitored gates, random searches of students’ belongings, lockers, and persons, and law enforcement officers. Not only is there little evidence that these measures actually make schools safer, but overreliance on extreme security measures can create prison-like environments that are inconsistent with students’ best interests. Specifically, overreliance on intense surveillance measures often engenders distrust and discord among members of the school community in the long run, leading to increased disorder and dysfunction. Extreme security measures also play a role in pushing more students out of school and into the juvenile justice system, which can have devastating consequences on students and their families.

Although all schools do and should monitor students to some extent, empirical evidence demonstrates that not all students experience these intense, prison-like conditions. Rather, schools serving higher concentrations of students of colour are more likely to rely on coercive surveillance measures than schools serving primarily white students. Furthermore, the evidence suggests that legitimate safety concerns do not fully explain these racial disparities, but that implicit racial bias influences school officials’ decisions to rely on intense surveillance methods to some degree. Indeed, empirical studies repeatedly document that many people unconsciously and unfairly associate racial and ethnic minorities, particularly African-Americans, with aggression, violence, crime, and danger.

Recognising that our current constitutional jurisprudence establishes prime conditions for these racial disparities to develop, this Article proposes a reformulated legal framework to evaluate the constitutionality of coercive surveillance methods that is firmly grounded in the U.S. Supreme Court’s current Fourth Amendment jurisprudence. Applying this reformulated framework in connection with other strategies will ameliorate the effects of implicit racial bias, help address the disproportionate application of strict security measures on students of colour, and motivate school officials working in majority-minority schools to rely on alternative, evidence-based methods to enhance school safety without harming the learning climate.

***“Power to the People!” The regulation of police stop and search in England and Wales***

**Dr Michael Shiner, London School of Economics and Political Science  
Paul Thornbury, Head of Security, LSE; and a PhD Candidate in the Department of Sociology, London School of Economics and Political Science**

Police stop and search has undergone spectacular changes across England and Wales since 2010/11. After a decade of steadily increasing use following the Stephen Lawrence inquiry, the number of stop-searches has plummeted. While the impetus for change has come from central government much has been left to local police forces. This paper presents the results of a detailed evaluation of an award winning initiative set-up by Northamptonshire Police. The Reasonable Grounds Panel (RGP) was established in October 2014 to address long-standing concerns about the use of stop and search, and has been highlighted as an example of good practice by both the Lammy Review and the HMICRS's PEEL legitimacy Inspections. The panels operate on the principle of coproduction, bringing police personnel together with members of the public in community settings to assess whether individual officers have met the legislative requirement for 'reasonable grounds' before engaging in stop and search. Where grounds are deemed to be inadequate officers are subject to a process of development and may be effectively suspended from using their powers until this process has been completed. The RGP has achieved impressive results, promoting a more discerning approach to stop and search, while building public trust and confidence. Problems remain, however, and the impact of the initiative has been limited by pockets of resistance and gaps in strategic leadership. This paper will consider the impact of the RGP, the associated organisational dynamics and the potential for unintended consequences. Broader lessons for reform will be identified.

### **Panel 7: Narrative criminology and penal practices**

#### ***Innovation and justice***

**Carlotta Allum, Stretch Founder and Director, MA, Unlock Trustee, RSA Fellow, WCMT Fellow**

The societal challenge of prisoner rehabilitation exerts pressure on policy makers and public sector finances. I spent time in prison (1995-6) and was subsequently driven to found 'Stretch' ([www.stretch-charity.org](http://www.stretch-charity.org)) that has designed projects which facilitate transformation in criminal justice communities through artistic engagement since 2003, the last seven years with digital narratives. The role the arts play in rehabilitation is now recognised (Creative Health, 2017p.109-111).

I will present my work at Stretch with digital storytelling, show a film example and talk about advances with Virtual Reality in justice and how innovative digital technology can be used with prisoners, discussing how we face the challenge of digital innovation. In October I start my PhD at Central Saint Martins Design Against Crime Research Centre, UAL. My practice-led research will interrogate various designs of digital outputs, taking into account my role as action-researcher and co-producer of participatory research. In prisoner narratives this may reveal changes in attitudes and behaviour. This project offers an exciting cross-institution and discipline collaboration and serves to add to design theory and narrative criminology.

#### ***Lessons learnt from the narratives of women who self-harm while in prison: A cross-sectional descriptive study***

**Jonathan Gibb, Medical Student, University of Manchester**

Women, despite making up a minority of the custodial population, account for a disproportionate amount of documented incidents of self-harm. This cross-sectional study features the experiences of 108 women who self-injured while in prison. Our

paper seeks to categorise the driving factors behind the use of self-harm in prison and how these differ from episodes occurring whilst in the community. Triggering events such as intrapersonal conflict, distance from children and partners, and difficulties processing aversive memories of the past were frequently identified by participants. Unmet mental health needs, particularly in relation to hearing commanding or intrusive voices, coupled with extensive histories featuring multiple sources of trauma, underpins the need for an active multidisciplinary approach in supporting recovery. This paper explores the subjective functions behind self-harm alongside models of analysis relating to affect regulation and intrapersonal boundaries. Finally, the relationship between self-injury and suicidal intent is discussed with particular focus around understanding intended outcomes. Overall, the narratives featured in the study highlight the need for therapeutic environments and an openness to adequately address the unmet physical, social, and mental healthcare needs of women in the justice system.

***Young people's voices shaping law and practice: a participatory approach to legal advice, education and change***

**Dr Laura Janes, Legal Director, Howard League for Penal Reform**

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

This paper will explore the benefits of a participatory approach to legal advice, education and change developed by the Howard League's specialist legal team as part of its work with children and young people in prison. With support from the Big Lottery, the team has put participation at the heart of its work and formulated an evidence based approach to inform law and practice. This paper will present the model and present the Howard League's work on a toolkit for children facing sentence in the criminal and the adults supporting them.

**Panel 8: Criminalising public space**

***Begging and freedom. The two (antithetic?) faces of common law***

**Eleonora Innocenti, Attorney at law, member of the Florence Bar Association;**

**PhD in Comparative Law, University of Florence, Italy**

This paper uses legal comparison to offer a critical analysis of the debated binomial "begging and freedom" in the English and American legal systems. The paper consists of two parts; the first dedicated to the criminal legal qualifications still attributed to begging in the English legal system; the second dedicated to the decriminalisation of non-aggressive begging in the United States. Hence this paper's title.

"The two faces of common law": on the theme of "begging and freedom" the paper will consider, on the one hand, England, the true "prototype" of the criminal repression of begging in the common law, and, on the other, the United States, an initial example of legal circulation of the English penal-repressive "prototype" in the field of begging, which later resulted in a heated debate whose developments have diverged significantly from the original English model.

As for the choice to define "the two faces of common law" as "(antithetical?)" on the issue "begging and freedom", it is a questionable formulation that suffers from a certain caution on my part in clearly contrasting the two experiences, which, indeed, have adopted different but not exactly diametrically opposed solutions. In fact, with regard to begging, both the English and American legal systems have a common criminal law base which has developed differently.

***No fixed abode, no property, no justice: Revisiting the relationship between homelessness and justice***

**Dan McCulloch, Lecturer in Criminology, The Open University**

**Vickie Cooper, Lecturer in Criminology, The Open University**

Homelessness itself is not a crime, but the everyday activities associated with sleeping rough - begging, loitering, occupying private spaces and so on – multiplies the risk of arrest. Criminalising the everyday activities associated with being homeless make it almost impossible for homeless individuals to survive the streets without being moved-on, moved-out or locked up. In this paper we explore the hybrid techniques used to criminalise the homeless. We begin by illuminating how, at the turn of the 21st century and in the aftermath of the 2007 financial crash, there was a revival in vagrancy laws, used to prosecute the homeless in England and Wales. In addition, we show how civil orders, such as Public Spaces Protection Orders (PSPOs) are used to sanction homeless-related activities.

As the number of people becoming homeless rises, at a time when homeless service and hostel numbers are shrinking, new sites of struggle are also emerging. In this paper we capture some of the key moments over the last five years, where ‘homeless action’ groups have mobilised support and exposed local authority anti-homeless strategies, only to be met with more punitive measures in the form of ‘land laws’ and ‘possession orders’. Where local authorities do lawfully permit the homeless to access and use public land – for homeless shelters, homeless camps, or day centres - these sites are routinely monitored by the police as ‘crime hotspots’.

This treatment of the homeless demonstrates that no one is free to do as they wish unless they have access to property: homeless people are not free to roam, sit, eat, wash or sleep because they do not have the means to access public land or private property to carry out these most basic functions. This lack of right to land and property, combined with being subjects of criminalisation, raises fundamental questions about homeless people’s legal status as human beings.

***Boredom and the buzz: ‘It’s all about killing time’***

**Dr Johanne Miller, Lecturer, University of the West of Scotland**

Boredom is often referred to as the root of all evils, it is what led Eve to eat the apple, it is the reason oft cited for many crimes within our society. Yet as a concept it is often ignored, even though it is one of the most commonly cited reasons for committing crimes. This is problematic within the criminal justice system and within criminology itself as there is a dearth of knowledge of the lived experience of boredom. This paper shares findings from a five year grounded theory study of gangs in Glasgow, a city within the west of Scotland. It seeks to conceptualise members lived experience of boredom and its symbiotic nature with sensation seeking often referred to as the buzz in Scotland. In exploring the dichotomous relationship of boredom and the buzz we can begin to understand the structural, political and emotional impact that boredom and sensation seeking has on the offending behaviour of young people.

**Panel 9: Howard Journal of Crime and Justice publishing workshop**

**Professor Ian Loader, Editor-in-Chief, Howard Journal of Crime and Justice and University of Oxford**

**Grace Ong, Senior Journals Publishing Manager, Wiley, Global Research**

**Anita Dockley, Managing Editor, Howard Journal of Crime and Justice and Research Director, Howard League for Penal Reform**

At this workshop the Howard Journal of Crime and Justice's editor-in-chief, managing editor and the publisher will provide an insight into how decisions are made, the treatment of submissions and process for getting a peer review journal article published. It will also focus factors particular to the Howard Journal of Crime and Justice.

## Day 1: Parallel Session 3

### **Panel 1: Trauma-informed practice**

#### ***The Enrich approach – Trauma-informed policing***

**Superintendent Stan Gilmour, Local Policing Area Commander for Reading  
Natausha van Vliet, Director of Business Development, Parents and Children  
Together (PACT)**

The Alana House based Enrich Programme was developed in response to partners (PACT, Thames Valley Police, IRIS and Reading Borough Council) identifying a need to work together to better support women at crisis point, often experiencing domestic abuse, poor mental health, substance misuse, poverty, unemployment and isolation. In November 2017, Enrich won a Howard League Award. Superintendent Gilmour said: "Thames Valley Police is committed to working with our partners to reduce harm and help our communities thrive."

Enrich aimed to help women develop resilience, life skills, self-esteem and confidence, reduce criminal behaviours, encouraging women to make better informed decisions, and reduce vulnerability, reduce the costs to statutory services. This was achieved this by providing targeted, multi-disciplinary interventions, 1-2-1 support, workshops, tenacious joint outreach, training, volunteering, employment opportunities, counselling, and a therapeutic PhotoVoice photography course/exhibition. The pilot was a success with 100% of the women seeing a reduction in calls on police time and 100% of the women reporting increased self-esteem and self-confidence.

In one case Satiya (a pseudonym) was street homeless, had drug and alcohol addictions, had her children removed, had been arrested 26 times in the past 11 months. Since Enrich, she says she has 'hope', contact with her children, and hasn't been arrested since. Reading Police continue to support the Enrich programme, helping approximately 30 women by March 2018.

#### ***Youth justice: Does it require an omnicultural and trauma-informed approach?***

**Iman Haji, Research and Programme Coordinator, Khulisa**

As the number of first time entrants in the youth justice system and the number of children in the youth custodial estate continues to fall, there remains a core group of socially excluded young people who confound initiatives aimed at reducing (re)offending and social exclusion. These young people are the focus of this paper. Drawing upon a social exclusion framework and the schism between the Risk-Need-Responsivity and Good Lives Models of rehabilitation, this paper aims to advance the case for the employment of therapeutic, psycho-social, trauma-informed interventions and the mainstreaming of a new youth justice culture as the first steps in the journey to preventing and reducing social exclusion and reoffending. Current models focus on the development of hard skills, positing social exclusion as a socio-economic concept. We argue that the efficacy of these initiatives is eroded in the absence of a strengths-based foundation based on the development of self-esteem, confidence, agency and general social and emotional well-being. Advocating for a stronger focus on the development of these soft skills as the foundation to progress to other interventions and productive next steps, we present practical examples to support this argument. We conclude by calling for a cultural shift - from multicultural to omnicultural and from management to personal agency - in how we tackle social exclusion; one tailored to the needs of young people



today. If we are to effectively reduce the perception of difference, we must help them with self-regulation and resilience to succeed in society.

***The Anawim research study: A gold standard evidence base for community interventions with women after custody***

**Dr Joanna Long, School of Social Policy, University of Birmingham**

**Dr Susie Balderston, Senior Research Fellow, University of Birmingham**

In 2016, there were 22 deaths in women's prisons in England and Wales – the highest number of female prison deaths since 1990. Yet even in the decade after the Corston Report (2007), there is still a paucity of quantitative, peer-reviewed research, regarding the effectiveness of community interventions with criminal justice involved women across the UK.

The new Anawim Research Study (2017-2021) seeks to address the gap and inform the evidence base for Corstonian holistic, gender-specific and trauma-informed Women's Centres. It aims to independently assess whether through-the-gate accommodation with case worker services, courses and peer support (intervention) reduces re-incarceration rates at 3, 12, 24 and 36 months post release from custody, compared to women without that support (treatment as usual).

The study takes a gold-standard, mixed methods approach; a randomised controlled trial will examine any differences between the arms in the trial, using the Women's Risk Needs Assessment. Simultaneously, an ethnography using visual and narrative participative research methods will attempt to account for differences between the groups.

**Panel 2: Judicial practice**

***Plea bargains, judicial conflict resolution and criminal mediation***

**Professor Michal Alberstein, Bar-Ilan University, Israel**

**Dr. Nourit Zimerman, Bar-Ilan University, Israel**

In today's plea-bargaining reality, the role of judges in processing criminal legal conflicts has changed dramatically. Judges today preside over decreasing number of trials, and instead they are involved in various activities to promote – and approve, plea bargains. Such activities are not fully regulated or documented, but they can be studied, improved and refined by using methods and concepts from the field of conflict resolution. The major claim we develop is that judges' current role in approving plea-bargains (which is often criticised) offers a new terrain of decision-making. This terrain opens a constructive landscape of judicial discretion, in which judges may integrate perceptions of reconstructive law with perceptions of reconstructive conflict, bring together elements of retributive justice and legalistic reasoning, with possibilities of inserting elements of restorative justice and problem solving into the mainstream legal domain.

The discussion is based on findings from an observational study comparing two unique judicial mechanisms for processing criminal cases that have developed in Israel in the past decade: "criminal mediation," where the non-presiding judge assists the parties in negotiating a plea, usually behind closed doors, and the "intense arraignment day," in which 30-40 cases are heard and is today the main-track for efficiently disposing of criminal cases through plea-bargains. We show how these institutionalised methods

suggest new paths for the negotiated resolution of criminal cases, thus creating a new image for today's criminal justice process.

***Legal empowerment: Promoting autonomy, avoiding institutional inequality***  
**Yurii Sheliashenko, Post-graduate student, KROK University of Economics and Law (Kyiv)**

This paper discusses why the rule of law in the modern world is still frequently associated not with human rights, secure freedom, individual and institutional autonomy, but with fear of punishment, privileges of rich people, monopoly on violence, monopoly of the Bar, despite the fact that equal access to justice is a sustainable development goal approved by majority of nations. Using data from the NGO Autonomous Advocacy's Lawmetrics Project, the paper will demonstrate that legislative, executive and judiciary systems insufficiently protect universal human rights in Ukraine, even after controversial judicial and penal reform, and explain how state-enforced monopolies and lack of legal culture caused deeper injustice in Ukraine, leading to rampant crime, corruption, rebellion, and war. The paper highlights that strong monopolies are more likely to be a poison rather than a panacea for legal development. Ways to provide equal access to justice are set out: dismantling socio-economic barriers such as high court fees and the elitism of legal profession, simplifying laws and legal proceedings, making it understandable with easy affordable training and games; promoting culture of autonomy, individual living by the own human rights based laws, pluralism of legal opinions and subsidiarity of law enforcement to people's capacity to successfully control their own life. Finally, some practical measures will be proposed, such as zero court fees in cases of human rights violation and ensuring the public and media can raise objections to restricted access to the courtroom.

***The effects of malleability beliefs and emotions on judicial assessment***

**Dana Weimann-Saks, PhD, is a lawyer and a social psychologist, and a faculty member at the Yezreel Valley Academic College**

**Inbal Peleg-Koriat, PhD, is a lawyer and conflict management and negotiation specialist, and a faculty member at the Yezreel Valley Academic College**

**Eran Halperin, PhD is a Full Professor and the Dean of the School of Psychology at the IDC in Herzliya.**

For decades, legal formalism holds that judicial sentencing decisions should be guided by facts, not subjective variables. However, scholars and legal practitioners have long been aware of the influence of psychological factors on the severity of judicial decisions. In the present quantitative study (N=180), we examine a model that suggests that belief in malleability (a belief that people's personalities change and develop) predicts judicial assessment. We also examined whether this relationship is mediated by negative and positive emotions. Our analysis revealed that believing in malleability reduces the likelihood of viewing the defendant's traits as fixed, which leads to more compassionate judicial assessment. In addition, our results indicate that the mechanism underlying the relationship between a belief in malleability and judicial assessment is emotional. If emotions influence the judgment of judges and jurors alike, an understanding of the psychological processes that influence these emotions will enable more restorative and therapeutic judicial decisions. Policy analysts and researchers have long agreed that there is no credible evidence that severe punishment policies have significant deterrent effects; the severity of the outcome offers little in terms of crime prevention through deterrence. The results of this study can lead to adjudication, which is consistent with

the current approach in the literature and will be less severe and more compromising and restorative.

### **Panel 3: Restorative justice**

#### ***Making the offer: The construction and selection of the ideal restorative justice victim***

**Rebecca Banwell-Moore, University of Sheffield**

Since 2005 Witness Care Units have provided the single point of contact for victims and witnesses in England and Wales to ensure that victims' needs are identified and that victims are kept informed about the progress of cases and any decisions made (Mawby, 2007). In addition, Victim Witness Care officers are charged with adhering to the Victims Code of Practice (2015) in which, by statute, they must 'ensure that they provide victims with full and impartial information on restorative justice and how they can partake' (Ministry of Justice, 2015). This paper argues that preliminary findings from qualitative interviews undertaken by the author with Victim Witness Care Officers (n=42) across two police force areas in England and Wales suggest that Victim Witness Care Officers are not, in the main, providing victims with information about restorative justice in accordance with the Code of Practice (2015). Analysis of the qualitative interviews conducted suggests that Victim Witness Care Officers construct the 'ideal victim' to whom information on restorative justice can be given. This paper will propose that the ideal restorative justice victim (in the eyes of Victim Witness Care Officers) is one who presents themselves as altruistic, has questions they wish to ask the offender and has been the victim of, what appears to be, the ideal restorative justice offence – burglary.

#### ***Restorative justice: Transforming the way we do justice***

**Lucy Jaffé, Director, Why me? Victims for Restorative Justice**

How can restorative justice (RJ) contribute to a justice system which addresses the needs of victims and addresses offending behaviour? What insights can the restorative justice process offer into how we do justice and what we want the justice system to achieve? RJ is a process which allows all those affected by a crime to address the impact by asking three central questions: What happened? Who has been affected and how? What should happen next?

Victim satisfaction ratings are over 85% and recidivism rates are low, dropping by 14% on average. RJ can be deployed in parallel to punishment or as part of the sentencing plan. Participation is voluntary on both sides. Under the Victims' Code of Practice, victims of have a right to be told about RJ.

Lucy will use case studies and research to discuss: how victims' experience of crime should inform the criminal justice debate and a future and transformative justice system; how RJ enables victims and offenders to benefit each other's recovery and rehabilitation, their families, communities and society at large; how retributive approaches promoted by individual victims and their supporters can contribute to a shutting down of debate and bad law; and the potential benefits and risks of allowing victim views to be taken into greater consideration by the justice system.

#### ***Towards a "humanism of justice" through restorative justice: Improving criminal justice systems is not a utopia***

**Professor Grazia Mannozi, University of Insubria, Como**

This paper proposes an analysis of the role of restorative justice in conflicts' handling and in ameliorating the criminal justice system. It moves from a "dialogue" between law and history to show not only how much we may learn from the past but how important is the lesson of Italian and European humanism in the field of criminal justice.

By analysing the key-components of the Humanism and by recalling three art masterpieces of the XV century, it focuses on three issues:

- (a) *the pivotal role of a multi-disciplinary approach*: criminal law, ethics, restorative justice, human rights, "law and language" may promote, if they work together, a better understanding of the core values of the criminal justice system;
- (b) *the centrality of human being*: restorative justice promotes a deep attention to the individual rights of both the offender and the victim. Putting the human being first is the task of restorative justice.
- (c) *the pivotal role of dialogue*: restorative justice promotes dialogue, active listening, empathy, trust, and recognising of the other person.

A restorative approach in conflict handling based on dialogue may promote fairness and trust and help the criminal justice system to pay the due attention to victims' needs and become more human, fair and less punitive for the offenders.

The presentation will also provide comment on the recent reform of the Italian criminal justice system adopted to reduce the prison population and increase the use restorative justice in dealing with very serious crimes.

#### **Panel 4: Access to justice**

##### ***Procedural justice theory in relation to bereaved family participation in the inquest system following a death in custody***

**Dr Jo Easton, University of Essex**

This paper considers the importance of procedural justice theory, as it describes affecting perceptions about the legitimacy of a process, in relation to the participation of bereaved families in inquests following deaths in custody in England and Wales. The inquest system is usually the method by which Article 2 obligations requiring an investigation are devolved following a death in custody. The opportunity for the family to participate is one of the requirements for a compliant investigation. Ensuring participation is important so the legitimate interests of the family can be protected, but this interpretation does not necessarily take into consideration the wider impacts on the legitimacy of the system. Procedural justice theory identifies the positive impact that experiencing fair participation in a process can have on perceptions of legitimacy, as well as confidence in the outcome. The research gathered the views of people with personal experience of inquests into deaths in custody including legal representatives, coroners, police officers and bereaved family members. The evidence shows that the opportunity for families to effectively and fairly participate in the inquest process increases perceptions about the legitimacy of the investigation. In addition, experiencing a fair and transparent process in which they are treated with respect leads to increased confidence in the legitimacy of the outcome. There are potentially wider impacts of increasing public confidence in the legitimacy of the system which scrutinises State actions to ensure that there was no negligence or culpability in relation to a death in custody.

### ***Self-representing defendants in magistrates courts: A growing problem?***

**Dr Kate Leader, York Law School**

This paper raises questions about defendant participation in the trial process by considering self-represented defendants in magistrates' courts. Since the passage of LASPO, there has been significant attention paid to the growth of the litigant in person in family proceedings. However, there has been little attention paid to LiPs in other contexts and even less attention paid to self-represented defendants. This is surprising when, as Penelope Gibbs points out, self-represented defendants are clearly on the rise. The absence of data, however, makes it difficult to do more than guess work as to how many people are without lawyers: this is clearly problematic when legal representation has a critical effect on effective trial participation.

In this paper I will explore the question of effective participation and self-representation, focusing on defendants in magistrates courts. The relative lack of interest in defendants in lower court proceedings is perhaps indicative of a complacency surrounding the "less important" players. But the vast majority of criminal cases start and finish in the magistrates' courts, and in recent years defendant experiences have been transformed due to factors such as the incentivisation of guilty pleas, pleas at first hearings, and the growth of trials in absentia. The key questions raised by this paper are therefore: what effect are these changes having on defendant access to legal representation? Is it possible for a self-representing defendant to effectively participate in their own trial? And what does this growing phenomenon of self-represented defendants signify when it comes to access to justice?

### ***Access to justice in the United States: Are we failing to provide?***

**Rachel Purcell, J.D., M.L.I.S. Information Management Librarian and Professor of Legal Research, University of Florida Levin College of Law**

The blindfolded Lady Justice proudly displaying her sword and scales has long personified the ideal of impartiality and integrity in a judicial system. This symbol of equality in the administration of law without prejudice, corruption, or favoritism is especially sacrosanct in the American psyche. Yet, the U.S. judicial system routinely fails to protect and defend our most vulnerable peoples, namely those in the lower socio-economic class and in the prison population. A principal barrier to receiving equal justice is an unequal access to the legal system. The nature of "access to justice" (ATJ) and its initiatives to proliferate this concept into practice have changed rapidly in contemporary times. This article seeks to explore the understanding of ATJ as it exists in the U.S. and examine modern issues in the legal field affecting ATJ. In Part I, this paper attempts to define the ambiguous term "access to justice." Part II will consider what arms of the judicial system are responsible for access to the system: the courts, pro bono attorneys, law schools, government programs, and the newly established DOJ Office for Access to Justice. Part III will address the issue of "access to sue," prisoners' rights to sue within the Prison Litigation Reform Act (PLRA). The final Part IV tackles the notion of "access to the law" in the form of adequate counsel for the indigent and legal resources in private prison libraries.

## **Panel 5: Engagement in prison regimes**

### ***Prisoners' motivation to engage in healthy behaviours: An evaluation of the cell workout workshops***

**Hannah Baumer, PhD Researcher in the School of Law at Royal Holloway, University of London**

Prisoners repeatedly present with a range of extensive health and social problems with greater prevalence than the general population, and these issues often impede rehabilitation. Attempts at penal reform should include more innovative approaches to engage prisoners in healthy behaviours that promote well-being. According to self-determination Theory, two of the basic psychological needs (BPNs) required for self-motivation and well-being are relatedness and autonomy, elements which are often absent in penal settings. This paper presents an evaluation of the innovative Cell Workout workshops, a prison-based exercise programme delivered by an ex-prisoner, aimed at promoting prisoners' autonomous engagement in healthy behaviours through high intensity body-weight workouts, presentations and open discussions on health, well-being and exercise as relevant to prisoners.

A mixed methods evaluation of the workshops revealed significant positive improvements across measures of physical fitness, psychological well-being, and all three BPNs, as well as positive changes to health-related behaviours such as diet, exercise, smoking and engagement in education and employment within the prison. Positive outcomes were mediated by a supportive environment which endorsed choice and control, allowing for skill development and providing a sense of affinity that is rarely encountered in prison. Unfortunately, with a lack of support following completion of the workshops many of the positive outcomes had diminished at follow-up, highlighting the importance of long-term support for behavioural change.

Implications for policy makers are discussed in terms of ex-prisoner and prisoner employment in prisons, the importance of promoting autonomy, long-term support, and the use of exercise to support prisoners' well-being.

### ***"You do what you know until you learn better": Motivation to participate in a prison-based crime diversion programme***

**Annie Bunce, PhD student, University of Surrey**

The terms 'what works' and 'evidence-based policy' have been prominent features of research into offender rehabilitation since the late-1980s, yet controversy surrounds the ways in which prison-based rehabilitation programmes can motivate offenders to change. Despite a growing body of research into the importance of offenders' motivation for programme uptake and outcomes, few studies have explored prisoners' subjective accounts of their motivation to participate in programmes, and the role this plays in their rehabilitative journeys. Drawing upon self-determination theory (SDT) and qualitative interviews with prisoners engaged in a youth crime diversion scheme, this research considered prisoners' initial decisions to participate, continued engagement, and post-release aspirations.'

Findings reveal that prisoners are motivated by a combination of intrinsic and extrinsic factors: giving back; reforming themselves; personal development; using time constructively, and making their sentence bearable. Over time, aspects of the social context, such as relationships with programme staff, team dynamic and being in a



position of trust and responsibility, reinforced positive self-identities and fostered feelings of competency, relatedness, and autonomy. Being supported in this way, bolstered by extrinsic perks, maintained motivation to participate, and instilled optimism for post-release life.

It is concluded that applying SDT to rehabilitation programmes by focusing on prisoner needs for competency, relatedness and autonomy may help motivate prisoners to participate, to maintain that motivation over time, and potentially support any early-stage intentions to desist.

***No longer impossible: Reducing overcrowding in South African prisons***

**Ariane Nevin, National Prisons Specialist, Sonke Gender Justice, Cape Town, South Africa**

**Emily Nagisa Keehn, Associate Director, Academic Programme at Harvard Law School's Human Rights Program, Cambridge, MA, USA**

Overcrowding is an acute problem in many South African prisons. The pre-trial section at Pollsmoor prison is particularly notorious for its inhumane conditions and extreme overcrowding—for the past two decades it has operated at an average of 250% of its approved occupancy rate, periodically spiking to over 300%. Efforts to reform this facility have repeatedly failed, as reformers within and external to the prisons administration contended with an often punitive “common sense” underlying the South African penal system which results in the warehousing of individuals for increasing durations in pre-trial and sentenced facilities. However, recent successes with strategic litigation demonstrate the willingness of the judiciary to cut through the government’s inertia and trigger system-wide penal reform. This paper focuses in particular on the 2015 case, *Sonke Gender Justice v. the Government of South Africa*. In *Sonke*, after years of lobbying to reduce overcrowding in the face of government inertia, activist organisations mounted a constitutional challenge to the overcrowded conditions at Pollsmoor, and secured a court order mandating a reduction in occupancy to 150% over a six month period. This paper examines this case, the advocacy preceding and subsequent to the litigation, and the factors that influenced the government to actually comply with the court order. It then reflects on the prospects for broader reform to address the underlying reasons for overcrowding in the prison system.

**Panel 6: Crime prevention**

***Signs of rural crime and the aspects which set it apart from urban crime***

**Roger Hovell, Doctoral Student (DCrimJ) University of Portsmouth**

Attention will be given to the under researched area of rural crime. The main reasons for the lack of research are political, logistical and the myth of the rural idyll. The research to date has tended to be an extension of urban crime theories. While there are parallels with urban crime much of the crime in the countryside, has its own characteristics. These are generally farm specific and range from the theft of machinery and fertilisers to poaching and hare coursing. Such crime has been attributed to organised crime gangs and the travelling community. Recent media attention has also highlighted food crime. Balancing farm security against a working environment is not easy. Situational Crime Prevention through CCTV, alarms and automatic lighting can provide a degree of security. Protection can be enhanced with the use of warning signs – semiotic synergy. Farmers are usually portrayed as the victims of crime but they may also be the perpetrators through pollution, damage to heritage sites and the over use of antibiotics.



Antibiotic resistant bacteria may pose a greater threat than global warming. Lapses in Health and Safety are further issues. Farming is a high risk occupation with above average incidents of fatalities and serious accidents. Agro-terrorism is a further potential concern on a national scale. The closure of rural police stations adds to the challenges of combating rural crime. Challenges which underline the merit of increased academic study.

***Crime prevention as distributive justice: A luck egalitarian perspective***

**Makoto Usami, Professor of Philosophy and Public Policy; Chair of Department of Global Ecology, Kyoto University**

In the last three decades, a growing number of authors on distributive justice have supported and developed several versions of luck egalitarianism, according to which the disadvantage of a person caused by her uncontrollable circumstances should be remedied by the society, while the disadvantage created by her voluntary choice should not be. Although it has been widely supposed in the literature that principles of distributive justice cannot be applied to the realm of criminal justice, this paper seeks to show that luck egalitarianism has significant implication for a group of institutional arrangements surrounding crime: crime prevention. Sociologists and criminologists have long demonstrated that the past and present socio-economic conditions of a person have an impact on the probability of his committing a crime. In addition, the recent development of behavioural genetics has revealed that genes have substantial influence on the likelihood of carrying out a particular type of crime. These scientific observations indicate that a crime is the result of the offender's choice and external and internal circumstances. On the other hand, the function of crime prevention is not merely to protect a community but also to guard a potential criminal from punishment, stigmatization, and remorse. Based on these points, the paper argues that it is morally justified in the luck egalitarian perspective to spend a portion of public resource for the system of medical/social check-up and professional consultation intended to help high risk groups to refrain from committing crimes.

***The comprehensive control of guns: A systematic study on prevention of violent crimes involving guns in mainland China***

**Xiaohai Wang, PhD and Ying Liu, PhD' College of Criminal Investigation, Southwest University of Political Science and Law, Chongqing, China**

The prevention of violent crimes involving guns has become a challenge in the western society. China has accumulated rich experience in prevention of gun violence crimes. On removing the chances of acquiring the machine guns, the Chinese government effectively control the violence crime involving guns by adopting the situational crime prevention strategy. The Chinese government takes full management of guns, strictly controls the whole process, and keeps guns in a controllable and orderly state by issuing permits. There is a serial of working procedures for every aspect of gun control, from production to sales, from storage to maintenance, from allocation to scrapping. The Chinese police conducted a rigorous management system to regulate persons who have access to a gun, from application to permission, from training to use, from receiving a gun to handing over. In spite of significant differences of historical and cultural traditions of gun holding, political and police system between the west and China, China's experience of gun control can be an important reference for prevention and control of gun violence crimes in the western society.

## **Panel 7: Resettlement culture**

### ***Building a resettlement culture within a local prison: A case study of partnership working between practitioners, researchers and educators***

**Ester Ragonese, Liverpool John Moores University**

**Dr Helen O’Keeffe, Associate Dean, Faculty of Education, Edge Hill University**

**Kev Kenealy, Children and Family Interventions Coordinator, G4S, HPM Altcourse**

**Paul Handley, Community Engagement Manager, G4S, HMP Altcourse**

In 2013 the Transforming Rehabilitation agenda in England and Wales, set to transform the focus and direction for the prison estate by introducing resettlement focused prisons and placing the notion of resettlement firmly back on the criminal justice agenda and at the heart of offender services. Subsequently, the interest around issues of offender rehabilitation, resettlement and community re-entry has received almost unprecedented attention in the United Kingdom in recent years. However, the development of resettlement practice has been largely theoretically absent with current policy implemented on the government based rationale of ‘reducing reoffending and protecting the public’, resettlement itself remains counter-intuitive to the rehabilitative ideal it was predicated on.

This paper will present a case study of partnership work since 2014 focusing on the development of a resettlement culture within a local prison in the North West of England where the linking of academic knowledge, policy, research, best practice and project development has occurred between practitioners (prison officers), researchers, prisoners and educators. Particular attention in the paper will be given to the planned development of family based interventions within the prison environment informed by the recent Farmer Review.

## **Panel 8: Probationary: The Game of Life on Licence**

Probationary: The Game of Life on Licence explores the lived experience of being on probation. It was produced through collaborative workshops involving a socially engaged artist, Hwa Young Yung, and men on licence. The workshops were an exploration of how artworks produced through collaborative methodologies can contribute alternative forms of knowledge to this discourse. This session allows you to come and play Probationary which takes its players on a journey through the eyes of four characters as they negotiate the complexities of the probation process. Board games, from Monopoly to the Game of Life, contain within them the structures and values of the society in which they are produced, presenting back to us the world in which we live. Taking this as a starting point, Probationary reflects real experiences of being subject to the criminal justice system and presents us with an opportunity to collectively play, understand and discuss such systems within our contemporary society. This project is supported by the Howard League for Penal Reform.

Members of the research team from Liverpool John Moores University and Foundation for Art and Creative Technology, Liverpool, will lead the session.

## Day 2: Parallel Session 4

### **Panel 1: Probation and supervision**

#### ***Post-release supervision of long sentence male prisoners: Perspectives on rehabilitation, resettlement and community supports***

**Jane Mulcahy, Irish Research Council employment-based PhD candidate in Law at University College Cork, co-funded by the Probation Service, Employment partner is the Cork Alliance Centre, a desistance project in Cork city**

Drawing on desistance and reentry theory, as well as the evidence on the detrimental impact of Adverse Childhood Experiences (ACEs) over the life course, I will present a range of perspectives on the “desistance-enhancing” (Maruna and Toch, 2005) potential of imprisonment in Ireland in terms of facilitating personal development and positive change through strengths-based sentence planning and interagency co-operation, and on the challenges of ensuring safe transitions from custody to the community whereby basic human needs are met. The paper will discuss existing resources and initiatives in the community which aim to support prisoners in adjusting to life post-release, and the gaps in core services - especially secure housing on release - that fundamentally undermine the success prospects of people after lengthy prison sentences.

#### ***Exploring the potential of victim-oriented electronic monitoring***

**Dr Craig Paterson, Department of Law and Criminology, Sheffield Hallam University**

Attempts to construct a commercial market in electronic offender monitoring in England and Wales have largely failed to deliver on their promises of diversion from custody, associated cost-savings or reductions in recidivism. The reasons for this are manifold and include; unrealistic expectations, the failure of the electronic monitoring market, the top-down development of misguided policies, and the myopic offender-focus of criminal justice agencies. Despite this, there remains a strong argument that there is a significant role for electronic monitoring in the future landscape of criminal justice. Most importantly, what is required is a shift in gaze beyond offender monitoring to a lens that situates victims at the heart of policy design, development and delivery. This paper uses comparative case studies to illustrate this argument and highlights ways in which electronic monitoring could potentially be re-designed and re-configured to deliver more just outcomes.

#### ***Co-creating gendered desistance through personalised engagement and client relationship networks***

**Natalie Watson, Manchester Metropolitan University**

This paper discusses the importance of client relationship networks and their ability to influence criminal involvement and desistance for individuals, whilst considering the role and influence of gender. By exploring the possibilities of personalised models of working, drawn from the social care sector, this paper and ongoing research will develop theoretical and practical ideas surrounding both personalisation and desistance within a probation setting. This paper also outlines the concept of personalisation within criminal justice through a focus on the co-creation of support through the relationships networks of criminal justice clients.

The focus on client relationships is a fundamental element of desistance, personalisation and effective research practice. This paper is theoretically driven, providing a discussion of the underlying literature and theoretical concepts that have shaped the research direction and methodological approach. The context of this paper considers a unique array of concepts and issues identified within the literature surrounding gender, desistance, client relationships and personalisation. It also critiques the ongoing marketisation of criminal justice under the 'Transforming Rehabilitation' agenda.

## **Panel 2: Reconciliation**

### ***Building a framework for reconciliation***

**Kevin Hood, Associate Professor/Department Chair, Department of Public Safety and Justice Studies; Faculty of Health and Community Studies MacEwan University**

In 2008, the Prime Minister of Canada delivered a statement of apology to former students of Indian Residential Schools (IRS) on behalf of Canadians. IRS policies were established in the 1870's, with the last residential school closing in Saskatchewan in 1996. IRS policies served two objectives: to isolate Indigenous children from the influence of their traditions and cultures, and to assimilate them into the dominant Canadian culture. To advance a process of reconciliation, in 2007 the Canadian government implemented the Indian Residential Schools Settlement Agreement, one of the largest class action settlements in Canadian history. This agreement established the Truth and Reconciliation Commission of Canada (TRC). After listening to over 6500 witness testimonies from across the country, the TRC released their final report in June 2015 that included 94 "Calls to Action".

Call to Action #46 stipulates that Canada develop a Covenant of Reconciliation that would identify principles to advance reconciliation in Canadian society. The TRC indicates that principles of reconciliation are not empty words but are about action...they give shape and expression to the material, political and legal elements of reconciliation. (TRC, p.217) Considering the impact of the harms created by Indian Residential Schools while building a deeper understanding of the impact on the relationships between Indigenous and non-Indigenous peoples, this paper examines sustainable approaches to truth and reconciliation; identifies potential obstacles and barriers; and based on a cross jurisdictional scan of international reconciliation efforts focused on historical harms, considers what a Covenant of Reconciliation in Canada might include.

### ***Development bias of special autonomy in West Papua: Studied from bargaining principles of conflict negotiation and prisoner's dilemma of the game theory***

**Wa Ode Siti Latifatul Malik, Universitas Gadjah Mada, Indonesia**

**Siti Khotimah, Universitas Gadjah Mada, Indonesia**

This paper aims to determine the development bias of Special Autonomy in West Papua based on its students' perception living in Yogyakarta in the context of bargaining principles of conflict negotiation and prisoner's dilemma of game theory. As one of the provinces in Indonesia, the issues of development discrimination has been inherently applied to West Papua. Special Autonomy given by the Indonesian Government has not provided an effective solution regarding to the problems encountered. This study attempts to analyse the forms of deviation/variation within special autonomy of West Papua. This research uses qualitative method with data collection technique using

interviews, focus group discussion and desk studies. The theoretical basis for conflict negotiation is provided by bargaining principles and will be used to realistically and factually analyse the West Papua experience in the context of development issues before Special Autonomy is implemented. In order to explain the form of development biases that occur, the paper uses prisoners' dilemma as one of strategies in the game of power. From the pre-observation, it was found that Special Autonomy is the most possible solution to integrate the demands of West Papua and Indonesian Government. However, Special Autonomy is less effective due to development bias in the context of defections committed by one party against another in development process.

***The role of amnesty laws in processes of reconciliation: Between moving forward and the erasure of the past***

**Carla Prado, Centre of Social Studies, University of Coimbra, Portugal**

During the last decade, much has been written and debated about processes of reconciliation, since the 20th century was particularly fruitful in terms of democratic transitions (as was the case in Europe and Latin America) and civil wars (as was the case of many nations across the African continent). Therefore, the task of reconstructing divided societies gained momentum, especially if translated into a framework of memory policies and mechanisms destined to address the violence suffered by the victims (Biggar, 2003; Barahona de Brito, 2004).

Among these policies, there has been one in particular – amnesty laws – which seems to divide both the practitioners and academics. Defended by some as a “necessary evil” in order to allow societies to move forward and to prevent further division between victims and perpetrators (Freeman, 2009) and criticised by some others as a way of silencing the past and promoting impunity (Minow, 2004), amnesty policies are undoubtedly both widespread (usually put forward by post-conflict state apparatuses) and objects of harsh critique.

In this paper we will discuss the theoretical and practical relevance of amnesties in the field of memory and transitional studies by analysing its social impact on post-conflict societies and set the foundations for the debate on their relevance to the field of peace studies and how they interact. Our aim is to contribute to the theoretic application of memory studies to the broader field of peace and conflict studies.

**Panel 3: Rethinking justice**

***Defendants on video – conveyor belt justice or a revolution in access?***

**Penelope Gibbs, Research Associate, Centre for Criminology, University of Oxford**

The government of England and Wales has embarked on an ambitious and costly programme to digitise our court system. This involves online and virtual processes and was heralded by a report jointly published in October 2016 by the judiciary and the government – Transforming Our Justice System. Part of the plan is to extend the use of video in courts, for all parties. The ultimate vision is to keep Crown Court trials in traditional courtrooms, but for most other hearings to be conducted virtually, with all or some parties on discrete video screens or on the telephone. Concerns have been expressed about the effect on defendants of using video, both on their behaviour and the outcome of cases. Despite the increased use of video for defendants from prison into court from 2000, and from police station to court from 2010, there is very little

research on video hearings for defendants. In 2017 following the tabling of radical court reform proposals in the Prisons and Courts Bill, Penelope Gibbs conducted research particularly focussed on vulnerable defendants. Through an internet survey, telephone interviews, a roundtable discussion and desk research she analysed evidence on how video hearings work in practice. She found that video potentially creates many barriers to effective participation – namely to the ability of defendant and lawyer to communicate well and confidentially, to the ability of the defendant to understand proceedings in the court and to their ability to judge the appropriateness of their behaviour. The findings were published "Defendants on video - conveyor belt justice or a revolution in access?" (<http://www.transformjustice.org.uk/wp-content/uploads/2017/10/Disconnected-Thumbnail-2.pdf>)

***DIY policing, democratisation and the digital disruption of law enforcement***  
**Katerina Hadjimatheou, Research Fellow, Interdisciplinary Ethics Research Group**  
**Department of Politics and International Studies, University of Warwick**

Citizen involvement in the provision of security is often presented as a win-win way to relieve pressure on police resources while building stronger, more responsible and democratically engaged communities. Acting on this view, law enforcement agencies across Europe have been adopting a 'strategy of responsabilisation' designed to encourage, enable, and support citizens to take on tasks otherwise left for police. Yet this strategy conspicuously ignores the growing number of citizen-led security initiatives- or 'DIY policing groups'- that are springing up spontaneously and which operate independently, without the encouragement, guidance or even the knowledge of the police. This paper analyses the implications for policing of this trend. It focuses on the activities of self-styled paedophile catchers as a case study, and draws on the literature on plural policing to make comparisons between such initiatives and other, well-theorised informal security providers, such as vigilante groups and neighbourhood patrols. It argues that, like such groups, DIY initiatives challenge democratic principles of transparency, accountability and fairness. Yet, unlike such groups, they often rely for their success on the presence of strong and legitimate institutions of justice, to which they ultimately defer. These characteristics present a discreet set of opportunities and challenges for contemporary policing, which this paper argues can only be addressed by strategic police engagement with DIY policing groups.

***Plea bargaining in India: Need for re-look***

**Ajay Kumar, Professor at JIMS School of Law, GGS IP University, New Delhi**

**Aditya Kumar Singh, student of BBA LLB- IIInd year at JIMS School of Law, GGS IP University**

*"The greatest drawback of the administration of justice in India today is because of delay of cases... The law may or may not be an ass, but in India, it is certainly a snail and our cases proceed at a pace which would be regarded as unduly slow in the community of snails. Justice has to be blind but I see no reason why it should be lame. Here it just hobbles along, barely able to work."*

NANI PALKHIWALA

Plea Bargaining is a fairly new concept under Indian Law, introduced after the Amendment Act of 2005 in Code of Criminal Procedure. The inherent assumption behind upholding plea bargaining as a constitutional mechanism is that it is a voluntary practice. Mechanisms are in place to ensure that the deal offered to the accused is

accepted with free consent. For a valid plea bargain, evidence of awareness of the consequences of pleading guilty and the benefits offered by the prosecutor must be present, in addition to absence of inducement, harassment or misrepresentation. However, the reality suggests otherwise.

NCRB data for 2015 shows that only 0.5% of people charged with crimes under IPC opted for plea bargaining in India which raises the question of the effectiveness of plea bargaining as an effective tool for a speedy criminal justice.

This paper presents a conceptual critique of the process to demonstrate that all cases which involve coercion and establish further that no case can fall under the free will category. The paper also considers the factors affecting the success of plea bargaining in India and makes suggestions for reform.

***Becoming architects of justice: Moving beyond traditional paradigms and models of justice***

**Dr David Patton, Senior Lecturer in Criminology, University of Derby**

The call to redesign justice cannot be ignored. McNeil (2015: 52) has encouraged us to think like 'architects of justice'. Further, Sherman (2003) called upon criminology to build a new paradigm to reinvent justice to impact a justice system and how it interacts with all those who come in to contact with it. There have also been a number of recent works that have highlighted a clear need to be responsible with positive or negative forms of penal power (Garland, 2013: 500–501) and appeals for a new emphasis placed on measuring criminal sanctions by the 'goods promoted' as opposed to 'evils (or harms)' reduced. This paper does not seek to criticise what is, but rather, to be bold and begin to articulate what could be by considering a range of new approaches to responding to crime and punishment. This paper will argue that a new paradigm is needed, one which utilises theories and models of criminal justice that draw upon Positive Criminology (Ronel and Segev, 2014), emotionally intelligent forms of justice (Sherman, 2003), new metrics of penal power (McNeill, 2015, Garland, 2013) and Spiritual Criminology (Ronel and Yair, 2017), in order to put an end to the patterns of separation, exclusion, excessive punishment, harms, shaming and humiliation and thus end the misguided approach used at present to deal with offending and punishment.

**Panel 4: Veterans and the criminal justice system**

***Exploring opportunities for desistance from crime for ex-military personnel in custody***

**Dr Christine Haddow, Lecturer in Criminology, Edinburgh Napier University**

In the most recent prisoner survey carried out in Scotland, 9% of respondents self-identified as ex-military (SPS, 2016). The limited research in the area suggests that exposure to violence and trauma (before and in-service), problematic transitions from military life, alcohol misuse, mental health, and military identities are contributory factors to offending for this group. Yet substantial gaps remain in understanding both their pathways to offending and available mechanisms of support. Less still is known about the processes of desistance from crime for ex-military personnel. This approach, which places the offender at the centre of their process of change and emphasises the importance of social and personal 'assets', has gained prominence in criminal justice in Scotland. However, desistance will vary among populations - a central tenet of the theory is there is no 'one size fits all' approach – and veterans arguably have a distinct



set of assets and challenges. This paper discusses a pilot study of ex-military personnel in custody. It will draw on findings from semi-structured interviews which explored their experiences since leaving the military, their pathways into prison and their subjective understandings of desistance from crime and how this process can be facilitated. It will be argued that these transitional processes have strong impacts on the complex identities of military veterans. The paper will also illustrate participants' experiences of and attitudes to current provisions for veterans in custody and make a case for further research in this area.

***10-years on? Empowering the creative agency of military veterans in prison through socially engaged art***

**Dr Emma Murray, Liverpool John Moores University**

It is widely acknowledged that military veterans are disproportionately represented in the criminal justice system in England and Wales. While the actual figures are contested and still unknown, the suggestions by NAPO (2008) 10-years ago that numbers might be as high as 20,000, prompted a growing interest in veterans who are convicted of a crime, in academia (Treadwell 2010, Murray 2014), in policy debates (Howard League 2011; Lynn and Packham 2014; Phillips 2014; Ford et al 2016), and indeed by the media. This paper reflects upon the discourses which have emerged since and suggests that the experiences of the convicted veteran require new forms of thinking and analysis, particularly within criminological discourse. Suggesting collaborative art projects as a means to an alternative discourse, the highly visual and sensual nature of both war and a prison sentence can be further realised. Drawing on the recent production of 'The Separate System', systems of thought and practices which underpin how the veteran who commits a crime might be represented will be explored, before suggesting a methodology which places participants at the centre of the creative process. Central to this case-study and approach is to acknowledge liminal spaces that production occupies - as the theoretical, the artistic, and research discourses shape and witness the materiality and meaning that is co-produced for eventual aesthetic dissemination.

***A review of the literature: The complexity of studying the military veteran offender and the families who are affected by them***

**Jacqueline Rappoport, PhD Researcher, Edinburgh Napier University**

This paper presents the literature that examines the lives of UK military veteran offenders and their families. Research into veteran offenders takes into consideration the complexities of the lives of military personnel from a longitudinal perspective: e.g. looking into the military as an institution, self-identification within a prison setting, veteran support services, family dynamics and the perception of and access to welfare services. From a sociological lens the analysis considers the nature of familial support needs in a rarely researched context. Further, the impact of social class (often related to service), is shown to be significant in relation to understanding the relationship between military service and crime. The literature will collate findings from international studies in order to highlight the implications for the UK nations.

Whilst veteran offenders have been the subject of some research, as are other military veterans with readily identifiable problematic civilian outcomes (e.g. homelessness, substance misuse etc) research to understand the experiences of their families in this limited context is noteworthy by its absence. Families and the military are both regarded as 'greedy institutions' that make excessive and often competing demands on those

within them (see Segal, M. W. 1986). Given the problematic civilian outcome, aspects of military family support are often thrown into consideration as an afterthought, potentially leaving the veteran adrift. There are lessons for Defence and support organisations in all of this. In particular, the paper will contemplate implications for current desistance initiatives in Scotland.

## **Panel 5: Redesigning justice decisions**

### ***Expert decision-making, democracy and criminal justice***

**Dr Christopher Bennett, Department of Philosophy, University of Sheffield**

This paper will look at the role of experts in criminal justice, and the extent to which expert decision-making presents a threat to democratic legitimacy. Having briefly surveyed the range of expert decision-making in criminal justice, I focus on the discussions triggered by the suggestion of releasing convicted rapist John Worboys on parole. This was a decision made by members of the Parole Board, and where it was insisted that a full account of the reasons could not be made public. While this is standard practice, it caused some outrage when taken up by the media. Media coverage of this case focused on the interest of victims in knowing when their offender would be released. However, while noting the variety of stakeholders implicated in these questions, my main interest is in the right of democratic citizens more generally to have some control over these decisions. There might be various different forms of public input into decision-making: knowledge; active oversight; through to actual control and direct participation. Another related question is whether oversight by elected representative is sufficient, or whether a more valuable form of democracy requires more direct forms of public participation in such decision-making. One question at issue in parole cases is offender's legitimate rights to privacy. But I will also be interested in drawing more general lessons about the tensions between experts and democracy. My overall aim is to connect debates about experts in criminal justice with ongoing debates in political philosophy about the need for and appropriate role – and appropriate limits – of expert decision-making in a democracy.

### ***Delivering justice in an age of algorithms***

**Dr Mojca M Plesničar, Institute of Criminology at the Faculty of Law Ljubljana**

Giving just the right amount of punishment has been an ever-present quandary in justice systems across the world. In finding the way between the Scylla of disparity and the Charybdis of depersonalisation, different methods have been developed. We have witnessed minimum sentences and sentencing grids on the one hand, and broad statutorily set discretionary sentencing on the other hand. None of the methods have performed exceptionally well.

In our new age of algorithms, however, systems have begun flirting with new approaches to decision-making, guided by big data and machine learning. This new model is based on algorithms, built upon large amounts of previously decided cases. These algorithms are able to predict the best possible answer to a given question. In the criminal justice setting, these questions are typical: Should this defendant be released on bail? Should this prisoner be released on parole? What sentence should this defendant receive?

Algorithmic justice brings promises of a fairer system: informed decisions devoid of bias and subjectivity. Such decisions could be more accurate and based on a sound analysis

of predictive factors. Seen as more objective, they could restore the public's long-lost trust in criminal justice. Moreover, they may present an opportunity to purposefully re-shape the penal system in order to reflect progressive values. However, there are dangers in the sea of algorithms as well: depersonalisation, latent bias, lack of transparency, to name just a few.

Is the journey worth it nonetheless or should we say no to algorithms in the courtroom entirely?

***Sentencing offenders: Is it impossible to employ restoration as alternative to proportionality?***

**Professor Stephan Terblanche, Department of Criminal and Procedural Law, University of South Africa**

Cesare Beccaria urged, 250 odd years ago, that “there must be proportion between crimes and punishments”. Words to the same effect are regularly used today: the punishment should fit the crime; the sentence should reflect the seriousness of the crime; the sentence should be in proportion to the gravity of the offence. Few people have a fundamental problem with these basic statements. They are popular for their notions of fairness and justice and, once there is a basic understanding of what is fair within one situation, it is not too difficult to find proportionality for different crimes and different offenders.

However, restorative justice, with its emphasis on restoring the harm done by the offender, does not fit within this model. Restorative justice is not interested in the severity of the punishment – on whether the sentence fits the seriousness of the crime. Restorative justice has not been able to gain prominence in mainstream criminal justice. It is submitted that fairness is one of the principal reasons for this situation; in other words, that it might be unfair if one offender is punished in proportion to the seriousness of the crime, and another just has to restore the harm; or, to put it in practical terms, that one offender goes to prison, while another attends a few mediation sessions with a forgiving victim. This paper investigates the arguments involved and proposes a solution out of this challenge.

***More than numbers: Our response to youth justice***  
**Malvika Unnithan, Northumbria University**

In our world today, we use numbers to quantify, delineate and inform our understanding of things around us. The youth justice system in England and Wales is no different, using statistical data, the economy and arbitrary age limits as key numbers to determine policy and measure its effectiveness. However, these numbers only paint some of the picture on various pressing issues in youth justice, raising concerns about the kind of justice the system provides for youth in our society. This paper considers each of these numerical factors outlined to evaluate whether the focus on these numbers restricts the ability of the system to provide adequate justice to young people. This is done by discussing the effect economic factors have had on the support provided, the use of statistics to reflect issues and the effectiveness of policy measures, and evaluating arbitrary age limits like the Minimum Age of Criminal Responsibility as a measure of a young person's understanding of their legal and moral responsibility. It argues that the Youth Justice System cannot remain hidden behind numbers and needs to change on a deeper level – on a level where youth are not treated or represented as numbers but

active participants in the system. Therefore, it is necessary to redesign justice in our current youth justice system by placing the voice of the youth at the forefront.

### **Panel 6: History and justice**

***Mere anarchy? or, what Yeats might have told us about colonialism, storytelling and the narrative arc of the British Justice system***

**Dr Victoria Anderson is currently Chair of Stretch Charity and a Visiting Researcher at Cardiff University**

*'Turning and turning in the widening gyre  
The falcon cannot hear the falconer.  
Things fall apart; the centre cannot hold  
Mere anarchy is loosed upon the world.'*

W.B Yeats, 'The Second Coming'

Prisons and colonies share many of the same histories. Chinua Achebe's classic 1958 novel 'Things Fall Apart' tells a harrowing tale of the devastating impact in West Africa of British colonialism and its penal imperatives. Basing his title on Yeats' 1919 poem 'The Second Coming', which derives its impact from the British attempts to dominate Ireland, the novel shows how the Word of Law traps, manipulates and erases those caught within its legislative and linguistic snares, and ultimately controls the narrative through the arc of (hi)story.

Given the findings of the Lammy Review, this paper draws on historical and theoretical sources - as well as practical experience and examples of Stretch storytelling projects in prisons - to ask to what extent can we draw parallels between the current prison crisis - which, many would agree, has devolved into 'mere anarchy' - and the legacies of colonialism? What impacts do such legacies enact upon BME (and other) prisoners today; and if the legal system only winds us further into 'the widening gyre', upon what differential *narrative* tools and strategies might we draw to find a way out of the crisis?

***Looking backward to see forward: A review of falling levels of crime in contrast to a record prison population***

**Roger Hovell, Doctoral Student (DCrimJ) University of Portsmouth**

Consideration will be given to the definition of crime and deviance and why individuals commit crimes. The paper will reflect on the philosophy of punishment from blood feuds to restorative justice and the history of prisons. Prisons have changed from places of custody pending torture or execution to a regenerative role. A trend apparent in the etymology of the words jail (from Latin cavea – a cave) and prison (from Latin prehendere – lay hold of) to penitentiary and reformatory. In Victorian times there was an emphasis on the image of prisons and the passage of time symbolised by the ubiquitous clock. Religion played its part with the Bible and contemplation while hard labour was used to instill a spirit of contrition. The physical employment of prisoners included the reconstruction of Dartmoor prison by artisan convicts and the deportation of convicts to the new worlds. While recent times have seen a better understanding of crime, it will be debated that this has been tempered by a lack of resources and penal populism. This position has been re-enforced by the media and the political parties who do not wish to be perceived as 'soft on crime'. It will be suggested that with the additional vested interests in crime held by the security and insurance industries and the criminal justice system, the outlook for a reduction in recidivism and overall prison numbers is bleak.

***This paper focuses on the neglected history of international human rights campaigning by members of the Howard League for Penal Reform during the 1920s, 30s and 40s***

**Dr Anne Logan, University of Kent**

In his history of penal reform campaigns in Britain, published in 1961, Gordon Rose relegated this topic to an appendix. Yet international campaigns were not only an essential counterpoint to the League's UK-focused activities but also a reaction to the difficult international political circumstances of the time. In the late 1920s and 1930s a small group of British women travelled every year to lobby the League of Nations in Geneva to lobby for the acceptance of a draft charter of minimum standards for prisoners. The women were all activists from the Howard League. Their work is not widely recognised today, yet they made a vital contribution to the international effort which led eventually to the adoption of the minimum standards charter for prisoners by the United Nations in 1955. Additionally, in the late 1930s and '40s Howard League members monitored and advised on the penal arrangements of the British Empire and urged the acceptance of minimum standards in places under British jurisdiction.

This paper looks at the origins of and background to these transnational campaigns. These include the burgeoning internationalist women's and humanitarian movements of the time, the fight for women's rights and the impact of the First World War. It also examines the campaigners' tactics, the ways in which their themes changed and developed in reaction to the international events of the 1930s and '40s and the transnational and colonial contexts in which they worked.

The examination of this history is particularly relevant in the context of the current period of international instability and is a reminder of the strong tradition of tackling human rights issues at international, as well as national levels.

**Panel 7: Youth justice policy and practice**

***The punitive continua of youth justice: An end to the age of innocence***

**Professor Stephen Case, Loughborough University**

**Dr Tim Bateman, University of Bedfordshire**

Offending is one part of a broader identity for children and often a transitory period of their life course. However, when a child offends and enters the youth justice system, they can lose their child status and its attendant rights, privileges and opportunities. The transition from 'child' to 'offender' status appears fast-tracked when offending behaviour is formally recognised through formal disposal. Socio-historically, this transition has been a point of unresolved conflict and ambivalence regarding how to understand 'youth offending', reflected by constant attempts to reconcile competing constructions of children (when they offend) as simultaneously angels-demons, innocent-dangerous, vulnerable-threatening, irresponsible-responsible and victims-predators. Equivalent confusion and ambiguity has surrounded the planning of youth justice response in terms of care-control, welfare-justice, reform-punishment and support-surveillance.

This presentation examines the child-offender transition, focusing on socio-historical manifestations of conflict and ambivalence in youth justice as thematic dichotomies and bifurcated approaches at different points of the system and arguing that children are treated with increasing punitivity as they become more immersed in the youth justice

system. We propose that the modern complexities of youth justice are better understood as multi-faceted, dynamic continua with broadly-stated, polarised extremes – with children situated and labelled at different points along these continua contingent on their behaviour, demographic characteristics, systemic activities, legislative context, media representations and public opinion. The emergence and operation of these exponentially-punitive continua are explained as driven by socio-historical reconstructions of youth offending/justice, the 1990s ‘punitive turn’ and the legacy of the ‘new youth justice’. Solutions are offered in systemic, conceptual and principled domains.

***Which children do we place in secure in England and what are their needs?***

**Heidi Hales, Consultant Adolescent Forensic Psychiatrist and Chair of the Adolescent Forensic Psychiatry Special Interest Group at the Royal College of Psychiatry**

**Professor Annie Bartlett, Professor of Offender Healthcare St George’s, University of London; Honorary Consultant in Forensic Psychiatry CNWL NHS FT; Clinical Director, Health in Justice and other Vulnerable Adults Clinical Network, NHSE (London)**

The secure care system for young people under 18 years of age is more complex than that for adults; it comprises 4 kinds of establishment and relies on three bodies of legislation, backed by a complex commissioning system. Both the Taylor and Lammy Reports identify problems with this system. We report results from the first ever census of young people in all types of secure care in England, conducted at a pivotal moment, on behalf of NHS England. This has established the mental health and demographic characteristics of the young people detained and their pathways of care using the Mental Health Act, the Children Act and the Criminal Justice System. We have identified a ‘high risk’ / ‘high complexity’ cohort of young people, across all legislations. On considering this cohort, we will discuss:

- the physical placement of all the secure establishments in England
- the characteristics of young people detained in the 4 different secure institutions in England
- whether this can inform how we develop and improve secure services for young people in England.

***Prison without trial: The case of Nigerian young offenders***

**Genevieve P Ohaeresaba, Director of C-JUSOS Consults**

This is a qualitative exploration of the experiences of a sample of youths in Nigerian Borstal Institutions. This research captures the youths’ experiences of criminal justice in Nigeria with a view to understand how they conceive justice as against the established models of criminal justice.

It utilized an interpretative qualitative framework of inquiry using semi-structured in-depth interviews with youths in the three Borstal institutions in Nigeria. In particular, a total of 52 interviews were conducted: 36 youths, 8 parents and 8 Borstal officials. The findings indicate that the youths were physically abused during arrest and pre-trial detention. They were also found to have been detained longer than required by law. The detained youths were found to have been exploited and starved during the pre-trial detention period.

Furthermore, the research found that youths were incarcerated in the borstals without trial while those that were tried in court reported that magistrates did not follow the correct legal procedures. They pleaded guilty through the prompts of the police and they had no legal representation in court.

Finally, their experiences of custody indicate that the youths on arrival at the borstal are sent to the observation centre where they are meant to stay for 3 months and 3 weeks. During that period, they are made to undergo some ritualistic treatment ranging from physical abuse, degrading treatment and starvation as punishment for violating the laws of their country.

This research will not only seek to provide a voice for an under-researched community but also, in terms of theoretical knowledge, enable lived-examples of how 'justice' is being conceived by the youths to be aligned against the framework of established criminal justice models.

***The impact of political and professional networks on the reform of youth justice in new democracies***

**Daniela Rodríguez Gutiérrez, University of Edinburgh**

The evolution and direction of criminal justice systems has been shaped, directed, or constrained by various interacting key elements. Theoretical approaches to the study of criminal justice and crime control reforms refer to globalisation (Newburn and Sparks, 2004), late modernity (Garland, 2001), political-economy (Lacey, 2008; Dignan and Cavadino, 2007), as well as local factors including culture (Melossi, 2004), and inequality (Wacquant, 2012).

This implies that the characteristics of criminal justice systems are dependent on their historical contexts; thus, they form part of broader processes of social transformation. The complexity of understanding penal reforms and the influence of each factor involved increases when we consider that the jurisdictional combination of institutions and policies tends to be unique and specific. Research in this field is limited; there is a lack of empirical explanatory work, and most of it has been focused on developed, democratic countries.

This paper focuses on the role of professional and political networks, and their influence in shaping both the politics of criminal justice and the sources of knowledge used in the development of youth justice reforms. More specifically, using empirical evidence from Chile, the presentation analyses the drastic reforms that took place in Latin-America in the democratic period that followed the dictatorships of the 1960s, 1970s and 1980s. The purpose is to address the impact of political and professional relationships in new democracies, where concepts like 'who you are' and 'who you know' have had an important bearing on the evolution of the criminal justice system.

**Panel 8: Victims of crime**

***Examining victim rights within China: Face-to-face interviews with Chinese criminal justice bureaucrats***

**Jing Cao, Tilburg University, Netherlands and Southwest University of Political Science and Law, China**

**Tao Li, Southwest University of Political Science and Law, China**



In 2014, an ICVS based victimization survey was guided by Dr. Jan van Dijk and administered in Beijing by the main author. Following this study, 16 semi-structured face-to-face interviews with representatives from different criminal justice agencies and researchers were conducted in 2016, who together provide a comprehensive understanding of the state of victim's rights in China. The interview questionnaire was based on the model which had previously been used to examine the position of the victim within the criminal justice systems of 22 European countries. The questionnaire also adopted main content from the 1985 UN Declaration of Victims' Rights and Recommendation 'Rec (2006)8' of the Council of Europe, as well as the 2012 EU Directive on victim of crime. By incorporating internationally acceptant victims' rights into the interview questionnaire, this allows for an assessment of victims' rights in China relative to international standards. Finally, the researchers took the thematic approach to examine to what extent is Chinese criminal justice system meeting the challenges that posed by the UN declaration and in line with the international standards. Data collected from the interviews were organised and further analysed according to four themes: information and participation, treatment and protection, reparation and restoration, and assistance and support. The ultimate purpose of this study is to make recommendations regarding improving the implementation of victims' rights in China on the basis of the obtained understanding of the current state in this domain.

### ***Communicative justice for victims of international crimes?***

**Patryk Gacka, University of Warsaw, Poland**

Traditionally, international criminal law had a dominant retributive focus. Accordingly, victims were treated as objects not subjects of law and used as justification for the imposition of punishment on perpetrators of international crimes by international or domestic courts and tribunals. Nowadays this narrow approach, however, is no longer justified. This is due to the development of the human rights (from the 1940s) and victims' rights (from the 1980s) movements which brought about a paradigmatic shift in our understanding of how to properly treat victims of (international) crimes.

This presentation aims at conceptualising 'justice for victims' understood as 'the ability of victims to satisfy their procedural needs to inform outcomes than can fulfill their interests' (Moffett 2015) on the basis of the communicative model of international criminal law and trial (ICL/ICT). More precisely, this theoretical framework will be built upon Antony Duff's conception of the criminal law as a communicative enterprise (Duff 2001). The paper will argue that the role of the ICT is not merely to determine the guilt of the accused and to impose the proportionate punishment, but also to create the ground for a dialogue between direct victims, perpetrators and international society. Furthermore, the communicative model of ICL underscores the importance of an effective public outreach (live transmissions of trials, public announcements of verdicts, media coverage). Finally, it will be argued that nowadays the retributive-consequentialist dichotomy of punishment justifications brings little clarification into the area of international criminal justice.

### ***What should justice look like? Perspectives of victim/survivors***

**Professor Marianne Hester, Chair in Gender, Violence and International Policy, School for Policy Studies, University of Bristol**

We agree that the time is right to consider the way we do justice and what we want the justice system to achieve. Along those lines, the paper looks at key findings from a current ESRC 'Justice Inequality and Gender Based violence' study (Universities of

Bristol, Cardiff and West of England, 2015-17) which includes detailed analysis of trajectories and impact of inequalities in 1500 criminal justice cases, and interviews with 250 victim/survivors of gender based violence (GBV: domestic abuse, rape and 'honour-based' violence) regarding their experiences of formal and informal justice systems, and what they perceived justice is or should be. The paper considers the different ways victim/survivors use the criminal and civil justice systems, as well as potential informal 'routes to justice' via e.g. faith based mediation, and explores the extent to which any of these approaches provide what victim/survivors themselves see as 'justice'. While issues of trust and fairness were some of the aspects victim/survivors saw as key to their perception of justice, their means of obtaining these involved often novel constructions, negotiations and alternative routes, that should be considered in any redesign of justice systems.

***A new model of criminal justice: Victims' rights as advancing penal parsimony and moderation***

**Dr Marie Manikis, McGill University**

In response to recent developments in victims' rights and participation with criminal justice processes, this article proposes a new model of criminal justice that positions victims as advancing penal parsimony and moderation goals. This model challenges and complements existing models of criminal justice, particularly Kent Roach's models which portray victims either as agents of punitiveness or, when non-punitive, as necessarily belonging to separate restorative justice processes. Surveying recent empirical work on victim participation in several common law jurisdictions as well as mechanisms enabling such participation, this article demonstrates that victims can and do advance non-punitive aims while remaining in the liberal criminal justice process. The proposed model accounts for this contribution of victim participation and ties it to the goals of penal parsimony and moderation through acknowledgement of the victim's historical and current membership to 'the public' in England and Wales, which can advance interests that are closer to those of defendants' in the criminal justice process than those held by prosecutors. Finally, suggestions are made about ways to expand existing mechanisms of victim participation in order to facilitate these goals of criminal justice.

**Panel 9: Probationary: The Game of Life on Licence**

*Probationary: The Game of Life on Licence* explores the lived experience of being on probation. It was produced through collaborative workshops involving a socially engaged artist, Hwa Young Yung, and men on licence. The workshops were an exploration of how artworks produced through collaborative methodologies can contribute alternative forms of knowledge to this discourse. This session allows you to come and play *Probationary* which takes its players on a journey through the eyes of four characters as they negotiate the complexities of the probation process. Board games, from *Monopoly* to the *Game of Life*, contain within them the structures and values of the society in which they are produced, presenting back to us the world in which we live. Taking this as a starting point, *Probationary* reflects real experiences of being subject to the criminal justice system and presents us with an opportunity to collectively play, understand and discuss such systems within our contemporary society. This project is supported by the Howard League for Penal Reform.

Members of the research team from Liverpool John Moores University and Foundation for Art and Creative Technology, Liverpool, will lead the session.

## Day 2: Parallel Session 5

### **Panel 1: The legality and hope of long term imprisonment**

#### ***In the search for identity: A rehabilitative-punitive conundrum in Indonesian criminal justice***

**Anugerah Rizki Akbari, Lecturer, Criminal Law Department, Indonesia Jentera School of Law**

Indonesian criminal justice has experienced several transformations in the last two decades. Influenced by overflowing nationalism after ending 32 years of Soeharto's dictatorship in 1998, Indonesia restarted the efforts to reform the criminal law by reformulating the Draft of Penal Code. Restorative justice, diversion, alternative to imprisonment, and (partial) recognition of human rights appear in this blueprint of new Indonesian criminal law. Nonetheless, this particular Code also retains high level of punitiveness by increasing the period of imprisonment for most crimes, re-introducing mandatory minimum sentence in numerous cases, and criminalising several controversial acts. The Indonesian government also demonstrates a conflicting attitude toward criminal issues. While youth crimes enjoys considerable diversion and a hesitation to use imprisonment, narcotics-related offenders are mostly incarcerated for a lengthy time and contributes significantly to overcrowding. Victims were also re-emerging in criminal justice with the establishment of whistleblower in certain types of offences. However, the return of victims was also exploited to censure 'sexual predators' with chemical castration through Government Regulation in Lieu of Law 1/2016 on Child Protection. Death penalty remains present in the Indonesian criminal law and was consistently executed, despite massive criticisms from academics and civil society organisations. With no clear policy in the realm of criminal law, it is impossible for Indonesia to establish a clear identity and undergo significant improvement to deliver justice throughout the country.

#### ***Looking for hope in hopeless places: Life limited (re)sentencing for juvenile homicide offenders in the US and its discontents***

**Dr Evi Girling, Senior Lecturer in Criminology, School of Social Science and Public Policy, Keele University**

Life without parole has remained mostly insulated from the processes of individualised sentencing and the memorialisations of judgment, mercy, and error that have defined the legal and cultural production of death sentences in the US in the last 50 years. The paper explores the legal and political space for challenging and eroding this insularity in the aftermath of *Miller v. Alabama* [2012] and *Montgomery v. Louisiana* [2016]. *Montgomery* retroactively granted every juvenile under a LWOP sentence the opportunity to demonstrate "transient immaturity" versus "irreparable corruption," as a protective factor against a sentence of LWOP. The operationalisation of contexts of meaningful hope for release and the evidential quandaries of retrospectively looking for hope of change in individual juvenile offenders has facilitated a witnessing of some of the thorniest issues in penology and penal policy. The paper charts the repertoire of progressive and regressive responses to these demands and maps the cultural and penological narratives of hope and hopelessness that this judicial space for challenging juvenile LWOP-worthiness has opened up. The discussion reflects on these developments in the context of the politics of death penalty reform and abolition and considers the comparative role of hope in penal and cultural narratives and performances of punishment.

***Re-designing justice for those subject to indeterminate sentences for public protection***

**Dr Ailbhe O'Loughlin, Lecturer, York Law School**

**Dr Harry Annison, Lecturer in Criminal Law and Criminology, Southampton Law School**

Judicial responses to challenges brought by prisoners serving the indeterminate sentence of imprisonment for public protection (IPP) have largely focused on the failure of the British government to provide adequate resources to the prison and parole systems. There has been some, though perhaps not enough, attention given by the courts to the harmful effects of indeterminate sentences on prisoners and the practical difficulties they face in demonstrating reduced risk. In this paper, we point to two related issues that are prompted by the IPP sentence, which have broader implications for criminal justice policy. First, the extent to which the risk logics underpinning the sentence (and particular notions of rehabilitation that comes with this) is an appropriate foundation on which to base on-going imprisonment of individuals for what they may do in the future. Second, the question of how punitive and preventive (ie pre- and post-tariff) elements of dangerousness-oriented sentences should be conceived – and the importance of their distinction.

We suggest that interrogating extant risk logics, and taking seriously the punitive-preventive distinction, has significant implications for how the predicament of those subject to IPP sentences should be addressed. More broadly, it poses questions about how the perennial problem of dangerous offenders should be approached going forwards.

***Hope, life imprisonment and human rights***

**Dr Marion Vannier, University of Manchester**

Hope was introduced to evaluate life imprisonment under humanitarian principles. In the United States, the notion emerged under the Eighth Amendment, which prohibits cruel and unusual punishment; under European Human Rights law, hope was discussed under Article 3 of the European Convention on Human Rights (ECHR), which proscribes inhumane and degrading treatment. This paper will discuss, comparatively and critically, the legal concept of hope as developed under American Constitutional case law and European Human Rights case law, in the context of life imprisonment. More specifically, it will explore the following questions: How is hope construed and what are the underlying rationales for relying on hope in the context of life incarceration? How is hope measured under the Eighth Constitutional Amendment and under Article 3 of the ECHR? To what extent does evaluating life imprisonment through the lens of hope legitimise extreme forms of punishment?

Focusing on hope in the context of perpetual incarceration is both topical and relevant to a number of western societies (e.g. Australia, New Zealand, US, France, Canada). Life imprisonment is on the rise across the world and similar humanitarian concerns – recognising prisoners' humane capacity to change and preserving their hope that subject to such change they could be released - are emerging. Yet, there have been very few academic contributions on hope in this context (with some exceptions, for example: Appleton and Grøver, 2007; Ristorph, 2010; Simonsen, 2015), even less so comparatively.

## **Panel 2: Gender and violence**

### ***Social justice in civil courts for whom? Women, domestic abuse and agency*** **Dr Kirstin Anderson, Lecturer in Criminal Justice, The University of the West of Scotland**

Women with experiences of domestic abuse are often neglected when it comes to examining individual contact with legal intervention and processes. This paper describes a small scoping project that was undertaken for the Scottish Human Rights Commission (SHRC), a piece of internal work to inform the Commission's work at this point, that examined the human rights impact of the Scottish justice system. In particular, this work focuses on responses from women in the project, supported by the Scottish Women's Aid, who shared their lived experiences of civil court. This research highlights the challenges of supporting women with experiences of domestic abuse in civil courts, including further inquiry into factors of civil court processes that can cause distress to women (e.g. the architecture of court rooms and the proximity of their abuser). This research also seeks to examine elements of positive experiences for women in contact with legal processes and asks if it possible for a justice system to provide better support for women in legal environments by acknowledging and supporting women's individual agency.

### ***Prostitution, exploitation, inequality and justice*** **Dr Andrea Matolcsi, Senior Research Associate, University of Bristol, Centre for Gender and Violence Research**

This paper explores the experiences and views on help-seeking, and formal and informal justice, by victims/survivors who have been involved in prostitution and/or have been coerced by abusers to have sex with others. Using interviews with victim-survivors and practitioners, which are part of an ESRC study on 'Justice, Inequality and Gender Based violence' (Universities of Bristol, Cardiff and West of England, 2015-18), the paper considers relationships between such exploitation and other forms of abuse (in particular domestic violence), socio-economic inequalities and help/justice-seeking.

### ***Safety and the city: A critical understanding of gender violence in India*** **Ayesha Wahid, University of Michigan Ann Arbor**

During the last few months, Hollywood has been a global scenario where sexual misconducts scandals have been reported after decades of assaults by powerful names of the cinema entertainment industry. The scandal triggered a social media campaign known as the 'Me Too Movement', providing a digital platform to recount experiences of unknown harassment.

While the world was looking at Hollywood, active demonstrations against sexual violence were held in different parts of India. Female students at Banaras Hindu University protested against eve teasing, an alleged molestation case of a first year student at this university which turned violent when police resorted to force to disperse the crowd. Unfortunately this case is not an exception but one of the numerous demonstrations which have been taken place in India. India's Capital Delhi witnessed 'The Girls are not Objects' march, 'India against Rape' march; as Delhi gained the rank of the World's worst city for sexual violence against women.

In light of these events, this paper will overview some initiatives undertaken by the Delhi Government to make the capital safe for women. This paper will draw upon India's complex history with gendered violence. A transitional violence that marked the birth of Independent India in 1947 to the inherent apartheid that constituted the Indian Caste system to the long standing ideas of 'male privilege' that contribute to the institutional apathy and a culture of complacency towards gendered violence. This paper will emphasise the need for systemic and societal reforms towards issues of gender and justice, while broadly asking the question: How should social movements cohere in order to impact social transformation, institutional, policy and systemic change towards gendered violence?

### **Panel 3: Young people and vulnerability**

#### ***Exploring peer mentoring as a form of innovative practice with young people at risk of child sexual exploitation***

**Dr Gill Buck, University of Chester**

Peer-led approaches hold unique and innovative potential as a response to child sexual exploitation, yet little is known about such approaches in this field. This paper presents a study which aimed to increase understanding by listening to young people using one such service. Qualitative methods were adopted in an attempt to understand how young people make sense of peer mentoring, data were collected through self-completion booklets, interviews and a focus group, and analysed using thematic analysis and Gilligan's listening guide (Kiegelmann, 2009). This paper will explore the benefits and challenges of employing participatory and creative research methods in this field and present some of the findings that resulted. Peer mentoring emerges here as a method which may have emotional, practical and inter-personal benefits for young people facing multiple vulnerabilities. It also, importantly, reaches young women from hidden populations, who are often missing from, or missed by, support services. Finally, the paper reflects on some dilemmas associated with peer-led work and outlines suggestions made by young people themselves, in the hope that inherent strengths in the approach can be recognised and embedded.

#### ***'Children must be protected from all forms of violence'; including the violence of committing a crime - a literary analysis of the violent effect criminalisation has on children in England and Wales.***

**Pia de Keyser, Birkbeck School of Law**

Criminalisation of children is a form of mental violence worthy of protection under the provisions of article 19 of the United Nations Convention on the Rights of the Child. The criminalisation process is damaging to a child's development and wellbeing both in the immediate term and the long term. Most dangerously, children officially recognised as vulnerable are disproportionately more likely to be criminalised, itself a vulnerabilising process, demonstrating a systemic misuse of youth justice procedures. The potent combination of net-widening in relation to anti-social behaviour, and an anomalously low minimum age of criminal responsibility in England and Wales, makes childhood a jeopardous place for children who are impacted by social conditions conducive to offensive behaviour. This paper calls for the decriminalisation of children, and the cultivation of a duty based approach to ensure that children who engage in harmful behaviour are responded to with care, and provided with the tailored support they need in order to flourish.

***Neuro-psychological disabilities in executive functions and fluid intelligence of juvenile offenders in probation programmes in Santiago de Chile***  
**Gabriel Sepúlveda, Corporación Promesi**

Recent studies have detected a significant association between neuro-disabilities and a higher risk of committing violent crimes, in juvenile offenders. Analysing the results in Raven's Progressive Matrices Test and Stroop Test applied to 100 juvenile offenders in seven probation programmes in Santiago de Chile, suggest a disproportionately elevated incidence of impairments in executive functions and fluid intelligence.

While executive functions entail working memory (being able to keep information and use it in some way), cognitive flexibility (to think about something in more than one way) and inhibitory control (being able to self-control, ignore distractions and delay immediate gratification), fluid intelligence is the capacity to solve novel problems. All of these abilities are fundamental to the skill of avoiding violent behaviour and abiding by social rules.

Understanding the relevance of neurodevelopmental impairments in the onset of violent and criminal behaviour, as well as recidivism, eventually may guide the deployment of a more comprehensive assessment and treatment for juvenile offenders. This may encompass a more inclusive and operative theory of change, which can effectively counteract pro-prison populist discourse, as well as a deeper criminalisation of children and teenagers with neuro-disabilities.

***Navigating online space: Risk and harm experienced by vulnerable children and young people in a coastal resort***  
**Dr Sarah Tickle, Liverpool John Moores University**  
**Dr Sarah Greenhow, Liverpool John Moores University**

Safer Internet Day (2016) reported that 78% of 10 to 12 years olds were using at least one social media site, when the recommended age is set at 13 in the UK. Eight out of ten 18 year olds worldwide believe that children are in danger of being sexually abused or taken advantage of online (UNICEF 2016). Contemporary attitudes towards children's use of online social media platforms therefore, have prompted wide ranging concerns amongst professionals about the ways children may be at risk of harm online. Children's experiences of online risk in particular settings has not been assessed as part of the wider continuum of safeguarding vulnerable children from online risk in England and Wales. Vulnerable children, such as those in contact with the police, social, educational and welfare services, may be more at risk when navigating social media platforms. Although the risks of online use have been explored, knowledge about the specific risks to vulnerable children is lacking. This paper will discuss the early stages of a qualitative research project that seeks to explore the lived reality of children's experiences of online risk in a coastal resort. By doing so the research will fill a lacuna in existing research by focusing on an under researched location, a coastal resort, to explore to what extent socio-economic characteristics of 'place' profoundly structure and shape vulnerable children's online experiences and perceptions.



#### **Panel 4: Minorities and justice**

##### ***Reclaiming justice: Transformative potential in Aotearoa New Zealand***

**Dr Katie Bruce, Director of JustSpeak, New Zealand**

With one of the highest rates of incarceration in the OECD, New Zealand's prison population is still on the rise. Recent Government targets to reduce the rate of reoffending have only increased the hyperincarceration of Māori, New Zealand's indigenous people. At only 15% of the general population, Māori make up over half of the prison population.

Reform, however well-intentioned, can create, perpetuate and deepen injustice if the question 'justice for whom?' is not of central concern. This presentation reflects on the movement for transformative change in Aotearoa New Zealand.

In 2017 JustSpeak co-hosted Whiti te rā, a kaupapa Māori hui (conference by Māori for Māori). Whiti te rā created space for a collective vision for the future of our communities affected by incarceration, targeted criminalisation and systemic racism. The vast majority of participants had been touched by criminalisation in some way and a collective call for transformative action was unanimously agreed upon and taken forward by a working group.

In the wake of Whiti te rā, the new Labour-led Government has set a target to reduce the prison population by 30% by 2030, with a particular focus on Māori.

##### ***Attitudes and identities of young male Muslim ex-prisoners: Prison as a source of respite from community conflict***

**Tracey Davanna, University of Birmingham**

In a small-scale study of young male Muslim ex-prisoners, prison emerges as a spatial and temporal location affording respite from community conflict. For the ten participants in London, the main conflict focuses on the securitisation of Muslims and the manner in which they believe they are treated by governing elites. Narratives richly illustrate feelings of exclusion and 'segregation' from society based upon their religious identity. In contrast, when entering the prison gates, they are united to others through a shared 'prisoner' identity that temporarily lays aside their previous identity of suspicion. The consequence is a sense of inclusivity to within the prison 'community' that is absent outside.

The other ten participants live in a highly represented Muslim and Asian part of Glasgow and similarly narrate community conflict, this time emanating from familial and cultural pressures. Their inability to live up to a 'good Muslim' identity leads to conflict as the pressures of living in 21st century Glasgow compete with community expectations. When entering prison, they similarly find opportunities of respite away from cultural and religious identities of conflict outside of prison.

The role of prison in providing conflict-free space needs to be better understood as a means of understanding the pressures faced by young Muslim men in different regions of Britain today, identified through intersectionality and the attitudes of governing elites. This could help provide explanations for the overrepresentation of young Muslim men in the PSEW and opportunities to identify means of tackling this.

***Confined queers: The role of human rights in challenging the essentialist legal framework of UK prisons***

**Giuseppe Zago, Northumbria University**

This paper argues that the UK prison complex remains regulated on the basis of gendered and hyper-masculine institutionalised dynamics, which perpetuate forms of discrimination particularly affecting queer, trans and gender non-conforming individuals.

By analysing prison regulations and case law concerning expressions of same-sex sexuality and the management of prisoners who do not comply with the strict gender binary division of the penal estate, this paper proposes two arguments. First, the current legal framework, and its interpretation by courts, contributes to the vulnerability of queer, trans and gender non-conforming prisoners. Second, oppressive gender and sexual norms are perpetuated by the way a balance is struck between the principles of security, discipline and order and the rights to human dignity and family life. In particular, the reasoning behind this approach is often inconsistent and informed on what Rubin has called the “sex/gender” system (Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality, 1993), a traditionalist standard where only two genders, male and female, with specific essentialist roles, are recognised.

This paper contends that policies on sexuality and gender identity during imprisonment need a comprehensive re-assessment, while their relevance for prison rehabilitation programmes should be more clearly recognised. The recent review of the prison regulations on the care and management of transgender prisoners represents an initial step in this direction, but there still exist areas for further development.

This contribution maintains that the interpretation and implementation of human rights standards based on queer/trans analysis can challenge the heteronormative and gendered character of prison policies, and holds the potential to dismantle current logics of imprisonment.

**Panel 5: Criminalisation of children**

***Young people and the police: A perception gap?***

**Katharine Evans, PhD Student, Liverpool John Moores University**

Previous research that examines police-youth relations predominantly offers a pessimistic view; accounts that reflect adversarial confrontation rooted in tension and mistrust. It has been suggested that the police harbour prejudices and stereotype young people, expose them to unfair, patronising and abusive treatment and fail to act in meeting their needs. Thus, current thinking in this field highlights the importance of improving procedural justice, police legitimacy and young people’s confidence in the police. The present paper draws upon outcomes derived from an ethnographic study that examined relationships between young people and the police through recruitment of a youth research team; participating young people led on the design, delivery, analysis and dissemination of research activities, with the aim of capturing youth perspectives and lived experiences. The project was undertaken over a period of 18 months within an area of significant concentrated poverty, ranking in the top percentile of the Index for Multiple Deprivation and a national hotspot for organised crime. Key findings from this study highlight the existence of a perception gap between negative perceptions of police-youth relations and young people’s actual views of the police. Our findings suggest that police behaviour toward young people is not the primary

determinant of problematic relationships reported, but rather that relationships are perceived as problematic as influenced by a broader range of more complex contextual factors such as young people's behaviour toward the police, community norms and transmission of negative narratives that largely do not reflect the experiences, perspectives and dispositions of young people.

***Diversion Inside Out: 'Preventive supervision' in Hungary - Comments on fairness and proportionality in responding to antisocial behaviour of youth***  
**Eszter Párkányi, University of Leeds**

The state response to the antisocial behaviour of youth is embedded in the regulatory framework of 'administrative offences' in Hungary. This framework was created to de-criminalise behaviour that is considered non-harmful to society but still requires some kind of response to defend social norms that were disobeyed. Although administrative offences have always been balancing between welfare- and justice-orientation, the new 'preventive supervision' measure, introduced in 2015, created an unusual combination of welfare and justice both in procedural and substantive legal terms. It is a child protective measure that targets anti-social youth and promotes crime prevention at the early stage of the delinquent career. At the same time, it requires risk-assessment and interventions undertaken by probation officers, who are trained to deal with convicted offenders and those on probation. This study investigated whether preventive supervision corresponds with the international principles of fairness and proportionality.

This paper presents an analysis of the features of the regulation and their effect on achieving fairness and ensuring the proportionate implementation of the measure. The results indicate that concerns may be raised about the guarantees of fairness and proportionality provided in the regulation of the preventive supervision measure. These will be presented in the contexts of the procedural law, the professional approach of the participating agencies and the social impact of the implementation.

***Residential care and criminalisation: The impact of system abuse***  
**Dr Julie Shaw, Senior Lecturer in Criminology, Liverpool John Moores University**

With research revealing the risk that residential care poses to young people in terms of criminalisation, there has been a growing awareness in the UK of the need to prevent children in such care from being over-represented in the youth justice system. Nevertheless, whilst a number of approaches have emerged to tackle the problem, the focus of such responses to offending in residential care is primarily upon the actions, culpability and responsibility of individual children and children's home practitioners. This "individualistic" approach fails to take into account of the wider complexity of factors which have been found to contribute to poor outcomes, including failings at policy, practice and procedural levels or "system abuse".

The purpose of this presentation is to explore the findings of part of the author's research study, an aim of which was to illuminate factors at policy, practice and procedural levels that contribute to the criminalisation of children in residential children's homes in England. This study utilised semi-structured interviews with children, young people, and professional adults in the care system. Through analysis of the semi-structured interviews, the presentation highlights how "system abuse" can contribute to poor outcomes, including involvement with the youth justice system. The presentation concludes by arguing that in order to successfully decrease criminalisation, it is

necessary to employ an approach which, while acknowledging individual culpability, both recognises and focuses on the contribution of wider systemic failings.

### **Panel 6: Rethinking justice**

#### ***Civility, trust, and the relation between the rule of law and law enforcement*** **Jonathan Jacobs, John Jay College of Criminal Justice**

Two key features of a well-functioning liberal democracy are that (i) participation in the civil society that the political/legal order makes possible has a centrally important role in moral education, and (ii) there is broad, stable endorsement of the rule of law and the values and principles informing it; it is regarded as legitimate. The two issues are interconnected. Through participation in the diverse departments of civil society people acquire much of their understanding of a broad range of moral considerations, values, attitudes, and norms; and appreciating the diverse departments of voluntary activity permitted by the political/legal order can motivate durable endorsement of that kind of rule of law, with its attendant rights, liberties, and possibilities.

When trust in civil society as a locus of moral education declines, politics can become brittle, distrustful, and zero-sum. Groups and constituencies will resort more to formal, institutional, policy-oriented solutions to disputed social issues in place of unofficial (but socially effective) civil approaches more dependent on mutual trust. Ambitious results-oriented policies of law enforcement displace commitment to the principles and values informing the rule of law. We find this dynamic occurring in the U.S. and U.K. and elsewhere. Often, there is popular preference for policies including increased criminalisation and harsher criminal sanction. The over-reliance on criminal justice policy can both reflect and cause (i) diminished trust in civil society as a source of moral interaction and moral learning, and (ii) diminished appreciation of the normative significance of the rule of law and its legitimacy.

#### ***How the doctrine of Hell has shaped our criminal justice system and how that can be undone***

**Christabel McCooey, Criminal and Human Rights Barrister, Goldsmith Chambers**

This interactive seminar will be broken into two parts. In the first, I will explore how society's belief in the doctrine of Hell and its associated celebration of punitive retribution has historically shaped the development of our criminal justice and penal system. This in turn has directly impacted upon how we view 'the criminal' and our understanding of lasting solutions to criminal behaviour.

I will seek to challenge the notion of punishment as an appropriate goal of our criminal justice system and will address the flaws in responding to violence, pain or loss caused by others with equal but different forms of systematic violence, pain or loss. I will draw from domestic and international criminal case studies and from authors such as Walter Wink, writer of, 'The Myth of Redemptive Violence'.

The second part of the seminar will be a collaborative exploration of themes surrounding what an alternative to punishment may look like for our criminal justice and penal system, as well as for society as a whole. If judgment, shame and vengeance epitomise the norm-shaping power of the doctrine of Hell, then other deeply resonating human emotions and drives will be necessary to displace them in our social and legal culture; empathy, truth and compassion, may be the beginning of not only personal but

systematic change. In this way the seminar will truly explore what it means to re-design 'justice'.

### ***Respect and criminal justice***

**Dr Gabrielle Watson, Leverhulme Early Career Fellow, Faculty of Law, University of Oxford Postdoctoral Research Fellow, Christ Church, Oxford**

Respect is a value whose importance in contemporary criminal justice many would endorse in principle. It is well-established that every person, by virtue of his or her humanity, has a claim to respect that need not be negotiated and cannot be forfeited. In this presentation, I show that criminal justice institutions routinely appeal to the word 'respect' – relying on its inclusive ethos in official discourse when it is expedient to do so – but rarely and only superficially address the prior question of what it is to respect and be respected. Despite much criminological activity on the 'democratic design' of these institutions in recent decades, respect is more akin to a slogan than a foundational value of criminal justice practice. The presentation concludes by considering how best to embed respect in the practice of criminal justice, anticipating the challenges – as well as the advances that could be made – in inscribing respectful relations between state and subject.

### **Panel 7: Women and justice**

#### ***Transforming punishment for women? Experiences of gender-specific services in a women's centre***

**Kirsty Greenwood, Liverpool John Moores University**

Women's centres as alternatives to imprisonment were officially introduced in England and Wales by Corston (2007) as part of wider reforms to the prison estate for criminalised and vulnerable women. These reforms can be described as a re-imagining of justice and punishment for women by 'overcoming existing barriers' involved in the community punishment and custodial imprisonment of female offenders (Thain-Grey et al, 2016: 11). Drawing upon primary empirical research from ongoing doctoral research at one women's centre with women considered 'at risk' of offending (non-statutory service-users) and those who have committed an offence (statutory service-users), this paper explores the legitimacy of gender-specific services in meeting women's multiple and complex needs. Examining the situated knowledge of both service-user groups illuminates the dual premise of the women's centre. For non-statutory service-users, the women's centre is both a place of responsabilising sanctuary and dependence. Statutory service-users experience a hidden custodial system characterised by shame and punishment. Subjective experiences of both service-user groups highlight the women's centres position as a crime control institution demonstrated by processes of individualisation, gender-specific behaviourism and punitiveness disguised as a welfare system of empowerment.

#### ***Infiltrating the gendered criminal system for justice and human rights***

**Carol Jacobsen, Professor of Art, Women's Studies and Human Rights, The University of Michigan, Director, Michigan Women's Justice and Clemency Project, The University of Michigan**

The history of women's criminalisation is a history of state violence and injustice. From minor property and drug offenses to murder, women's crimes are produced by their struggle to survive and processed within a regime that imparts harsh, gendered modes

of punishment. Drawing on long-term relationships, activism, filmmaking and public education with women on both sides of the prison fence through my roles as artist, educator, political organiser and Director of the Women's Justice and Clemency Project in Michigan, a grassroots nonprofit working to free women wrongfully sentenced to life and to monitor human rights abuses in the women's prison, this presentation offers a view of the ways incarcerated women find strategies of resistance and hope for freedom and greater social justice. Through their own efforts and through partnerships with feminist artists, scholars, attorneys and activists women prisoners have challenged a prison system named by Amnesty International and Human Rights Watch as among the worst in the United States for human rights violations against women in custody including rapes, four point chaining, solitary confinement, medical abuse and other atrocities. This presentation will include short clips from several of my films narrated by women prisoners, eleven of whom have been freed from life sentences through the efforts of the Michigan Women's Justice and Clemency Project.

***Imprisoned mothers separated from their young children: Redesigning current policy and practice from staff perspectives***

**Claire Powell, PhD student, Forensic Psychology, Middlesex University**

National figures concerning the number of mothers separated from their children in prison are not kept by the UK prison service. However, it is estimated that more than 17,700 children are separated from their imprisoned mothers annually (Epstein, 2012). This 'double punishment' for mothers and children is alleviated to some degree by prison and third sector staff working with mothers in prison, but their viewpoints are rarely reported in the literature.

As part of a wider project, this research aimed to understand staff perspectives on redesigning the justice system to support imprisoned mothers of children under two years. Twenty-four members of staff based in two women's prisons working in a range of roles were interviewed. The main findings will be presented and discussed. These include current challenges in supporting separated mothers in prison and staff ideas for reform which include individual practice as well as system level changes.

This study comes from a forensic psychology perspective and intersects with criminology, sentencing, social work and human rights to provide policy and practice proposals derived from the expertise of prison staff and systematic analyses of relevant policy, academic and grey literature. These findings will contribute to reflection on the provision for the 'distinctive needs of women prisoners' (UN Bangkok Rules, Resolution 2010/16), of which separation from children is a key component.

**Panel 8: Policing and suspects' rights**

***PACE, suspects' rights and the case for the defence: Ineffective lawyering, police impropriety and the efficacy of legal protections'***

**Dr Roxanna Dehaghani, Cardiff University**

This paper argues for an updated understanding of the practice of case construction understanding that the police not only construct the case for the prosecution but may also do so for the defence. The Police and Criminal Evidence Act (PACE) 1984 sought to codify police powers and procedures in England and Wales, and to improve protection for those suspected of committing a criminal offence(s). Yet, the police continue to exercise a great deal of control over the investigation, particularly since the

frittering-away of the right to silence and the advent of austerity. This paper will synthesise data from two separate but complementary empirical studies so as to examine the ineffectiveness of the law and the inadequacy of lawyers and other legal representatives in curtailing police and prosecutorial crime control driven practice. We argue that the legal safeguards are largely ineffective because criminal legal aid and broader access to justice is being steadily stripped-away, and, relatedly, because detection of police malpractice is low. Finally, we argue that criminality is constructed by the police for the defence.

This paper argues for an updated understanding of the practice of case construction understanding that the police not only construct the case for the prosecution but may also do so for the defence. The Police and Criminal Evidence Act (PACE) 1984 sought to codify police powers and procedures in England and Wales, and to improve protection for those suspected of committing a criminal offence(s). Yet, the police continue to exercise a great deal of control over the investigation, particularly since the frittering-away of the right to silence and the advent of austerity. This paper will synthesise data from two separate but complementary empirical studies so as to examine the ineffectiveness of the law and the inadequacy of lawyers and other legal representatives in curtailing police and prosecutorial crime control driven practice. We argue that the legal safeguards are largely ineffective because criminal legal aid and broader access to justice is being steadily stripped-away, and, relatedly, because detection of police malpractice is low. Finally, we argue that criminality is constructed by the police for the defence.

***The protection of personal data used by the police and criminal justice authorities from May 2018 onwards***

**Gabriela M Ivan-Cucu, PhD Candidate University of Nottingham**

By the 6th of May 2018, part of the bespoke data protection reform package including the General Data Protection Regulation (GDPR), the states that have not opted-out, should have transposed into their national legislations the provisions of the Directive 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA . The Data Protection Bill is not solely focused on the GDPR, it dully prepares the regulatory framework for the processing of data for law enforcement and national security purposes, so that after Brexit data exchanges can continue at the expected standards.

Law enforcement agencies are bound to ensure enhanced guarantees in the processing of data of individuals that come under the purview of their activities. Collected data should be processed lawfully and fairly. Moreover, collection of data should be explicit, limited and for legitimate purposes. Collection and processing of data should be proportional, relevant and kept up to date, but stored for no longer than objectively necessary. The current paper discusses the different regimes for data protection regarding suspects, offenders, victims and other parties in the context of information transfer to third countries.



### ***Regulating police detention: Voices from behind closed doors***

**John Kendall PhD, Visiting Scholar, Birmingham Law School, and former custody visitor**

The police say the primary purpose of detention in custody is to make the suspect amenable to investigation. Detention can last up to 96 hours. While the suspect is entitled to legal advice and may receive the support of an appropriate adult, most of the time is spent in isolation and out of public view. Public controversies about what happens in these secret places arise only when there is a death in custody. A little-known statutory scheme, run by Police and Crime Commissioners, brings volunteer custody visitors into this setting: they are the only outsiders who gain regular access to detainees in their cells. The visitors make unannounced visits and meet the suspects to check on their welfare. But the visitors do not have expertise, the suspects do not trust the visitors, and the police do not respect the visitors. The power of the police, and official policy, prevent the visitors from making independent and effective scrutiny. The existence of the visiting scheme obscures the need for effective regulation of police conduct in custody blocks. The radical reforms that are needed to empower the visitors to be effective regulators could be achieved if the truth about custody visiting caught the attention of Parliament and the wider public.

This paper is based on the speaker's book *Regulating Police Detention: Voices from behind closed doors*, Policy Press 2018.

### **Panel 9: Probationary: The Game of Life Licence**

*Probationary: The Game of Life on Licence* explores the lived experience of being on probation. It was produced through collaborative workshops involving a socially engaged artist, Hwa Young Yung, and men on licence. The workshops were an exploration of how artworks produced through collaborative methodologies can contribute alternative forms of knowledge to this discourse. This session allows you to come and play *Probationary* which takes its players on a journey through the eyes of four characters as they negotiate the complexities of the probation process. Board games, from *Monopoly* to the *Game of Life*, contain within them the structures and values of the society in which they are produced, presenting back to us the world in which we live. Taking this as a starting point, *Probationary* reflects real experiences of being subject to the criminal justice system and presents us with an opportunity to collectively play, understand and discuss such systems within our contemporary society. This project is supported by the Howard League for Penal Reform. Members of the research team from Liverpool John Moores University and Foundation for Art and Creative Technology, Liverpool, will lead the session.

## 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.

### Our Work

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.

### Campaigns

We campaign for fewer people in prison, but also to transform prisons for those who would remain bars. Our recent achievements have included working with police to reduce child arrests in England and Wales by 64 per cent; setting up a programme to end the criminalisation of children in residential care; and running successful campaigns to secure the suspension of the criminal courts charge and overturn restrictions on sending books to prisoners.

### Legal Casework

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. The legal team has challenged the use of solitary confinement for children, unlawful punishments, lack of education and the failure of local authorities to provide appropriate support for children on release from prison.

### Research

Working alongside the academic and research communities our work has been to develop new ideas and understanding of the consequences of changes and innovations in the penal system.

### Membership

Our members help us work for less crime, safer communities and fewer people in prison. They give added authority to our voice and improve our research and campaigning potential. As an independent charity, we rely on our members and supporters to fund our work. We need you. Please support us by signing up as a member today.

We publish the Howard Journal of Crime and Justice four times a year. Full rate members can choose to receive it online or in hard copy. The Howard Journal is an international, peer-reviewed publication which seeks to publish high-quality theory, research and debate on all aspects of the relationship between crime and justice across the globe. Members also receive our quarterly newspaper and invitations to all our events.

**Please visit [www.howardleague.org](http://www.howardleague.org) and join today.**

# Join today

I would like to give a monthly amount of:

£5 ☐ £10 ☐ £50 ☐ Other  (minimum £2.00)

## Your details

Name	
Address	
	Postcode
Tel	
Email	

☐ I want to Gift Aid my donation and any donations I make in the future or have made in the past 4 years to the Howard League for Penal Reform. I am a UK taxpayer and understand that if I pay less Income Tax and/or Capital Gains Tax than the amount of Gift Aid claimed on all my donations in that tax year, it is my responsibility to pay any difference.



## Instruction to your bank or building society to pay by Direct Debit

Name and full postal address of your bank or building society	Originator's Identification No: <b>6 8 1 0 0 4</b>
	Reference No: (office use only) <input type="text"/>
	<b>Instruction to your bank or building society</b> Please pay the Howard League for Penal Reform Direct Debits from the account detailed in this instruction subject to the safeguards assured by the Direct Debit guarantee. I understand that this instruction may remain with the Howard League for Penal Reform and, if so, details will be passed electronically to my Bank/Building Society
	Signature <input type="text"/>
Name(s) of account holder(s) <input type="text"/>	Bank and building society may not accept Direct Debit instructions on some types of account
Branch sort code <input type="text"/>	
Bank/Building/Society account number <input type="text"/>	Please collect my payment on the 1st/15th of every month. (Please circle preferred date).

Our individual membership rate is £42 per annum. To find out more please visit : [www.howardleague.org](http://www.howardleague.org)

## Return to:

**The Howard League**  
**1 Ardleigh Road**  
**London**  
**N1 4HS**

020 7249 7373  
020 7249 7788  
Registered charity No. 251926

[info@howardleague.org](mailto:info@howardleague.org)  
[www.howardleague.org](http://www.howardleague.org)  
[@TheHowardLeague](https://twitter.com/TheHowardLeague)

- This Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits
- If there are any changes to the amount, date or frequency of your Direct Debit the Howard League for Penal Reform will notify you 10 working days in advance of your account being debited or as otherwise agreed. If you request the Howard League for Penal Reform to collect a payment, confirmation of the amount and date will be given to you at the time of the request
- If an error is made in the payment of your Direct Debit by the Howard League for Penal Reform or your bank or building society you are entitled to a full and immediate refund of the amount paid from your bank or building society
- If you receive a refund you are not entitled to, you must pay it back when the Howard League for Penal Reform asks you to
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify us.

## **Notes**