

# **Howard League** for Penal Reform

## **Early Career Academics Network Bulletin**

**April 2019 – Issue 41**

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## **ECAN Facebook Group**



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

## Introduction

### **Sarah Armstrong**

Welcome to the 'Scottish Takeover' of the ECAN Bulletin! What a great opportunity to share some of the exciting research being carried out by early career researchers based in Scotland – with thanks going to the Howard League and especially to Anita Dockley for suggesting this special issue.

In these pages eight researchers describe their work encompassing a diverse range of topics, at the same time showcasing the innovative methodologies and engagement activities that are part of this. The scholars featured here are associated with the [Scottish Centre for Crime and Justice Research](#) (SCCJR), a partnership of four universities comprising over 30 academic staff and over 60 PhD students.

Beyond SCCJR, Scotland has numerous universities expanding their capacity in criminology and [Howard League Scotland](#) also recently has launched its student society at [Edinburgh Napier University](#). Overall, the criminological discipline in the UK's north is vibrant, active and growing, and the contributions here are a mere taster of the work happening this part of the UK.

**Sarah Anderson** takes on the topic of ACEs, or adverse childhood experiences, urging caution in how this frame is employed to understand, or to intervene into, the lives of those caught up in criminal justice. Her research involved an arts-based method of data collection with people with complex histories of trauma. Through sustained and deep engagement with participants that this entailed, she concludes that criminal justice itself is an important, and poorly understood, site and agent of trauma.



**Jo Bailey-Noblett** argues residential wings are a neglected focus of research in understanding the rehabilitative potential of prison. She employs a geological term - 'unconformity' - to convey the disjuncture between the logic, culture and practices of staff and prisoners in residential halls compared with those in spaces of prison where rehabilitation is formally meant to be 'delivered', such as classrooms and programme spaces. These two spaces of prison constituted distinct realities that did not sit easily together; ironically she found staff, not prisoners, became more routinised into their respective, spatially bounded, roles, and thus unable to adopt a rehabilitative ethos.

**Neil Cornish** similarly notes that despite increasing concern about the safety, resilience and coping strategies of prisoners, there has been a curious absence of research on the concept and organisation of vulnerability in prison. His study of English and Scottish prisons explores how definitions and decision making about vulnerability by prison staff

compares to prisoners' own understandings. A key line of inquiry in his project is to understand the extent to which staff and prisoner understandings around the need for protection converge or diverge and with what impact on safety and order.

**Phil Thomas** reflects on her role in arts-based research on reintegration of people with convictions. She is part of a large team consisting of academics and people involved in criminal justice collaboratively researching this issue through song making and other art. She draws on her PhD research to try and develop, but also to question, the possibility of 'an ethical approach to working with people who [are] repeatedly asked to tell "their story".'

**Caitlin Gormley** researches how people with learning difficulties (in Scotland, disabilities) experience punishment. She notes that this group is poorly understood and we lack even basic information about how many people in prison might be considered to have a learning difficulty. Troubling questions are raised when we learn that many participants she spoke with in prison did not fully understand why they were there, or for how long, and that most experienced anxiety in both staff and prisoner interactions. Her work identifies a significantly marginalised group within the marginalised group of people with convictions generally, and she sets out the subtle and not so subtle ways that criminal justice experiences worsen the positions of people in this category.

**Marguerite Schinkel** is well known for her research on the meaning of sentences to those serving them. In her piece for the ECAN Bulletin, she reports on the process of developing this work for non-academic audiences, through a graphic novel (which grew out of her discovering her transcriber was also an

artist, an apt reminder of the significance of serendipity in research!) and a website featuring autobiographical pieces on sentence experiences. The latter initiative grew out of her sense of commitment to allow those serving sentences a public platform where they might directly describe and make sense of these, rather than rely on the mediating power of the researcher alone to do so.

**Alejandro Rubio Arnal** also has been conducting collaborative, co-produced research, and in his article we find out about emerging themes of digital inclusion and support for those re/integrating following release from prison. He spent nearly a year and half convening a group composed of ex-prisoners, serving probationers, heads of charities, academics and practitioners, literally creating a place at the table for all those involved in the immediate journey from prison to community.

Finally, **Ben Matthews** harnesses the power of advanced quantitative methods to re-think the deprivation-imprisonment link. His work re-visits research showing a small number of postcodes, many in Glasgow, accounted for the majority of those in prison. Using updated data on deprivation and imprisonment his own study finds that while deprivation levels correlate with imprisonment rates at the local authority level, at the neighbourhood level the most deprived parts of some of the least deprived local authorities are sending people to prison in greater proportions than Glasgow. This finding is fascinating and deserving of further investigation.

The articles in this issue offer, individually and collectively, original and significant contributions to crime and justice research. Among what they share I would emphasise first of all, a sense of

intellectual curiosity and willingness to question taken for granted or increasingly popular ideas. Second, these researchers pursue their work with a high degree of rigour, building robust bodies of knowledge to advance our understanding and inform practice. Finally, what comes across in all this work, is how much a passion for criminological research has been fuelled by a concern to expose and analyse situations of inequality, as well as a reflexive recognition that addressing this is hard and sometimes problematic, but always worthwhile. I hope you enjoy reading these pieces, and also that you are inspired by them, as I have been.

**About the editor**

Dr Sarah Armstrong is the Director of the Scottish Centre for Crime and Justice Research and a Senior Research Fellow based at Glasgow University. Her research focuses on prisons, prisoners and criminal justice exploring questions about the governance, organisation, representation and experience of punishment. A key strand of her research is on policy as a form and source of culture, and in the specific bureaucratic qualities and logics that arise in penal institutions. Sarah is Co-editor in Chief (with Michele Burman and Laura Piacentini) of the journal *Criminology and Criminal Justice*. Sarah is also a member of the Howard League's Research Advisory Group.

## Features

### Rethinking adverse childhood experiences

**Sarah Anderson**

In this article, I discuss the current policy and practice discourse on “adverse childhood experiences” in light of findings from my doctoral research into the relationship between recovery from trauma and desistance from offending in adult men. In doing so, I suggest that we need to eschew simplistic conceptualisations of trauma and its links with crime, which ignore the meaning and context of events. I argue that there are good reasons to be cautious about the incorporation of adverse childhood experiences into criminological practice and to think critically about what is missing from the discourse surrounding them. This is important because this discourse frames the way people in the criminal justice system – and the problems they face – are understood, and the solutions that arise from this.

There has been a growing policy focus in both England and Scotland on “adverse childhood experiences” (ACEs), which have been identified as a risk factor for a wide range of poor health and social outcomes over the life-course. ACEs are commonly understood to include emotional, physical and sexual abuse, neglect, as well as other factors affecting the household including domestic violence, substance abuse, mental illness, parental separation, and imprisonment of a household member. ACEs construct an understanding of trauma and adverse experiences as those



which happen to children within the family home.

Although the initial focus was on increased risk of negative health outcomes, research has also identified these as risk factors for criminal justice involvement. A UK study found that experiencing four or more “adverse childhood experiences” was linked with increased likelihood of spending a night in police or prison custody and involvement in violence (both as victim and perpetrator) (Bellis et al., 2014). Research from the United States is more extensive, particularly in relation to young people, and high ACE scores have been identified as a risk factor for serious, violent, chronic juvenile offending (Hahn Fox et al., 2015).



This research has had a substantial impact on the policy discourse in Scotland. In their 2017/2018 Programme for Government, the Scottish Government set out their commitment to tackling ACEs and to “embed[ding] a focus on preventing ACEs and supporting the resilience of children and adults in overcoming early life adversity across all areas of public service, including [...] health, justice and social work”. ACEs are identified as an “emerging challenge” within their 2017 strategy ‘Justice in Scotland: Visions and Priorities’.

Within the UK parliament, an All Party Parliamentary Group (APPG) for the Prevention of Adverse Childhood Experiences was launched in February 2018, while the provision of support for children who have experienced trauma (such as bereavement) is included as part of the UK government’s green paper ‘Transforming Children and Young People’s Mental Health Provision’ (Depts of Health and Education, 2017). The UK-government policy conversation appears, so far at least, to have been largely centred around health, however Vicky Foxcroft MP raised the issue in the House of Commons in relation to the Government’s serious violence strategy. In response, the Leader of the House, Andrea Leadsom MP, welcomed a proposed debate on the issue, acknowledging “the very serious issue of the impact of appalling early experiences on young people who then find themselves on the conveyor belt into a life of crime” (HC, 28 Jun 2018).

While the policy focus on adverse childhood experiences has the potential to improve the lives of children and young people, there are also important reasons to be cautious, in particular where discourse around ACEs extends

into the criminal justice system. The focus on identifying risk factors for criminal involvement has been a significant feature of criminological research since the latter part of the 20th century, often with a view to implementing prevention strategies that seek to influence these factors. This approach is known as the Risk Factors Prevention Paradigm (Farrington, 2000). There is some cross-over between ACEs and those factors already identified from this research. As with much of the research informing this paradigm, research on adverse childhood experiences takes an epidemiological approach from public health and applies it to criminology. Such approaches are better at identifying increased risk in groups than they are at prediction for individuals (see O’Mahoney, 2009 for a critique of the Risk Factors Prevention Paradigm). However, heeding lessons from past use of such risk factors in criminological practice, there is a real danger that ACEs are used to predict, and intervene to prevent, future offending in individuals. Risk factors are not (necessarily) causes and without much better information about the causal mechanisms and pathways, we should be wary about intervention, at least where crime-reduction is the aim. Moreover, theories of stigma and labelling give significant reason to be cautious about processes of identifying ACEs in individuals and drawing pre-determined conclusions about negative outcomes. We should be wary about conceptually placing young people on Andrea Leadsom’s “conveyor belt into a life of crime”, even if this is done with the best of intentions.

My PhD research explored the relationship between recovery from trauma and desistance from offending in adult men using an adapted life-history



Example of a participant Collage by 'Pete' (pseudonym)

approach, which used traditional life history interviews alongside art workshops involving participant creation of collages of their lives. The sixteen men who took part in the research were mostly in their 40s or 50s and had faced a range of problems in addition to crime and criminalisation, including poor mental health, substance use and homelessness. The narratives gathered in the study strongly suggested that adverse experiences in childhood did play a role in pathways into the criminal justice system for some of these men. Moreover, the research found that, making sense of past trauma *could* be useful in helping people understand themselves and their past actions in a new way, and could form some part of pathways out in adulthood. However, narratives of trauma were only useful where they allowed for the possibility of change. We need to be very careful about conveying narratives of “damage”

in which the person comes to see themselves as irreparably harmed by the past and so doomed to a negative future.

In addition, where adverse experiences played a role in pathways into the criminal justice system, this pathway was rarely a simple one. The meaning and context of events was everything. However any conceptualisation of ACEs as a checklist (as in some overly-simplistic applications) robs these experiences of both. That meaning and context are crucial should not be surprising. The trauma specialist Mary Harvey (1996) refers to the “ecology of trauma”: the role of the environment in differential exposure to trauma and in variations in post-traumatic response. She argues that “each individual’s reaction to violent and traumatic events will be influenced by the combined attributes of those communities to which

s/he belongs and from which s/he draws identity” (p.5). This includes factors such as cultural meanings, community resources, constructions of gender and race, ability of the community to ensure the person’s subsequent safety and to facilitate adaptive coping strategies. This suggests that any focus on traumatic events, or adverse experiences, outside of an understanding of the socio-situational contexts in which they are lived are likely to be unsuccessful, or at least provide only a very partial picture.

The adverse childhood experiences faced by the men in my research needed to be understood in the context of wider structural factors, such as race and class. One man’s experience of anger and dislocation arose, and was sustained, as much from the closure of factories in his area and the resulting sense that there was no place for him, as they did from his poor relationships with family. Similarly, another described his local area as “depressed” and “depressing”, reporting feelings of exclusion, which were compounded by the receipt of free school meals and the lack of opportunities in his area. For others, homelessness was a site of violence, degradation and societal neglect, mirroring or exceeding that experienced within the family home. The adverse events in childhood and adulthood experienced as traumatic by my participants went far beyond the prescribed list of ACEs. Importantly, adverse experiences in childhood faced by the men frequently included interactions with the criminal justice system. One man recounted the imprisonment of his father, the house being searched and items removed by the police and the family’s needs being ignored. Another described a sectarian (or, perhaps more appropriately, anti-Irish racist) assault by police in a custody cell when he was a teenager;

several recounted institutional violence (sanctioned and not sanctioned) in approved schools, borstal and young offenders’ institutions. Another man described the traumatic shock of life imprisonment as a teenager and being catapulted into the violent context of the prison. For the men in my study, the criminal justice system was not a site that addressed ACEs, but was the site in which (at least some of) these adverse experiences occurred.

Yes, these men were mostly in their forties and fifties, and times have changed, but institutional violence and the infliction of loss by the criminal justice system - such as permanent separation from children – was a recurring feature of many of these men’s experience throughout their lives. However, with the exception of imprisonment of a parent (which fits an all-too common discourse around ACEs: that trauma is something which bad parents inflict on their children), other criminal justice experiences are not on the list. This is important because it leaves open a narrative in which the criminal justice system becomes the solution for ACEs and the protector of the child, rather than a potential player in causing harm. The Ayrshire Division of Police Scotland is currently pioneering a “trauma-informed approach to policing”. Their website cites the acting Director of the Scottish Violence Reduction Unit, Will Linden, as advocating that “Police officers can be our frontline defence to help protect our young people from ACEs” and arguing that “Understanding ACEs is fundamental to preventing violence”<sup>1</sup>. These arguments appear to rest on the assumption that adverse experiences are both constituted by and play a causal role in interpersonal violence.

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<sup>1</sup> <http://www.scotland.police.uk/whats-happening/Trauma-Informed-Policing/>



In his book, *Violence*, Žižek (2008) critiques the dominant preoccupation with opposing all violence performed by social agents, while ignoring “the violence inherent in a system” (p. 8), which differentially exposes people to harm, “sustains relations of domination and exploitation” (ibid) and precipitates interpersonal violence. Similarly, Bulhan (1985) argues that:

Structural violence is the most lethal form of violence because it is the least discernible; it causes premature deaths in the largest number of persons; and it presents itself as the natural order of things [...]. Structural violence pervades the prevailing values, the environment, social relations and individual psyches (p. 155).

The lens of ACEs encourages a focus on family experiences such as parental mental health and substance use, but there is a danger that such a focus obscures those ecological and structural factors which are contributors to – if not causes of – these familial experiences. With this in mind, my research suggests that we need to reconceptualise the way in which trauma is constructed in discourse around criminal justice. We need to give greater prominence to those voices (e.g. Winlow, 2012) which situate the experiences of and responses to interpersonal trauma within the (structurally violent) socio-cultural, economic and political contexts in which they occurred, through which the meaning of those events are construed and within which our inherently intersubjective experience comes into being.

Ways of speaking about people and social problems frame the way people think about those problems and the action that this gives rise to. Moreover, there is a need to attend to what is

excluded by certain narratives, and which narratives are excluded or silenced within specific contexts. Furnishing people with individualised or family-centric trauma narratives may inhibit the development of understandings (of ourselves and others) which recognise the causal role of institutional, structural and symbolic violence in trauma and crime, so inhibiting the development of collective narratives and political action.

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## About the author

Sarah Anderson has recently completed a PhD at the University of Glasgow and is a Lecturer in Criminology and Criminal Justice at the University of West of Scotland.

## **Residential wings regime: An impediment to rehabilitation of prisoners?**

**Jo Bailey-Noblett**

### **Introduction**

I recently completed an ethnographic study in one prison in Scotland where I sought to identify prison officers' views of their understanding of and role in the rehabilitation of prisoners in their care. One of the most striking things I found is how sharply divided the carceral environment is between residential and activity areas, which had profound implications for rehabilitation in prison. These two discrete and distinctly managed areas more specifically consist of spaces where prisoners participate in academic education, skills training and offender behavioural programmes (OBPs), and the residential wings, areas where prisoners live and serve out the majority of their sentence. Residential wings operate analogously to that of a warehousing system, in a more specific sense than is meant in penal critique where this is a metaphor for lack of productive activity. Rather, I found that prison officers' dominant focus in these areas was on the secure confinement and movement of people, goods and services in and out of the residential wing and was thus comparable to that of a logistician.

From the perspective of prison officers, the demands required of them to manage residential wings were exacerbated by lack of staffing, high staff turnover and insufficient training. These issues in turn directly competed with and limited their ability to play a rehabilitative role. These factors prevented them from gaining the



understanding of what is facilitated and necessary knowledge and provided for the rehabilitation of prisoners in the learning areas of the prison. Thus, prison officers who operate the residential wings were both preoccupied with their substantial logistical institutional role and disadvantaged in terms of training, staffing and knowledge and understanding with regards to their supportive secondary role of rehabilitative support for prisoners in their care.

Residential wings, where prisoners will spend the majority of their time whilst serving their sentence, are often ignored in research and policy assessments of prison's rehabilitative dynamics. Moreover, the experience of prison as a residence also is under explored, failing for example, to consider the fact that sentences for the

most part are unlikely to be served in one prison. Therefore, prisoners can move through a number of prisons, with subtle and sometimes explicit differences in residential and programme regimes, managed and supported by numerous prison officers. Prisoners spend considerably less time in areas of the prison that have been managed, funded and staffed specifically for rehabilitation purposes offenders than they do in the residential wings. Understanding how the residential wings contribute to outcomes when it comes to rehabilitation therefore is an important, and neglected, consideration. In this short article I present my research on the perspectives of residential wing staff, and I suggest through analysis of these how demands placed on these staff undermined the ability of the prison overall to realise a rehabilitative ethos.

### **Rhetoric and reality of rehabilitation in prison**

There has been significant structural and strategic change in Scotland, with the prison estate almost unrecognisable from twenty years ago with the dispersal of female prisoners to new units from the centralised prison at HMP Cornton Vale near Stirling, and several entirely new prisons which, for the most part, offer single occupancy and integral showering and toilet facilities inside cells. This marks a huge stride forward from the days of overcrowding of three to a cell and slopping out, although continued crowding in Scotland's prisons means it is hard to determine how many prisoners actually benefit from the privacy of their own cell.

There has also been philosophical change, with the Scottish Prison Service adopting a strategic focus on a "new Mission centred on citizenship"

(SPS 2013) and where prison staff are encouraged to upskill to enable them to support prisoners by taking a shared responsibility for sentence planning and support through the gate for the "citizen recovery service" (SPS 2016). However, it remains to be seen whether this vision is being translated into practice by being implemented uniformly across the prison estate in practical terms of enabling constancy, continuity, stability and trusting relationships between prisoners and prison staff.

### **Methodology**

My ethnographic fieldwork was undertaken, over a period of twelve months, in a prison located in the central belt of Scotland. The prison houses approximately 800 adult male remand and convicted (serving long and short-term sentences) prisoners. The prison concentrates on rehabilitation offering 40 hours of purposeful activity per week per person on academic learning, gym, a variety of trade skills, employment opportunities and OBPs. Over the twelve months, the fieldwork involved five video recorded focus groups of prison staff, four of which were based on length of service (from new recruits to the longest serving prison officers) and one group with first line supervisors. One-to-one interviews were conducted and audio recorded with seven senior managers, four unit managers and 23 frontline prison officers working across different areas of the prison including reception, programmes and trades, case management, and in operations, i.e. segregation and residential wings. Numerous ad hoc conversations and discussions took place with a variety of prison employees as I traversed the prison and I also observed and video recorded over 80 hours of classroom training of new recruits. This provided



an insight into the main focus of the training given and the observation data provided the basis for my one-to-one interviews with the new recruits after six months experience of working on the residential wings. This provided me with an insight into their views on their initial training and how it had influenced and supported them for their secondary role of rehabilitation of prisoners in their care. (It is significant to record that my fieldwork was limited to prison staff; I was unable to undertake interviews or focus groups with prisoners.) Post fieldwork I transcribed, coded and analysed the data out of which a number of the noteworthy findings were identified. One important finding that emerged out of my analysis of all this data was that the prison was experienced as a divided entity and as a result did not, and could not, support prisoner rehabilitation.

### A tale of two prisons

This finding that the prison was distinctly separated into two areas was true for both prisoners and prison staff. The division was both metaphorical and physical, in terms of reality and practicality of certain spaces. The two clear zones were the 'living areas' or residential wings, where prisoners make their home, and the 'learning areas' where prisoners attend for academic education, trades classes and OBPs. Prison staff on the residential wings saw their role as involving security and care, the completion of compulsory administrative security checks, processing prisoners' goods and services in and out of the wing and ensuring that the wings ran smoothly and with as little trouble as possible.

**Unconformity refers to a physical structure that was once whole but has become separated by natural actions into two or more units that are juxtaposed, unconnected and adjacent but dissimilar**

These prison staff also felt sceptical towards prisoners' motivations and behaviour in the non-residential parts of the prison. For example, many believed that prisoners were primarily motivated to attend the learning areas to earn money to purchase little luxuries from the prison canteen and making prison life more tolerable; to send some money home; or instrumentally took part in education and programmes to complete the list of defined criteria required to gain early release (via home detention, parole or progression to a lower security prison). These opinions and views of prison staff on prisoners' ulterior motives for

attending purposeful activities have significant consequences for the implementation and underpinning of rehabilitative support for prisoners on the residential wings. In addition, and exacerbating this issue, there were structural obstacles that prison staff felt precluded them

providing meaningful rehabilitative support on the residential wings. These were the imperatives of security, administrative duties, wing management, staffing and a lack of information and training on what was being taught in the learning side of the prison.

It is well established in research that productive rehabilitation is about consistent, confident and constant reinforcement of the positive by people with whom a prisoner has built a trusting and reliable relationship. This includes pro-social modelling, positively reinforcing newly learned skills or helping someone to understanding themselves. This can

promote a positive change in mind-set that may go towards desisting from a life of crime, take time and effort. However, my research found staff considered that, under the conditions identified above, they were unable to build such trusting relationships, even though the majority of staff, in focus groups and interviews undertaken, expressed the wish that they wanted to do more than they were able to in supporting a person's rehabilitation. The only continuity between the residential and activity areas were the prisoners themselves, who occupied both spaces but for different purposes. In contrast, for wing officers, the 'learning area' of the prison was staffed by 'others', brought in specifically for the purpose of teaching, and specialist prison officers who facilitated OBPs or taught trade skills, or officers providing a purely security role. Residential staff lacked knowledge and understanding of what was being taught in the learning areas, which they attributed to a lapse in their initial training, and therefore they felt unable to effectively support prisoners' needs until they had several months' work under their belt. They reported that their knowledge of rehabilitative programmes was picked up anecdotally and indirectly from prisoners and other prison staff about what was being undertaken in the learning areas.

This divide is real and strikingly visible in my data, but was unseen by the prison staff and prison administrators who spoke to me. I employ a geological term to describe this: 'unconformity'. An unconformity refers to a physical structure that was once whole but has become separated by natural actions into two or more units that are juxtaposed, unconnected and adjacent but dissimilar and also unconformable. Ironically, a function of

this unconformity is that prison staff on the wings face a greater, though invisible, barrier compared to prisoners (who are able to move between residential and activity areas) in the sense that they have limited knowledge and understanding of what is being taught and facilitated to prisoners when they are out of the wing. This barrier is a further limiting factor, alongside staffing, administration and time, to their supporting prisoners who aspire towards rehabilitation.

I would argue that this is not a deliberate subversion or resistance by staff of a rehabilitative role, nor an attempt by the prison administration to thwart HQ strategy, nor even a function of architectural design of most prisons in which the living quarters are separated from the rest of the prison, for purposes of security. Rather, the separation has the effect of constituting two distinct carceral spatial realities in the prison featuring different social conditions to which are ascribed different rules, cultures, and identities for both staff and prisoners. These are the product of physical and design arrangements, by the institutional practices entailed in the maintenance of order and through the policies and procedures of the prison administration, as well as the unwritten rules of prisoners themselves. The overall consequence, I argue, is a structural inability to support rehabilitation of prisoners.

### **Residential wings: Prisoners' homes?**

There is an increasing amount of research that is focusing on residential wings and also on what is termed 'normalisation' as well as the Scandinavian model. The question is, however, whose outlook of normalisation? Prisoners, prison staff, designers of prison strategies, policies

and practices and of architecture, charities, public or media (see Moran 2018)?

From the perspective of both the frontline and management staff, in my case study prison, the residential wings were considered the prisoners' homes and views and expectations around behaviours therein were somewhat different to those staff had of prisoners in the learning areas. The prison staff on the residential wings felt they had little time to do more than set an example through pro-social modelling of civil society behaviours. Prison staff on the wings felt that prisoners saw them as adversaries, and that they therefore bear the brunt of prisoners' frustrations and pains of imprisonment. A number of the prison staff described prisoners' lifestyle in prison and adhered to views that this was similar to (or normal to) the one they lived in the open community: they offered 'typical' examples of prisoners sleeping all day, watching television all night, hanging around with their pals in the evenings and seeking substances to relieve the worthlessness of their circumstances. In other words, the views wing staff had formed of prisoners - that they were comfortable and not interested in being rehabilitated - shaped their overall understanding of prisoners as people and what they were motivated by or capable of. In turn, this largely negative and sceptical view obstructed the ability of residential staff to play, or to feel motivated to play, a role in which they actively supported rehabilitation.

However, I would argue that the residential spaces of prison are an untapped resource for potential rehabilitative support. Instead of looking at these spaces as places where prisoners make a home for a

specific period of time that is disconnected from other things they do in the prison, and where it is easy to keep them contained and where prison staff act as 'logisticians', residential wings could be seen as areas of social well-being and development, with activities that promote a different lifestyle, attitude and respect for all. But we then come back to the problem raised by Dominique Moran about whose 'normalisation'? Whose perspectives of civility? Whose rules and regulations of society?

Further questions have to be raised. What does rehabilitation look and feel like on a residential wing? Would it be the same or different to that facilitated in the learning areas? How would prison staff implement it? How would they be trained? However, until the structural issues on the management of residential wings, such as staffing levels, staff turnover, training and understanding of rehabilitation, are resolved, the residential wings will remain warehouses in which prisoners make their home.

By highlighting this divide, by making it visible to others, I am asserting that residential wings have the potential to make a difference to rehabilitation and desistance support, if prison staff and infrastructure were invested in as resources for learning, trust, well-being and work, rather than as containers of human packages earmarked to various places for distribution by prison staff. The residential wings are areas that lack stimulation and opportunities for well-being. The only time a wing comes to any form of life is during 'association', the free time when cell doors are unlocked and prisoners can congregate in open spaces. This can support socialisation skills necessary for reintegration but can also reinforce anti-social behaviours such as bullying

and increase security risks for prison staff. It is therefore not entirely unproblematic but overall has the potential to provide stimulating, purposeful activities that I would argue could support and strengthen positive reinforcement of rehabilitation and security and care. Research has highlighted that spaces in prison are emotive places steeped in tensions and meanings (Jewkes 2018, Moran 2016), arguably more so than in the open community, and the design of my fieldwork prison has highlighted the consequences of the unintentional divide between living and working spaces of the prison which is operating as a barrier to stimulating and motivating change in prisoners.

### Conclusions

If penal policy requires that the removal of a prisoner's freedom is the punishment then penal social policy should be about the quality of their living environment and social wellbeing, representative of the open community; an environment that is as conflict free as possible and where opportunities are available to the majority of prisoners, with the small number of prisoners who are identified as a danger to the majority isolated and placed under stricter controls. At present the residential wings operate a system that is highly controlled for all prisoners, the majority of whom are confined to their cell and living areas and which, it could be argued, reduces security and control for all. Because regimes on the wings focus on security, thus prisoners have plenty of time to consider the pain of imprisonment. Consequently, to relieve that pain and idleness, many seek ways to obliterate that pain through substance abuse and self-harming. It could therefore be argued that the prison's policies and practices on security of the residential wings are

driving the behaviours that reinforce staff belief that prisoners have low motivation to engage in programmes or in positive lifestyles. If prisoners had greater opportunity, and meaningful reasons, to be out of their cells, living in life-affirming communities, through activities that existed on both sides of the carceral spatial divide, they might be less likely to seek other, less life-affirming, experiences to get them through the pains of their incarceration. This could increase the likelihood of realising a holistic ideal of rehabilitation through gaining self-efficacy, resilience and self-determination with the support of suitably trained prison officers.

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### About the author

Jo Bailey-Noblett has had diverse career experiences include nursing, retail management, career guidance, and project management with unemployed youths and prisoners. She has also conducted research on learning, skills and employability in Scottish prisons and presently am finalising my PhD thesis, 'The perspectives of prison officers on their role in the rehabilitation and desistance support for prisoners', which I completed at the University of Strathclyde.



## Vulnerability and the protection of prisoners in Scotland and England

**Neil Cornish**

### Introduction

Whilst many prisoners have 'vulnerabilities' it is a curious fact that only a relatively small number are officially labelled in such formal terms, more specifically as a 'protection' prisoner in Scotland or a 'vulnerable prisoner (VP)' in England and Wales, requiring segregation from the mainstream population. My PhD research study aims to learn more about the conceptualisation and management of vulnerability in prison settings, the types of vulnerability that require protection, its identification and assessment and subsequent practical responses.

I am especially interested in the wide-ranging reasons why prisoners request a move to a protection hall in Scotland or a vulnerable prisoner unit (VPU) in England and Wales, how they make this request and the locations within the prison where these appeals are made. Equally, I am interested in the legal context, the administrative process and the admission criteria that staff use to determine who does, or does not require, re-location to separate, protective housing. In short, do the decision-making processes of prisoners and staff converge, and in what ways might they diverge?

### Why have I chosen this research?

In the 1990s a limited number of research projects investigated the nature of vulnerable populations, most notably, Dobash et al.'s (1995) study 'Vulnerable Prisoners in Scottish



Prisons' and Sparks, Bottoms and Hay's (1996) account of the VPUs at HMP's Albany and Long Lartin in *Prisons and the Problems of Order*. These projects focused on day to day life within specialist halls and units, but an established, easily accessible body of literature investigating protection halls and VPUs cannot be said to exist. Indeed, I have yet to find an academic article that offers a detailed explanation or critique of the decision making of prisoner and staff in terms of moving onto or exiting from these units, or the administrative and legal process by which prisoners are re-located. This lack of literature surrounding the decision-making process of both

prisoners and staff forms one of the major justifications for this study.

Most importantly, I believe there is a lack of information provided to prisoners, especially those unfamiliar with the system, as to the purpose of these specialist housing units, who is located there and the consequences of re-locating to them. This was evidenced during interviews I conducted with prisoners and staff on a VPU in a large, local prison in the north of England and prisoners in a protection hall within an establishment in the central belt of Scotland, in May and August 2018 respectively.

I hope that, in time, my research can contribute to this limited body of academic literature but also be utilised, in some small way, in an exchange of knowledge between Scotland and England and Wales. For example, in the prison systems of both places, prisoners felt that more information should be provided about the units themselves and the consequences of re-locating.

### **Duty of care**

Although the prison systems of Scotland and England and Wales are separate entities, both have a statutory 'duty of care' to all prisoners, a duty reinforced under the United Nations Standard Minimum Rules (the 'Mandela Rules') and Article 2 of the European Convention on Human Rights. Indeed, the Mandela Rules (Rule 2) encourage 'prison administrations ... to take account of the individual needs of prisoners, in particular, the most vulnerable categories', although little further guidance is offered. This duty of care imposes an obligation to take preventative operational measures to protect and keep safe those who may be 'at risk' of threats, intimidation or assault. Protection halls and VPUs are

one such strategy for managing these risks.

### **To separate or to integrate?**

It is important to emphasise that not all carceral systems or individual prisons feel it necessary to separate prisoners; some establishments adopt regimes where all prisoners are 'integrated.' For example, during international visits that formed part of The Woolf Report (1991) into prison disturbances in England and Wales in 1990, it was discovered that, in addition to the UK, only Canada, the United States and France separated particular categories of prisoners at that time.

Whether a prison has specialist accommodation will depend on internal factors including, the size, location and purpose of the establishment, discretion of senior managers, staff culture and nature of prison population within that specific institution. Prison managers therefore have some discretion over how they utilise their accommodation, where they locate their prisoners and whether to separate or integrate, albeit within a wider framework.

### **Wider criminal justice influences**

Factors external to a specific institution can also influence the decision-making process of staff within the establishment; this is a situation that has recently arisen in both Scotland and England and Wales given an increase in convictions for sexual offences and subsequent demand for spaces in protection halls and VPUs. A good example comes from England and Wales in the 1980s, when police, probation staff and lawyers tended to advise newly remanded or sentenced prisoners charged with sexual offences to immediately apply for Rule 43 (now Rule 45, of the statutory Prison Rules) 'own protection' status. This resulted in

a large increase in numbers of prisoners seeking and being granted protection. A Home Office Working Group set up in 1989, to look into this issue, eventually wrote to various legal and criminal justice bodies, explaining how their well-intentioned advice was affecting demand and 'competition' for places on a VPU, requesting that they refrain from this practice.

Wider forces within the criminal justice system, local, regional and national prison policy and factors internal to individual prisons can therefore influence both the supply of and demand for protection hall and VPU spaces. As a result, there is no such thing as a 'typical' protection hall or VPU. Whilst they may be discrete and self-contained, they vary in physical size, capacity, regime and even in type of prisoner who is housed there.

### **Who are the protection or vulnerable prisoners?**

The process of being identified and officially labelled as a 'protection' or 'vulnerable prisoner' is similar to an official 'naming and shaming' ceremony, a man-made creation that exposes the bearer to a new set of regulations and identities, arguably reinforcing a heightened sense of 'otherness' among an already othered group, the wider prison population. There is no domestic or international definition of what constitutes a 'vulnerable' prisoner nor an exact science of identification or threshold to be met. Vulnerability to threats, intimidation and violence is therefore both a static and a dynamic concept; static because of relatively unchanging prisoner hierarchies and codes, but 'dynamic' because of the range and fluidity of subcultures from prison to prison, as demonstrated by this quote:

*Lancaster Farms, Haverigg, Wealstun and Preston, I wasn't on the VPs in any of them jails, know what I mean, just this one and Holme House. (Prisoner interview, England)*

This quote reveals that the interviewee only sought VPU status in two prisons in the North East of England, rather than during his imprisonment in the North West. His explanation was that he was relatively anonymous in HMP Lancaster Farms, Haverigg, Wealstun and Preston, whereas he was fearful of criminal associates in prisons and communities in the North East and had therefore requested VPU status.

### **Offence-based protection**

In the United Kingdom, as in many other international prison systems, those who have offended against prisoner 'norms' or 'values', for example, by committing either sexual or violent offences against children or sexual offences against adults often face targeting by other prisoners, and so may need to be protected. In Scotland, those imprisoned for a sexual offence are almost automatically designated for separate housing, often on a protection hall. No distinction appears to be made amongst this group of 'offence protection' prisoners, despite the huge diversity of crimes the sexual offence category includes. In England and Wales, those who are re-located to a VPU because of their offence are known as 'vulnerable prisoners' or VP's. In both prison systems, re-location can occur at the remand or sentence stage, provided suitable accommodation exists.

### **Non-offence protections**

Prisoners also may be re-located to specialist housing or protected on mainstream locations for reasons other than their offence, however. These 'non-offence' protections in Scotland or

'own protection' (OP) prisoners in England and Wales cover a range of categories, many of which will be familiar to prison researchers, but can fluctuate in importance from prison to prison as a determinant of choosing or assignment to specialist housing. This may include police or prison informers ('grasses'), debtors, older prisoners, first timers, gay and transsexual prisoners, religious and ethnic minority groups and former police, prison officers or legal professionals, amongst others.

### **A decision-making process**

It may sound obvious, but it is not for prisoners to decide where they are to be housed within an establishment; prisoners can request location to a protection hall or a VPU but, ultimately, it is a decision-making process that belongs to staff. Their motivations and practices in making assignments therefore merit study.

*We can protect people by moving them around.* (Safer Custody Officer interview, England)

Where specialist protective housing does not exist, prison staff can remove aggressors from the situation or re-locate potentially vulnerable prisoners to other landings, halls or wings in the host prison or to other establishments with protective housing. In 'integrated' regimes, where all prisoners mix freely, staff vigilance, dynamic security, robust anti-bullying procedures and restorative justice can help to reduce prisoner on prisoner assaults and therefore the demand for protective measures elsewhere in the system.

In prisons where protection halls and VPUs are available, demand can sometimes outstrip supply:

*We have a VPU, which is offered to prisoners in reception if they are charged with a sexual offence, it's an automatic, they'll be offered a space here, if there's space available. If not...they'll be placed on a waiting list to come over here at the earliest opportunity.* (VPU manager interview, England)

Prisoners waiting for spaces can be removed from associating with other prisoners and confined to their cells under 'own protection' measures in mainstream halls, wings or segregation units (which is separate accommodation not to be confused with protection halls and VPUs) under Prison Rule 95 in Scotland and Rule 45 in England and Wales. This situation is far from ideal because staff must continue to run a mainstream regime whilst, simultaneously, supporting those 'own protection' prisoners kept safe behind their cell doors, unable to mix with mainstream prisoners and therefore participate in the regime.

In effect, staff are continually moving prisoners around their establishment but also the wider system for reasons of protection and safety, but there is scant research which assesses these reasons, from both the perspectives of prisoners and front-line staff.

### **Research design**

My research involved a prison each in England and Scotland, and my questions were essentially the same for both places, although terminology was adapted slightly throughout the project. The core questions guiding it are:

- How do prison staff assess, identify and manage prisoners who require accommodating in a protection hall/VPU?
- For prisoners who request re-location to a protection hall/VPU,



what is their decision-making process prior to asking for help?

- Do staff and prisoners view 'vulnerability', and how best to manage it, in similar ways?

### English fieldwork

I conducted this within a local prison because 'vulnerability' is heightened in the early days of custody and I believe local prisons offer most potential for understanding thought processes and decision-making around vulnerability. After much negotiation, including a presentation to staff and pilot testing a prisoner interview, I began fieldwork in a large, local prison over a two-week period in May 2018, conducting 10 interviews each with VPU prisoners and staff and ethnographic observation of the unit. Prisoners interviewed included both remand and sentenced prisoners. Other criteria required having lived on the unit for at least two weeks, not being 'at risk' of self-harm or a victim of bullying. Six interviewees had committed sexual offences, whilst the other four had been re-located for other reasons, namely debt, suspicion of being an informant, police intelligence of 'threat to life' and a victim of bullying.

I also conducted nine interviews with a range of staff, namely a Governor in charge of residences, a Senior Reception Officer, a Reception Officer, two first night centre officers, a Safer Prisons Officer, two VPU officers and the VPU manager. The purpose of these was to speak with a broad range of staff with responsibility for 'flagging up' and re-locating potential VPU prisoners. I wanted to learn more about who was involved in the decision-making process, parts of the establishment where prisoners are first identified, potential conflict in the

decision-making process and staff thoughts about VPU regimes.

### Scottish fieldwork

In Scotland, I sought interviews also in a local prison, to provide a sensible comparator with English fieldwork. Interestingly, and perhaps frustratingly, the SPS interpreted my request to research vulnerable prisoners as a request to research those sentenced for sexual offences. This meant I was assigned to a very different prison than I had visited in England, one which holds sentenced, mainly long-term, prisoners with these offence backgrounds. I undertook interviews with 10 prisoners living on a protection hall, with further ethnographic observation of the environment. I am still hoping to capture staff perspectives in a local Scottish prison, and

negotiations for this are ongoing. Unfortunately, given the nature of the establishment, I was unable to interview any remand prisoners and only met with one non-offence protection prisoner. The other nine interviewees were therefore all long-term prisoners, sentenced for crimes of a sexual nature. Again, the main purpose was to learn more about how and why these prisoners had been re-located. The difference however, was that I asked interviewees to reflect back to earlier in their sentence, upon arrival at a local prison, prior to re-location in the long-term protection hall.

### Emerging themes

I am now analysing interview and observation data. Here, I set out some preliminary themes, which should be read with caution as they require further investigation before any conclusions can be drawn.

**Do staff and prisoners view 'vulnerability', and how best to manage it, in similar ways?**

***Lack of understanding and information***

*I thought, 'what's protection, what is it', I wasn't sure what it was. (Prisoner interview, Scotland)*

This interviewee was in custody for the first time, remanded for a sexual offence against a child. He was assigned automatically to a protection hall by staff from the prison reception.

It is unsurprising that prisoners unfamiliar with prison life have little concept of protection, or what it entails, but it is interesting that many had no idea there would be specific, separate housing for some.

***Everybody in protection gets labelled 'beast' .... you cannae go back from a hall like this.***

*Prisoner interview, Scotland*

***Demand for spaces, new hierarchies of vulnerabilities***

*We're extremely tight for spaces [in the VPU], if there's no space, we can't make a space that doesn't exist. (Staff interview, England)*

In the English fieldwork, the pressure for space meant that staff were developing hierarchies of vulnerability where they sought to prioritise the 'most vulnerable'; this generally assigned those convicted of sexual offences against children as the highest priority but, as previously suggested, such prisoners often had to wait in alternative locations until space became available, thus increasing demands on mainstream staff to keep them safe and protected.

***No going back: a decision with consequences***

*Everybody in protection gets labelled 'beast' ....you cannae go back from a hall like this. (Prisoner interview, Scotland)*

This quote represents the common view that while some can and do rejoin the mainstream population, for most, once labelled, they have crossed the point of 'no return.' As the quote suggests, protection carries a stigma which, once applied, is difficult to avoid, even for those not charged or convicted of sexual offences. Themes of 'exiting' protection will be explored more fully within the wider PhD.

***Media influence on accommodation decisions***

*I was saying to my mate, 'if that goes in the paper tomorrow and it's bad', I was saying, 'I'm going to have to go on a VP wing'. (Prisoner interview, England)*

Prisoners in both systems referenced the significance of media reporting of a criminal case. In the example above, the prisoner, was known to have committed a sexual offence but had been living in and accepted on his mainstream wing. However, after much local media reporting and subsequent pressure from other prisoners, he requested to be re-located to the VPU. An interesting theme to emerge from fieldwork is that some sexual offenders choose to live in mainstream populations, yet remain undetected or detected yet accepted, particularly if there is no media reporting of a case. This theme also requires further investigation.

***Over-ruling of staff decisions from a higher authority***

*I've been over-ruled by the Head of Residence, Governor, and head of Safer Prisons....you will take this prisoner.* (Staff interview, England)

Although a prisoner may request to be re-located to protection, this request will be subject to a decision-making process, often involving staff of various grades, especially for prisoners where grounds of vulnerability are not (sexual) offence related. Fieldwork interviews revealed that many staff felt the VPU should be reserved for sex offenders and the 'truly vulnerable', rather than for non-offence or own protection prisoners who were seen to have become vulnerable through own choices by, for example, having failed to repay drug debts in the mainstream population. The concept of 'vulnerability' is therefore socially constructed and, as a result, open to interpretation, bias and debate centred on who is really 'vulnerable' and therefore 'deserving' of protection or VPU status.

**Conclusion**

I believe that this project has potential to contribute to an exchange of knowledge between the Scottish Prison Service and HMPPS. Although slightly different terminology prevails, both prison systems face similar challenges in terms of the management of prisoners requiring specialist, protective housing. In academic terms, very little research exists and what does, although still interesting, is, arguably, now quite dated. In more practical terms, the concept of a 'protection' or 'vulnerable' prisoner is open to contest

in both systems, albeit those charged or convicted of sexual offences are the most likely to be offered protective housing immediately. The 'pathways' or processes by which individuals are re-located also requires further investigation, as this is crucial to the well-being and safety of both prisoner and staff alike. From a personal perspective, I found the fieldwork very challenging, emotionally exhausting yet fulfilling and rewarding, partly, I think, because you are providing an opportunity for some of the most 'vulnerable' prisoners within both systems to tell their story and explain how improvements might be made.

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**About the author**

Neil Cornish is an ESRC funded PhD student based at the Scottish Centre for Crime and Justice Research (University of Glasgow). He has previously worked as a Research Associate at the Prison Reform Trust and was co-author of *Social Care and Systematic Neglect: Older People on Release from Prison* (2016) and *Out for Good: Taking Responsibility for Resettlement* (2012).

## Distant voices

### Phil Thomas

In this short article, I will introduce the Distant Voices project and my role within it as the post-doctoral research associate. I will reflect on how my current work draws on the approach I developed during my PhD, and offer some thoughts on undertaking collaborative and creative research with people who have experienced state punishment. Distant Voices is a collaborative project and so unusually, this piece represents my own perspectives rather than those of the collective.

#### Introduction

Distant Voices is a three year ESRC/AHRC funded (ES/P002536/1) interdisciplinary project that aims to explore and practice re/integration<sup>2</sup> after punishment through creative collaborations – principally songwriting, blurring boundaries between creative practices, research, knowledge exchange and public engagement. The project is a collaboration between a number of partners: the universities of Glasgow, West of Scotland, and Edinburgh, and the arts charity Vox Liminis which has been central in developing the creative practices through which the research takes place. The current phase of the project began in April 2017, but is built on previous pilot projects between the Scottish Centre for Crime and Justice Research and Vox Liminis.

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<sup>2</sup> In the project we use 're/integration' in recognition of the fact that many of those facing challenges of reintegration after punishment may not have been well integrated in the first place.



Subverting conventional understandings of 'offender rehabilitation', the project is concerned not with 'correcting offenders' but rather with exploring and trying to change how people are received when 'coming home' after punishment. As such, the affordances of music making and sharing are explored not primarily for their positive effects on people undergoing punishment, but rather for how it can help those without experience of the criminal justice system to engage seriously with the challenges of re/integration. This emphasis on addressing the attitudes and practices of civil society in re/integration follows the



recommendations of the Desistance Knowledge Exchange project (RES-189-25-0258) led by Professor Fergus McNeill from the University of Glasgow, who is also the principal investigator within Distant Voices.

In summary, the project aims:

1. to improve academic and public understandings of social re/integration after punishment;
2. to develop innovative practices to better support re/integration; and
3. to better engage a range of citizens, communities and civil society institutions in re/integration.

To achieve these aims the project has a large interdisciplinary research team, who bring a rich mix of theories and practices to the research. The project is led by Professor McNeill (criminology and social work). The co-investigators are Alison Urie, the director of Vox Liminis (community learning and development, youth work); Dr. Jo Collinson Scott, University of the West of Scotland (musicology, and practice-led research - music); and Dr. Oliver Escobar, University of Edinburgh (politics and public policy). To my role as the postdoctoral research associate I bring a background in sociology, criminology and practice research (creative writing and film). Lucy Cathcart Froden joins us as the doctoral researcher on the project (sociology, community development, practice research – music).

In its methodology, Distant Voices is a collaborative action research project combining creative practice, social science-based and arts-based research methods, and knowledge

exchange. As an action research project a major commitment is to work closely with people who have direct experience of the criminal justice system, in order to problematize and democratise knowledge about re/integration after punishment. However in a collaborative project with diversely situated participants it is by no means clear how and whose knowledge should or could be problematized. Research participants are increasingly treated as ‘experts in their own lives’ – but how much are any of us truly experts in our own lives? Whilst this is a valuable approach to countering top-down forms of knowledge production, it presents a new set of challenges and questions in need of consideration. For example, can we collectively challenge this expertise when it comes in the form of (sometimes painful) personal experience? How should a researcher who wants to honour a sense of the ‘truth’ as partial, treat essentialist claims made by a fellow member of the group? The question of how much authority to afford conflictual accounts within a diverse group needs to be negotiated carefully. We don’t have ready answers to this problem but creative approaches seem to be key to the development of a shared story – not one in which everyone agrees, but which manages to hold differences together in dialogue.

The project is organised around three phases of activities: collaborative song making, song sharing, and analysis. These phases are blurred in practice, in the sense that collaborative making can also be a form of analysis for example, and in that this process of research is an iterative process in which what we discover inspires us to make more creative work.



Image credit: Edinburgh launch of *Not Known at This Address* (2018) Chris Scott

### **Making**

We have so far undertaken 16 three-day song writing workshops in open and closed prisons and wider community justice settings in Inverness, Glasgow, Dundee and Falkirk. In these workshops we have brought together different combinations of prisoners, prison officers, prison management, criminal justice social workers, people with experience of a family member's imprisonment, academics, and musicians on the co-creation of songs exploring 'coming home' after punishment.

At each workshop a member of the research team, often myself, is assigned to take part as a participant observer - producing ethnographic field notes, conducting brief and conversational interviews with

participants at the end about their experience of the workshop, and recording daily debriefs from the team. In this role I have often helped participants write song lyrics, scribed for people who struggle to communicate through writing, and even sung backing vocals! Whilst there is a lot of work to be done to produce finished and recorded songs in such a short period, the sessions also involve lots of 'hanging out' with participants, chatting, joking, playing guitar and eating Haribo. During my doctoral project, I had worked with ex-prisoners but not directly experienced prison environments. I have found these workshops the most rewarding and harrowing aspect of the project. A member of the team will follow up the session by returning with copies of the mastered songs and having a final playback. Towards the aim of better practicing re/integration we encourage people who have participated in

workshops to come along to our weekly drop in music session at Vox Liminis once they are released from prison. As with all groups there are things that increase the chances of membership, in this case, a love of music (specifically Scottish indie and folk music), creativity, and practical music skills. Aside from anxieties about musicality, and practical considerations of geography and other commitments, we need to more deeply investigate the reasons why whilst so many people express a keen interest in attending, most either don't make it along, or fail to return to sessions once they're released from prison.

### Sharing

As a way of engendering public conversation on criminal justice we have been sharing the songs produced in the workshops to audiences of different scales and in different contexts. We have organised live performances in the form of large-scale public gigs, performances in prisons, and intimate invite-only 'house gigs' hosted by members or supporters of the project. We have also produced an album of these songs called *Not Known at This Address* with funding from Creative Scotland, which is freely available to stream online:

<https://www.voxliminis.co.uk/projects/distant-voices/media/?media=1364>. We

have also made a series of podcasts expanding the album's themes, and I am especially proud of one called *Castaway* in which 'S Code' shares the 'desert island disks' that got him through prison. Our doctoral researcher Lucy has made an insightful series of podcasts charting her work in progress. The podcasts and other material relating to Distant Voices is available here:

<https://www.voxliminis.co.uk/projects/distant-voices/>.

### Analysing

As a collaborative action research project there is a Core Group of around 15 people that help guide the aims of the project and analyse the research material. The group has so far met six times for intensive one and two-day research workshops and will continue to meet throughout the project's duration. Invitations to membership are based on an attempt to try and cover a broad range of positions and experiences within the criminal justice system, and reflect the wider 'community of enquiry' related to the project. The group includes members of the research team; staff members of Vox Liminis who are community development workers, and musicians; people with lived experience of re/integration after punishment (and their families), social workers, and criminal justice practitioners including a deputy prison Governor. These areas of expertise and experience blur or overlap – for example someone might be a probation officer *and* a musician. We're trying to build a shared understanding and approach through this research, but this is not the place that we've started from. Collaborative research is hard, requiring the creation of mutual trust, respect and the destabilising of existing hierarchies. Despite our efforts these hierarchies can be maintained by the group's varying educational backgrounds, levels of interest, confidence, and time and resources. The project has placed an emphasis on mutual vulnerability in our process of shared discovery, however the risks of sharing and participating are arguably higher for those with stigmatised experience. Developing 'sociable methods' (Sinha and Back, 2014) in spending extended time together has been crucial to shifting power dynamics, build trust and develop relationships as we decide what collective actions to take. The

agenda of our early meetings was set by the research team, but as the group members have grown in confidence they are taking on more responsibility for these workshops and for developing their own research enquiries. To build the group's research skills Jo Collinson Scott developed the idea of TREEs (tiny research explorations and enquiries) in which we would work individually or in small groups to follow a line of interest that engages us from within the research data. This approach builds on the idea of 'clews' or threads from Robin Nelson's (2013) work within practice research: an enquiry that follows from a specific point of interest in or question about the material, rather than by the research questions.

### **How my PhD has informed this postdoctoral project**

I came to the project with a PhD to finish and submit, so my own project was very much 'live' when I started this postdoc. My PhD (2018) was a practice-based project in visual sociology – which I'd define as sociology in which the researcher draws on her art practice as part of her approach. Following the poststructuralist ontological premise that our research methods *produce* rather than represent our objects of investigation, this project rejected the stable moral construction of criminals, victims, and researcher which is implicit in much criminology. To explore this, I undertook a series of experiments in creative empirical research, collaborating with ex-prisoners, a policeman, and a private investigator. The outcome was a collection of short stories, a film, a series of collages, and a written thesis, which investigated the politics of showing and telling about crime. I drew on actor-network theory in describing **'Social Science Fiction' and Shared Stories**

this as a 'translation' of my empirical data into new forms which perform the partiality of our knowledge claims.

A major concern in my doctoral project was to develop an ethical approach to working with people who had been repeatedly asked to tell 'their story', in other words, to create a compelling narrative of what led to their crime and punishment and demonstrate themselves as worthy of aid or rehabilitation. I employed the historian Carolyn Steedman's concept of 'enforced narratives' (Steedman, 2000) to understand the constraints and demands of this narrative form, and rather than asking for each participant's 'story', conducted interviews *about* being interviewed by agents of the state and the criminal justice system. Working with my participants' consent to translate aspects of these interviews into works of fiction, was a way for me to practice a politics of research that aspires to be answerable to those who are researched.





Image credit: Side A of *We Who Are About To* (2017) Philippa Thomas

As part of the Distant Voices project, I was tasked with making a creative response to the first Core Group research workshop that aimed to capture different perspectives on the experience. The research team were anxious that my voice and perspective shouldn't dominate, and as I had previously written fiction as a research method during my doctoral project, I thought that here again it could offer possibilities for working with narrative voice and character in a way that ameliorated the anxieties about misrepresentation. My first thought was to produce something that looked like the surface of a crystal, with segments containing fragments of the work we had made and done that would intersect in interesting ways. I could have stuck with this idea but decided to create a narrative that wove together some of these things, and rewrote our workshop as a piece of 'social-science fiction' (Penfold – Mounce et al., 2011). To retain the idea of juxtaposing fragments, I

designed the work as a piece of foldable origami. As such when you fold the story into the shape of a house the folds will create new combinations of words and images, and perhaps a new story. I chose the shape of a house because we were exploring the theme of home and homecoming during the workshop, as we are in the project more broadly. The images were made by collaging photographs taken on the retreat by my colleague David Shea, with images from the British Library's online collection of copyright free resources. I found that within the collection of historical images relating to science and technology there were the raw materials I needed to craft future landscapes. The library is free and available here: <https://www.flickr.com/photos/britishlibrary/albums>.

I took the title for this piece: 'We Who Are About To' from a novella of the same name written by Joanna Russ

(Russ, 2016). First published in 1977, her story is a feminist take on the genre of the 'space western' in which a group are thrown or come together to explore an unknown planet ('beyond the final frontier'). I chose this genre because it seemed to parallel the experience of setting out to do collaborative research with a group that doesn't know each other well. Like others in the group I wondered how we could find a shared language, or sense of community, and what it would be possible for us to create together. As Naomi Alderman points out, Russ's story flips the conventions of the space western by focussing not on the dazzling progress of science, but on 'how it will feel to land on a new world, how the old dynamics of human personality and inter-relations will play out in the future' (Alderman, 2016: v). In other words, Russ does precisely what many have argued art can or should do: make us look at the world we think we know with fresh eyes. I was a little anxious about how the rest of the Core Group would respond to seeing our workshop given back to them in the form of fiction, and how would they feel about my interpretation of events. Luckily the group largely seemed to enjoy reading it, and another group member was inspired to write chapter two. Since then the narrative has stalled for several reasons – variously pragmatic, relational, and creative. In short, stories have the power to intervene and shape future action, and this is a project still in process.<sup>3</sup>

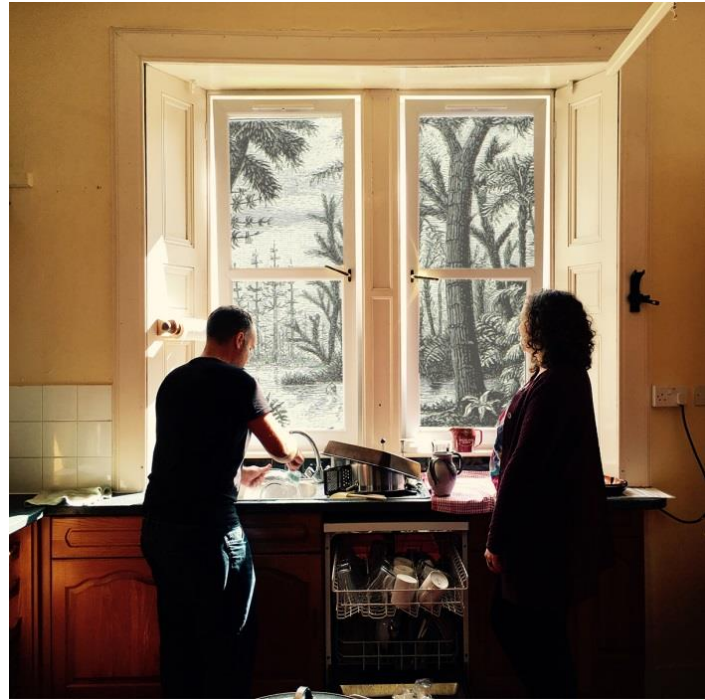


Image credit: Detail from *We Who Are About To* (2017) Philippa Thomas

<sup>3</sup> You can read chapter one here: [https://www.voxliminis.co.uk/wp-content/uploads/2018/01/Thomas\\_WeWhoAreAboutTo\\_ChapterOne.pdf](https://www.voxliminis.co.uk/wp-content/uploads/2018/01/Thomas_WeWhoAreAboutTo_ChapterOne.pdf), and chapter two and an explanation of it here: <https://www.voxliminis.co.uk/projects/distant-voices/media/?media=1465>.

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## About the author

Phil Thomas is the research associate on the [Distant Voices](#) project, and is based at the Scottish Centre for Crime and Justice Research, University of Glasgow. Phil has a PhD in Visual Sociology from Goldsmiths College, University of London (2018). Alongside more traditional approaches her methodology includes writing fiction and making films. Her key research interests are poststructuralist philosophy, science and technology studies, ethics, and collaborative and creative research methods. Phil previously lectured in Cultural Studies at the London Contemporary Dance School, Trinity Laban, and the Northern School of Contemporary Dance. She has also taught Criminology and Sociology at Goldsmiths College. Her website is <https://crowdedmouth.wordpress.com/>, she tweets @crowdedmouth.

## The prison experiences of people with learning disabilities

**Caitlin Gormley**

People with learning disabilities who come into contact with the criminal justice system are a very poorly understood group, whose needs fail to be addressed despite clear recommendations for penal reforms that would see reasonable adjustments made in line with the Equality Act 2010 (see Prison Reform Trust's *No One Knows* series). Misconceptions arise out of the limited academic research that speaks directly to people with learning disabilities about their experiences of prison and of wider criminal justice processes. There are no comprehensive figures to indicate how many people with learning disabilities are in prison throughout the UK, and there are no standardised practices of identifying their needs or making reasonable adjustments to adequately address and meet those needs. Although very little is known about people with learning disabilities' prison experiences, an important Prison Reform Trust report (Talbot, 2008) indicates that this group are especially vulnerable among prison populations as they often: experience high levels of bullying and fear victimisation; worry that prison staff do not understand their needs; are unaware of how to access healthcare or make formal complaints; and have little contact with their families while in prison.



This article draws from my PhD research about people with learning disabilities' experiences of imprisonment, and their understandings and perceptions of the wider offence pathway within the Scottish criminal justice system. It draws together two fields that do not normally speak to one another - criminology and disability studies - in order to offer insight into people with learning disabilities' seldom heard experiences of imprisonment. The research explored the lived experience of imprisonment from the perspective of 25 people with a learning disability. After I secured ethical approval from the University of Glasgow's College of Social Sciences ethics committee and the Scottish Prison Service (SPS) Research Access and Ethics Committee in 2013, I worked closely with SPS and a third sector learning disability support organisation in

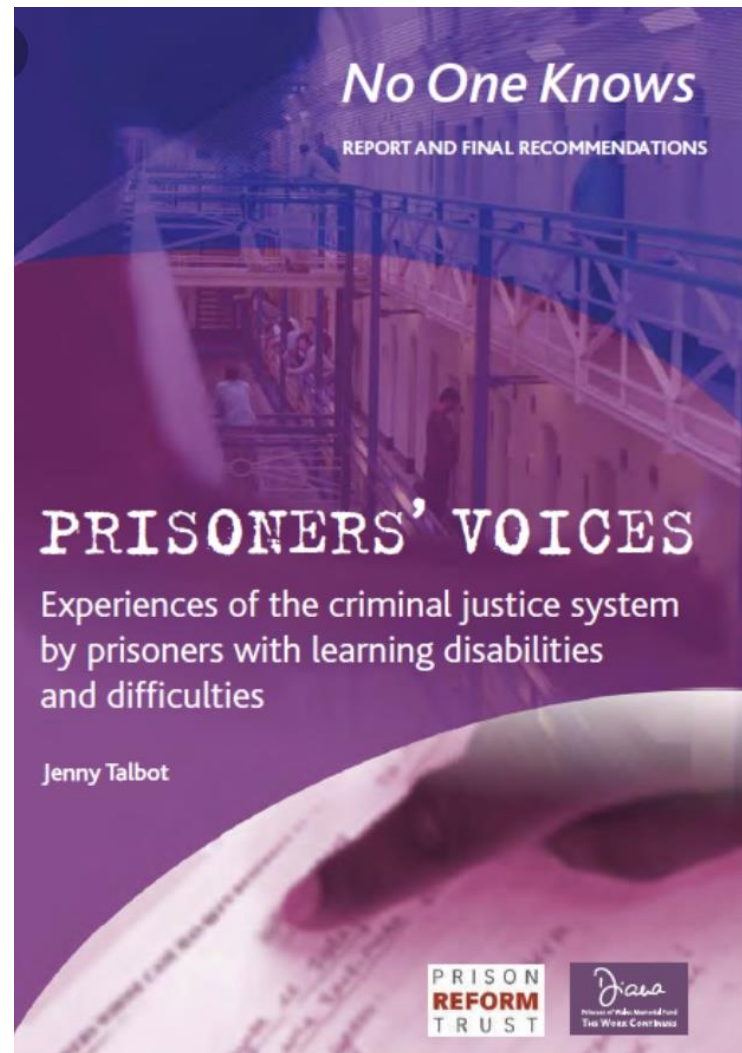


Scotland – Cornerstone - to meet potential participants both in prison and in the community. Recruitment within prison settings was largely facilitated by prison officers who identified individuals who may be eligible to participate in the research and Cornerstone staff introduced me to people they were supporting upon release. I carried out fieldwork between October 2013 – June 2014 and completed over 70 in-depth semi-structured interviews. I visited four Scottish prisons where I met 21 participants, and I spoke to another four people in the community who were receiving specialist support from Cornerstone.

Here, I reflect on my research findings that indicate a disconnect between the support that people with learning disabilities need, but are not routinely offered, and the normative expectations they face while in prison. By exploring some of the issues around the necessary adjustments they themselves have to make in order to cope with the demands of daily life in prison, I highlight the oppressive consequences of exclusion and othering.

### **Note on terminology**

I use the term 'learning disabilities' in relation to this study as it is the preferred term used in policy in Scotland and by organisations like Supporting Offenders with Learning Disabilities. The equivalent term in England and Wales is typically 'learning difficulties', which is aligned with preferred terminology among self-advocacy activists. I take a deliberately loose approach to what 'learning recognition of the slipperiness of definitions, especially at the limits where the boundary between inclusion and exclusion is blurred. This meant



that I could include people with formal 'learning disability' diagnoses as well as those considered 'borderline', people with acquired brain injury or neurodevelopmental conditions such as Autism, and people with high levels of support needs but who did not necessarily have a formal diagnosis. By stepping away from a strictly medical definition, I sought to avoid pathological reductionism and static labelling in order to better appreciate the complexities of living with an impairment and recognising that disablement occurs in socially created barriers.

### Situating imprisonment

The people I spoke to were deeply socially marginalised in the community, repeatedly exposed to serious harm and traumatisation throughout their lives, often by virtue of their impairment. Yet, they still became deeply entangled within the criminal justice system with very little support to understand and engage with the sanctions and expectations they were subject to. People with learning disabilities are often described as a group who 'fall between services': among the 25 participants involved in this research; 17 were care experienced; 25 had prior convictions; and seven people had been subject to closed unit forensic hospital orders. The participants' learning disabilities were often overshadowed by other factors in their lives such as addiction, mental ill health, and precarious housing or homelessness. They had been failed by support services and care institutions throughout their lives; the majority of participants had been excluded or removed from mainstream education, but identification of their respective impairments was often missed during childhood.

Perhaps the most troubling matter arising from this study was that some participants did not understand their prison sentence; criminal justice actors, such as Sheriffs (the lower court judge in Scotland), judges, lawyers, and social workers, had failed to explain their sentence to them through language, terms, or temporal markers that they understood. The most obvious example could be seen among the participants who were on remand awaiting trial, a stage often bewildering as well to people without learning disabilities since the process is vague and predicated upon waiting. However, Jane (all participant names are pseudonyms) was on remand at

the time of interviews waiting for background reports to be carried out by Criminal Justice Social Work (the body in Scotland similar to probation in England and Wales that handles community supervision but also court reports), ahead of appearing before the Sheriff and was uncertain not only about how long she would remain on remand but also about how long she had been in prison:

**Jane:** The lawyer [hasn't] come tae see me yet. I'm waitin' on a letter [from] the court, so I am.

**Caitlin:** How long have you been in here for?

**Jane:** I don't know.

This was Jane's first time in prison and although she was living in a unit for vulnerable prisoners, it was clear that her communication needs were not being met; at one point in our interviews, she confused the prison with her day-care service in the community. Some participants did not understand their sentence and were unsure of their sentence length, liberation date, or the purpose of punishment, and had never had this explained to them on terms that they understood or could engage with meaningfully. Being able to fully understand and engage with each of these aspects of criminal legal processes and punishment are presumed within late modern penal structures. People with learning disabilities' unmet communication needs present a further barrier to their participation in such a normative system while also placing them at risk of unjustifiably excessive incarceration. Equally, without reasonable adjustments to meet the communication needs of vulnerable populations, people with a learning disability are acutely subject to what Crewe (2011) describes as the new

'pains of imprisonment': indeterminacy, the expectation of individual responsibilisation and self-government, and the frequency of psychological assessment.

### **Negotiating difference**

Identification of learning disability in prison is inconsistent and often falls on the individual themselves to tell someone, unless an officer or other member of staff asks. Participants who had experienced lifelong forms of exclusion, bullying, and victimisation as a result of their impairment, which did not stop in prison, came to expect a degree of discrimination, whereas participants who received a diagnosis as adults felt a sense of relief of finally having their support needs acknowledged. In some cases, the prison regime was a reliable structure which comparatively highlighted the absence of any such routine or accessible support in their lives in the community. Other participants were reluctant to share that they had a learning disability and sought to conceal their impairment and mask the adjustment strategies they employed so that they could avoid feeling stigmatised or different.

There was a sense of frustration among participants whose vulnerability was acknowledged; being labelled as different, segregated from the mainstream population, and managed in a standardised way meant that they were treated the same as every other 'vulnerable' person.

**Martin:** But no one understands [me]. They just treat you as if you're a normal prisoner, I can't go to anybody because they don't know how to help me.

**Ashley:** The problem is 'cause they're invisible disabilities, the staff can't see what's wrong with me. But they don't

realise that when they put me in certain situations or put me on the spot, my head's in turmoil. I can't be a typical Autistic person in the jail. I've got to be something else.

Martin and Ashley both explain that despite being treated differently in prison as a result of their respective learning disabilities, neither felt that they were seen or understood as individuals with a unique set of needs. While some participants lived in the mainstream population, most people I spoke to were living in segregated units for people considered vulnerable even when they did not see themselves in this way. Yet, it was clear that the participants with high support needs for daily living were still not receiving the appropriate care they required:

**Sue:** But that was the carers, they done everything for me, [they] made my dinners 'n all that. You've got tae get by yourself in here, you don't have any carers in here and I was used tae them. [...] I've no' seen them [since] I moved in here. They've naw been up, no, no I don't know if there's somethin' wrong. I've no[t] seen them for 4 months, for 5 months [since] I've moved in here in February, is that something wrong that they're no[t] comin' up tae visit me?

Sue questioned the lack of support available in prison compared to her situation in the community where her needs were assessed high enough that she had live-in carers at home.

Although she was living in a unit for prisoners considered 'vulnerable', she struggled to look after herself; she told me that other prisoners cleaned her room to help her but that her brother was worried about her hygiene and appearance when he visited.

**Normative expectations**

My research found that people with learning disabilities' communication and understanding needs were not being met while in prison, most evident when accessible information was not available. None of the participants were offered an accessible version of the Prison Rules, information about the regime or services available to prisoners (including NHS services), request forms for canteen produce, arranging visits, or lodging a complaint. Some people were living in a separate unit for 'vulnerable' people and did not have access to education or work parties. Contrary to the social model of disability, which acknowledges that disablement is produced in and through social barriers rather than impairment itself, the onus was on the participants themselves to find ways to adapt in order to make sense of, comply with, and participate in daily prison life.

The majority of my participants told me that filling out forms was a major source of frustration and anxiety. Some participants' impairment effects impacted their reading or writing, but most people found request forms confusing and usually had to ask someone for help:

**Chloe:** I fill [the canteen sheet] out myself but I can't count. I can count, but I can't count very well so I go down and ask the officers to help me out.

**Drew:** I get somebody to give me a hand with my [forms] or my medication repeat prescriptions. The consequences of normative expectations create inequality, which

led to some participants feeling threatened by others:

**Drew:** Some of the prisoners have said, 'that guy, that Drew's got a chemist!' Running a chemist! People have asked me for my medication. They threaten me 'cause some of my medication is valuable to them.

**Karen:** Some of them [other prisoners] are pretty demanding and bullying and saying, "oh I want a bar of chocolate, put that down on your shop." Well you know me, I'm soft, I just write it down. I'm like that, I'm too soft, you know?

Structural barriers that prevent full social participation, such as inaccessible information, can push people with learning disabilities into risky social relationships. Disabling barriers that habitually oppress or exclude people with learning disabilities can be subtle or direct, daily and routine, and occur within social structures that afford more power to certain groups to the disadvantage of others. Restrictions on what people with learning disabilities can do, or the ways in which they can understand and make sense of things, while in prison conveys strong cultural messages about who they feel they can be or become. The disabling barriers in this highly disciplinary social fabric spanned across many domains and consequentially produced a sense of exclusion and dependence on others.

In the participants' explanations of adjusting to, or finding help to manage with, the demands of daily life, the normative character of prison was revealed. I found that the normative



## HMP GLENOCHIL CONVICTED CANTEEN ORDER SHEET 23 May 2014

CELL NO

«Cell»

Canteen Sheets / Sundry Slips submitted after 9.00am Tuesday (unless Wage / PPC query) will not be accepted which will result in NO Canteen / Phones / Sundries for that week.

Cell No	«Cell»	JUICE / MILKSHAKE / WATER - MAX. 10	Price	Qty	Cost
No	«Prisoner No»	DIL. ORANGE 1.5ltr	£0.85		
Name	«Surname», «Forenames»	DIL. APPLE & BLACKCURRANT 1.5ltr (SF)	£0.85		
Hall	«Hall»	DIL. ORANGE, LEMON & PINEAPPLE 1.5ltr (SF)	£0.85		
Wage b/fwd	«BF Wage Balance»	BARRS COLA 2ltr (PM)	£0.87		
Plus Weekly wage	«Activity Wage»	BARRS LIMEADE 2ltr (PM)	£0.87		
Plus PPC to Wages	«Transfer From PPC»	BARRS AMERICAN CREAM SODA 2ltr (PM)	£0.87		
Plus Additions	«Total Additions»	COCA COLA 1.5ltr	£1.35		
Less TV, GA & Sundries	«Total Deductions»	BARRS IRN BRU 1ltr	£1.15		
Total to Spend	«Wages Available to Spend»	FRESH APPLE JUICE 200ml	£0.28		
		FRESH ORANGE JUICE 200ml	£0.28		
		YAZOO MILKSHAKE 472ml			
		BANANA	£0.70		
		STRAWBERRY	£0.70		
		FLAVOURED STILL WATER 1.5ltr			
		APPLE & BLACKCURRANT (SF)	£0.80		
		STRAWBERRY & KIWI (SF)	£0.80		
		LEMON & LIME (SF)	£0.80		
		FOOD ITEMS - MAX. 20 ITEMS			
		AMBROSIA CRUMBLE PUDDS 125g (V)	£0.65		
		(Apple / Peach)			
		PEPERAMI 25g (Original OR Hot)	£0.50		
		SMOKED SAUSAGE 200g (Original OR Hot)	£1.58		
		TUNA POUCH 85g ( Tomato & Herb / French Dressing / Lime & Black Pepper)	£1.20		
		PRINCES TUNA SALAD 210g (Italian / Mexican / French)	£1.70		
		BEEF MEATBALLS 270g (G)	£1.65		
		BEEF BOLOGNESE 270g (G)	£1.65		
		CHICKEN TIKKA 250g (G)	£2.05		
		HEINZ TOMATO STIR IN SOUP 70g (V)	£0.50		
		PASTA 'N' SAUCE 108g (Cheese, Ham & Leek)	£0.87		
		Macaroni / Tomato / Cheese & Broccoli - (V)			
		UNCLE BENS RICE 250g (Egg Fried / Basmati / Chinese / Pilau) - (V)	£1.35		
		STRAWBERRY JAM PORTION 20g (5's)	£0.50		
		HP BROWN SAUCE BOTTLE 425g	£1.70		
		HEINZ TOMATO SAUCE SACHET 12g (10's)	£0.70		
		HEINZ MAYONNAISE SACHET 12g (10's)	£0.70		
		HEINZ SALAD CREAM SACHET 12g (10's)	£0.70		
		MIXED HERBS 8g	£0.55		
		MIXED SPICE 12g	£0.55		
		MILD CURRY POWDER 18g	£0.55		
		HONEY 250g (V)	£1.50		
		NESCAFE CAPPUCCINO (10pk) (V)	£2.16		
		NESCAFE SACHET (10's)	£0.70		
		NESCAFE COFFEE Original 150g	£3.90		
		RED MOUNTAIN COFFEE 70g	£0.80		

(V) – Suitable for Vegetarians (H) - Halal (G) – Gluten Free (SF) – Sugar Free

Canteen form from HMP Glenochil (this and forms from HMPs Grampian and Barlinnie were made available through SPS Freedom of Information request for canteen price lists (FOI172014), available at:

<http://www.sps.gov.uk/FreedomofInformation/FOI72014.aspx> )

expectations placed on people with learning disabilities to behave and cope as well as anyone else in prison produces routinised forms of oppression in their day-to-day lives; they were frequently denied access to full social participation because systems and information were not accessible to their needs. Reasonable adjustments are not being made to ensure that this group are given information in an accessible format, offered tools to address their communication needs, or encouraged and supported to comply with and participate in the demands of daily prison life.

Ultimately, though, people with learning disabilities remain institutionally invisible in prison. They slide along the spectrum of 'risk' just as easily they do the continuum of 'vulnerability'; there is no one-size-fits-all response to this issue.

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### About the author

Caitlin Gormley is a lecturer in Criminology at the University of Glasgow, based within the Scottish Centre for Crime and Justice Research. She was awarded her PhD in Criminology from the University of Glasgow in 2017, the thesis is titled 'Prison, Power, and People with a Learning Disability: The Complexities of Curtailed Lives.' She is also the editorial officer for the journal *Criminology and Criminal Justice*.

## Changing minds about ‘persistent offenders’ and the meaning of justice

**Marguerite Schinkel**

My post-doctoral research focused on the meaning of repeated short-term imprisonment. My interest in this topic came from my PhD, which looked at the meaning of long-term imprisonment and found that many found a way to make their sentence meaningful, even positioning it as a positive in their lives, partly because otherwise years of their lives would be meaningless. I was aware of others spending as many years in prison, but in many short bursts, often described as ‘trapped in the revolving door of offending and imprisonment’. Would they find similar meanings in the accumulated time they spent in prison, or see their sentence differently?

To answer this and similar questions, I interviewed 37 men and women who had experienced ‘persistent punishment’, most in prison, but some outside. Two years later, I interviewed 17 of them again. Perhaps unsurprisingly, they saw their sentences as largely meaningless, except for recognising when they looked back that they had been a waste of their life. What struck me, though, was the overwhelming sense that imprisoning them was meaningless from a societal point of view as well.

Imprisonment has been justified as a deterrent, rehabilitation, punishment for harms committed and even as moral communication



that we, as a society, disapprove of the offences to the extent that we feel we cannot live in community with those who have committed them. However, all these justifications failed in the cases of the people I interviewed. They were not deterred by imprisonment, instead increasingly coming to see prison as their home, and at times committing offences on purpose to return. They were not rehabilitated, and if they did receive any support in prison, this hardly ever continued after a move to another prison, which were frequent, or release, and was therefore short-lived.

Imprisonment as punishment paled in comparison to the level of trauma these men and women had already experienced, or were experiencing. Examples included still-births, rape, the

loss of custody of children and the death of loved ones through murder, drugs or natural causes. Self-medicating against the pain with drugs or alcohol was a common response, and led back to prison. The communication justification failed because, most interviewees had not benefited from being included in society in the first place, and had committed minor offences, such as breach of the peace or resisting arrest, many times. Even incarceration as a justification fails when people are only inside for a short time, and are more likely to reoffend, although this has been defended as 'providing relief for beleaguered communities' in the past. Some of my participants said themselves that prison was clearly not working for them, so why not take a different approach?

When I presented my findings to a general audience, I saw my own sense of pointlessness reflected in the reactions of the public. People were genuinely shocked that someone could spend 20 years in prison for repeated charges of breach of the peace. The meaninglessness of this kind of sentencing is also recognised at the highest levels of the judiciary and government in Scotland. Lord Carloway, the senior judge in Scotland, speaking at an event a few years ago, said that at the lower end of offending, repeated offences should not attract increased punishment. The Scottish Government has committed to the introduction of a presumption against sentences of less than 12 months.

On the other hand, though, 'persistent offenders' are often seen as responsible for a high level of crime and for real change to be possible, a shift in public opinion might be necessary to enable a real political shift towards

acknowledging trauma in the lives of those who are persistently punished. But shifts in opinions are difficult to achieve through academic dialogue, something which I have seen most clearly with students. Teaching final year undergraduates, we spent a whole semester exploring the sociology of crime and punishment, discussing many of the injustices and more nefarious purposes of imprisonment. However, after a field trip at the end of the course, some wrote of their surprise that 'prisoners are just like real people'. All their academic learning had had little or no impact on their preconceptions about people who commit acts we define as crimes. Similarly, I had been well aware of the situation in Palestine before I read Joe Sacco's graphic non-fiction work *Palestine*. While it did not teach me anything new, it did spur me to action in a way that news reports and even films about the topic had not. Reflecting on this, I thought this might be because it was an unfamiliar medium to me, one that I had not built up defences against, or because of the immediacy of the images and narrative.

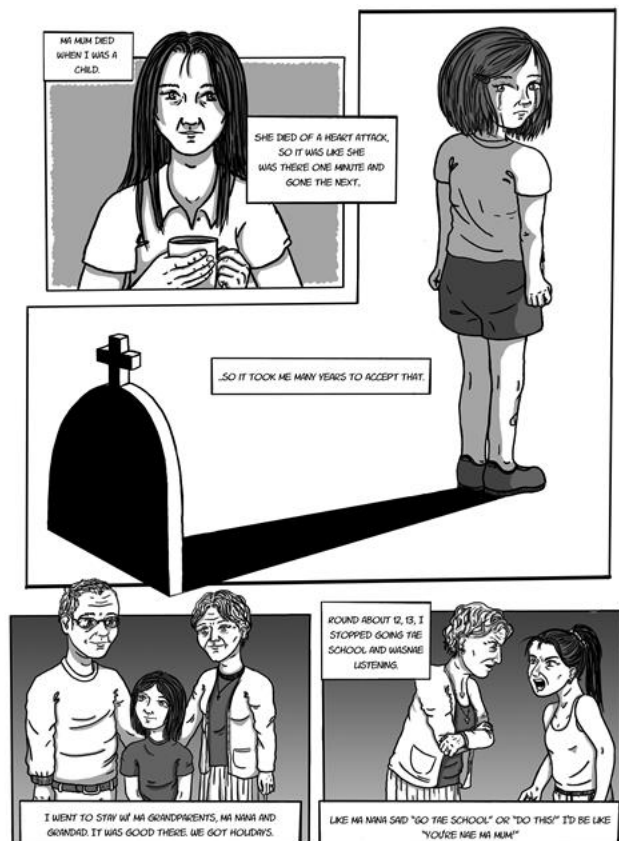
When I found out that my transcriber on the project, Morag Kewell, also created graphic travelogues, and saw the quality of these, the best way to spend the underspent funding on the project became clear. Working with Morag, we created a graphic account of one of the interviewees' life stories. First, I changed one interview transcript into a life story, by putting events in the right order wherever possible. I then sent Morag this life story, with the passages that I thought most important highlighted. Morag took this document and started to turn them into graphic form.

Once Morag started to send me images, I was pretty bowled over. I found it more confronting to see these



images, than to hear Alison (a pseudonym) describe them in the interview. This, and the early reaction of others convinced us to keep going. At the same time I was trying to get in touch with Alison. She had been excited about the project when I first mentioned the possibility during a phone call, hoping that it would mean something positive would come from her behaviour. When I sent her the first images, she was happy with them. I avoided sending her a consent form to sign, because I wanted to meet with her to talk through the possible consequences and see how she felt about the images illustrating some of the more traumatic moments in her life. However, when Morag had got far enough into the story to create these images, I could no longer get in touch with Alison. Despite many phone calls, letters, communication with her brother and getting a new contact number, I could not find her.

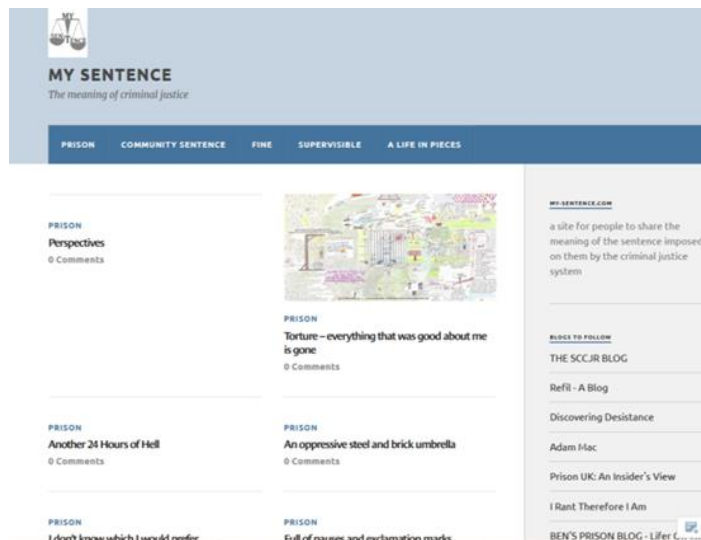
I established that Alison had not returned to prison or died. I realised this could mean two things: either her disappearance just meant that she had moved without letting me and others know, or she did not want to speak to me about the work. If the latter, might this have been because she found the later images too upsetting? As Morag completed the graphic work, I had to make a decision what to do with the images. Discard the project altogether? Wait until I could contact Alison, which might be never? In the end, and after much discussion with others, we decided to make the story as anonymous as we could, changing places and circumstances, but leaving the story intact as much as possible. I still worry about it, though. What if someone who knows her reads it, recognises her, and therefore knows things about her that they should not know?



We will hopefully launch the graphic novel, *A Life in Pieces*, this spring. I have had different reactions from early readers. An ESRC staff member suggested it should be used in schools. A niece struggled to finish it, because she found it too confronting and powerful. My liberal-leaning brother fixated on the fact that her offending began before she suffered her first major trauma (in his eyes) and so felt she should be held responsible and punished for her crimes. Who knows what others will make of it? If you're interested, you can find it on [www.my-sentence.com](http://www.my-sentence.com) – look for *A Life in Pieces* and please leave a comment of the to tell us what you think.

That website came from another reflection on my fieldwork. Asking people 'what does this sentence mean to you?' does not work terribly well. If someone asked you 'what did your time in secondary school mean to you', would you be able to answer? And would the answer you came up with be one that actually encapsulated that time for you? Or just whatever you thought of in that moment? Of course, I did not ask most people this question. I analysed the whole interview to work out what their sentences might mean, but even so, felt that if they had had time to reflect beyond the interview setting, their answers might have been different to mine.

What if people did have time to reflect? What if they could express this in whatever form they preferred: music, art, photography, writing? Discussing this with Shona Craven, the SCCJR's knowledge exchange guru at the time, we thought inviting contributions to a website would be a good idea. Alejandro Rubio Arnal, who is doing a PhD focusing on impact, joined the project as an intern, and immediately



Screenshot of my sentence website

thought of the name 'my sentence'.

This inspired us to ask for contributions accompanied by one sentence, summing up the meaning of the piece, which could also work as a title. Setting up the website and thinking of the name was the easy part – we then spent over two years wrestling with the ethics of it all.

We wanted to give people ownership over their work, but this soon had to be sacrificed for confidentiality reasons. This was partly because we could not guarantee contributors control over their content. We might be able to take their contribution down at their request, but if it had been copied to elsewhere on the internet, we would not know and be unable to erase it. What if their grandchildren found the content many years from now and found out about something that people are happy to share now, but not in years forever more? The nature of the project also meant that we could only have limited communication with contributors about these issues. How many people want to contribute to a website when they first have to fill in complicated consent forms? How would we be able to get

back to people who contributed anonymously.

Having resolved some of these issues and having printed a flyer, we placed an advert in the [Inside Time](#), and contributions from prisoners started coming in. More dilemmas. Should we keep contributor's addresses, so we can get in touch with them once the website is live, or should we err on the side on safety regarding confidentiality? We decided not to keep any details. Should we correct misspelling, or more controversially, edit content? We decided to correct misspelling and to edit only by taking less relevant passages out of written contributions. Someone sent in a portrait. Was this a self-portrait, and was the contributor recognisable? We wrote a letter right away (yes, using the contact details of the contributor before discarding them) asking what to do and for the time being edited the image by cropping out the top part of the face, including the eyes. The contributor wrote back to say it was not a self-portrait, or in fact a portrait of any one person, so we changed the image back. People wrote to us asking for help with all sorts of issues, we wrote back to say we could not help, suggesting other resources where possible. Our most tricky

moment came when someone wrote that prison staff had forbidden him to contribute, as this was in contravention of the Prison Rules, and asked if we were aware of this. Much panic. Helpfully he had specified which prison rules exactly, and after looking these up and discussing it with colleagues, staff at Inside Time and one 'expert' contributor who also writes a blog, we concluded the prison had been wrong. However, this process had stalled us for another few months.

With both these projects I (often) wished I had never started them. Many times, it felt like the most ethical thing to do would be to stop. But they are now both available and only need to reach the right (number of) people to start to have some impact, although what this will be is still uncertain. Hopefully, they will both contribute to a more considered debate on what justice means, and when social, rather than criminal, justice is the better goal.

#### **About the author**

Dr Marguerite Schinkel is a Lecturer in Criminology at the University of Glasgow and completed this research as part of an ESRC Future Research Leaders grant. She is a member of the Howard League's Research Advisory Group.



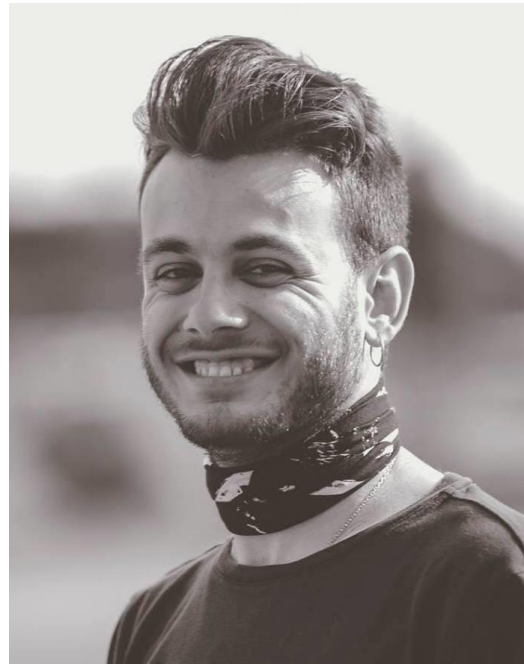
## Improving post-prison re/integration in Scotland through collaboration

**Alejandro Rubio Arnal**

### Introduction

In the UK, since the beginning of the 21st century, interest in what happens to people when they leave prison has increased within academia, policy and practice. In the Scottish context, this was stimulated especially after the publication of 'Scotland's Choice' (Scottish Prisons Commission, 2008). In spite of the absence of a clear definition and conceptualisation of what this means, the Scottish Government has been emphasising the importance of what happens after release adopting the concept of 'reintegration', for example, in the Ministerial Group on Offender Reintegration (2013-2015) and as one of the priorities of the Scottish Government's *Justice Vision and Priorities Plan: Delivery Plan 2017-2018*. Within academia, an extensive literature focusing on notions of rehabilitation, resettlement, reintegration, desistance or re-entry has explored various aspects of life after prison in which several different actors and institutions play important roles.

Yet in spite of increasing academic, policy and practice interest, it is not clear that as a society we have been able to significantly improve the life not only of people leaving prison but also of their families and our communities. My PhD project uses an innovative and sophisticated methodology (explained more fully in Rubio Arnal, 2019) in order to



study this 'same old problem' in a new way. I have formed and am facilitating and participating in a heterogeneous research group its purpose is to collaboratively gain a better understanding of men's post-prison re/integration in Glasgow. More than seeking improved understanding of re/integration, the group also has been exploring ways of improving it. In order to achieve this purpose, three guiding questions were taken into account during most of the sessions: a) what is post-prison re/integration, b) how is it supported and experienced in Glasgow and c) how can it be improved? A further aim is to learn to what extent, why and how this process has helped to develop our a) individual, b) collective, and c) academic understandings of re/integration. I use the term 're/integration', intentionally slashing



this word, to recognise that the individual may never have been in a situation of 'integration' that can be restored.

The purpose of this short article is to explore some of the main aspects of the PhD project. In doing so I will extend the exploration of the methodology by pointing out the features that makes it sophisticated and innovative. Secondly, in order to give a grasp of the group's main findings, I will focus on three propositions made by the group in order to improve post-prison re/integration in Glasgow. Every member of the group that participated in some way in these sessions concurred on these three propositions, and they were suggested by one or more group members. I will conclude by briefly considering the type and quality of this collaboratively generated knowledge, using one of the propositions as examples.

... it is not clear that as a society we have been able to significantly improve the life not only of people leaving prison but also of their families and our communities ...

### Methodology

There have been 17 people that have been part of the research group: two people with convictions that are also volunteers in a charity that supports people leaving prison, two people released from prison who were under community supervision during the group, three throughcare workers, two charity chief executives (one that supports families and who is a criminology professor and another one people with convictions), a prison chaplain and board member of a charity that supports releasees, two social

workers, a housing coordinator, a criminology lecturer, a policy officer, a local coordinator of a third sector organisation in Glasgow that supports those released who also has experience in providing throughcare services and an officer in a third sector organisation that supports victims of crime. In this article, the first time that someone is named it will be done using each member's exact indication in respect to how they would like to be referred. In addition to that, their position will be indicated. The following times, due to word constraints, only the first name will be used.

The research group has met a total of 13 times over 15 months. I also convened individual catch-up meetings with those who missed a session. Most group sessions took place outside of the university. At the beginning of the sessions, we all have dinner together. The usual menu was two homemade tortillas cooked by me, a

homemade cake, refreshments, bread, sweets, fruit and wraps complemented the homemade food. After 15 minutes of chatting and having dinner together, we began the formal part of the group session which lasted for two hours. During it, group member's knowledge and academic knowledge was brought into conversation in different ways. The exploration of the former type of knowledge was the main task of each of the group sessions, and the latter was not used as 'the truth' but rather as a media to extend and enrich that conversation.

Approximately half the sessions ended with some time for feedback, which was either verbal or written. The group members not only shared their reflections in respect of the sessions, activities and my facilitation, but also had the chance to propose issues for future sessions. Written feedback was discussed during the following sessions. Group members also had other chances to decide what was going to be explored and how. For example, the purpose of the third group session was to come up with a group action plan. The group also decided the day and timing of the sessions.

As will be seen in next section, the group was formed by a mixed group of people. The rationale behind the heterogeneity is that, as re/integration is a complex and multifaceted phenomenon, there are members of different organisations and collectives that may have different kinds of knowledge about different aspects of re/integration in Glasgow. Additionally, I believe that those affected by this phenomenon have the right to participate in the processes of knowledge production about it. During our meetings, part of my role as a facilitator was to create a space in which we fostered a dialogue which is (or should be) open and inclusive, and its only aim is to collaboratively understand each other's views on the topic. In doing so, different activities were used. I believe that collaborative dialogue (rather than, for example, adversarial debate) is the best communication dynamic not only in order to explore, learn and potentially end up generating richer knowledge but also for doing so in a fairer way.

## Group propositions

### ***People with convictions should be digitally included***

*'We take the computer away from them, we put them in prison, and there's new things are coming all the time about how you claim for certain things and they have no idea how to do it'*

(Alan Smith – Throughcare Support Officer)

Digital inclusion or exclusion came up during most of the group sessions. The group talked about the fact that in Scotland, prisoners cannot acquire those skills inside prison because of very limited access to new technologies and the lack of internet access allowed in prison.

We also had a conversation about current and past opportunities that people with convictions have when released ('people with convictions' is the term used in the group and preferred to 'offenders' in some criminal justice circles in Scotland, including the Scottish Prison Service). We talked about the fact that in public libraries there is access to internet-enabled computers as well as free courses to learn its use. A group member pointed out that in the past The Mitchell Library had a project in HMP Barlinnie in which they gave support to those inside prison and encouraged them to, when released, go to this library. She was unsure if that was still in place. That same member, also pointed out that in theory, SPS was going to publish their digital strategy by the end of 2018.

While exploring the personal development of people leaving prison, every group member agreed digital skills are increasingly necessary in the 21<sup>st</sup> century. The group argued that digital inclusion of those released could strengthen existing social ties and help make new connections, and that it might facilitate access to information about services and support available. In addition to this, different members of the group pointed out that people need an email account in order to make benefits claims and in order to register in a job centre. Karen Baxter, a policy officer at Community Justice Glasgow, added that a telephone number is also needed. The following account of Charlie, a group member who is a volunteer in Faith in Throughcare (a charity that supports releasees) and has experienced imprisonment, sums up both the situation of releasees and the importance of digital inclusion:

*When I came out, you couldn't just walk up to the benefits place and say, I'm just out of prison there, how do I go about signing on, it's all this online stuff, you know what I mean? And I'm computer illiterate, I can't even text, you know what I mean? So what chance have I got going on a computer, and understanding how to do that, and there's a lot of people like that, you know what I mean*

The group thought that in order to improve this situation people with convictions should have the opportunity to learn those skills inside prison and that internet access was necessary in order to be fully digitally included. Different group members pointed out that this

would decrease their pre-release anxiety, it would motivate them in terms of literacy or it would help them keep in contact with their family. Learning these skills was seen by different members as a 'right' and 'an equality issue'. Heather, a Turning Point throughcare worker and service coordinator at PSP Low Moss, signalled that the punishment is to be in prison, but that those that are inside prison have the right to learn.

During another session we also talked about different steps that would be needed in order to achieve this point and the perils and challenges there might be in that process. Some hurdles that were mentioned were security reasons, negative impact on public perceptions or privacy in respect of passwords. We also talked about current issues that can constitute an opportunity for achieving digital inclusion. The group agreed that for security reasons a firewall would be needed in prison in order to restrict the access to some pages. Heather pointed out that in Low Moss prison there is already internet access with a firewall for those that work inside the prison. Another opportunity that I shared with the group is that as some prison libraries are part of public libraries, the latter could teach the same courses inside prison that are currently taught outside. Vicky, who is a housing advice, homelessness and customer support manager at the Wheatley group, signalled that the fact that Glasgow is 'trying to get everybody online' could be an opportunity to digital inclusion of those released. Another group member viewed the lack of technological skills of some people in the Scottish Prison Service that take important

decisions as a hurdle in order to achieve this digital inclusion. The group thought that a rigorous report would be needed not only in order to explore the potential of new technologies for the re/integration journey but to examine the different degrees of digital inclusion that can be achieved when someone is in prison, and the consequences that each of them may have.

The fact that digital inclusion appeared in most of the group session conversations in respect to different aspects of re/integration is not the only indicator of the salience given by the members of the group to digital inclusion. During the second last session group members had to choose which three of the most mentioned propositions they would like to develop more in depth. Digital inclusion was the most voted proposition.

***Services staff should have positive attitudes towards those released***

*I think that there's a great deal of scope (...) with readjusting the attitudes of people who stand behind service desks and deal with housing, healthcare and welfare. I think they've got a big part to play and realising that they are doing wrong by judging people and putting them to the back of the queue. I think that's a really important thing.*

This comment made by Pete White, Chief Executive of Positive Prison? Positive Futures (a charity that departing from people with convictions experiences improve the effectiveness of Scotland's criminal justice system) encapsulates the feeling that everyone taking part in these conversations had about this

matter. The negative attitudes of services staff towards people with convictions were mentioned by the group during nearly every group session: when talking about social connections, citizenship status, material needs or when treating structural factors that needed to be changed. Words like 'degrading' or 'apathy' were used to describe staff attitudes. Charlie stated that the attitudes of services staff make him feel like a 'second class citizen' and that speaking to these services worries him and generated anxiety. The view that some services staff treat people with convictions badly was also shared by throughcare workers. For example, Alex Holligan, an SPS throughcare support officer, reacting to Pete's comment, said: 'that's a massive problem'. Another SPS throughcare support officer, when we were talking about how these staff should treat people with convictions said:

*It's all about relationship (...) let's do things the right way, so when you go into one of these services, they should realise even though they're sitting behind a glass counter, it is a relationship with the person that's coming in, they don't need to hack them off*  
(Alan)

Some group members, after making clear that what is done by services staff is wrong and unjustifiable, showed empathy towards services staff. It was pointed that they recently went on strike, that they are overloaded, not sufficiently trained or that they have to face strongly unpleasant situations. Terry, who is an assistant service delivery officer in Victim Support Scotland shared with the group an experience he had when supporting somebody who



had been a crime victim: 'they were speaking to that individual as if it was her own fault'. When talking about how this situation could be improved both Charlie and Kenny, who is a Prison Chaplain and Board Member of Faith in Throughcare suggested that having a worker or a volunteer with them could help. Charlie explained that this presence is useful in order to 'help with your anxieties'. Heather Hunter pointed out that sometimes the presence of that worker make services staff 'feel as they're getting pressured'. When engaging with this matter Charlie argued:

*... I think there's some of them need to be reminded that this is a person that's just out the jail, they're vulnerable, they're just getting used to being back out again*

***Housing, benefits, healthcare and banking should be in place before liberation date***

*I think for the exacts, like medication, doctors and homelessness, accommodation (...) if they are doing a long enough sentence it should all be dealt with in prison and not on the day of release (...) because we've got this thing called (a) computer, we have got this fantastic thing we invented called the liberation day, we know when people are getting out so the agencies should be aware of this, and we should be able to tell them what information do you require? ...*  
(Alan)

This topic was mentioned in some way in every group session as a fundamental aspect of re/integration. During the group sessions we talked about how most

prisoners in Scotland, when released, start off from zero in terms of housing, benefits, healthcare and banking. Pat, who is a volunteer in Faith in Throughcare and has experience of being in prison, explained that people are 'worried' about these issues when getting out of prison, and two members of the group that have experience supporting people with convictions, said that going through these procedures when released they feel 'vulnerable', 'embarrassed' and 'stressed'. Nancy, who is a criminologist and the Chief Executive of Families Outside (a charity that supports the families of people affected by imprisonment) explained that the current situation not only has consequences for releasees but also for their families. Sarah Gerity, the Local Co-ordinator of Faith in Throughcare in North Glasgow, when asked about the process of applying for benefits, said:

*I would say basically very difficult, you know. People coming out claiming ESA [Employment Support Allowance] for the exact same long-term health condition that they've always had, a condition that it's not probably gonna change, they come out of prison and they have to reapply for that, it can take weeks and weeks just to get put on to the basic rate, then you have to get assessed and you know*

Group members shared different initiatives that exist in some prisons in order to begin to address benefits, the opening of a bank account, finding a job and housing prior to release. All group members agreed that these aspects should be ready prior to liberation so that,

when released, people with convictions have less anxiety about these aspects and can focus on others. When thinking about the feasibility of a part of this proposition Marguerite, who is a criminologist, said:

*And really, like, if you can apply for a bank account in (some) prison(s), why shouldn't you be able to apply to benefits in prison so that is in place when you come out ...*

### Conclusion

The last session took place in mid-December 2018 and so I am at the beginning of the process of fully analysing the substance of the group findings. I use the term 'group findings' in an open way. For example, in respect to the above propositions I am referring not only to the propositions themselves but also to other important issues such as their level of detail, the reasons and explorations that led to them or their Glasgow-focused aspect. In spite of this, I am currently able to assess other aspects that also shape the quality and type of any research findings. These aspects are a consequence of the methodology. I would argue that these propositions are novel and original in respect to post-prison re/integration because of who has participated in the process, how we have arrived at them, the safe space in which they have been produced, the length of the collaborative research (15 months) and the communication dynamics that have been involved.

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### Acknowledgments

I would like to thank every member of the group for their time, effort and commitment. Although I have been the one writing this article, the content under the title 'Group propositions' is the result of a collective effort. I would also like to thank Fergus McNeill, Sarah Armstrong and Kirsty Deacon for their invaluable feedback on previous drafts of this article. I would also like to thank the SCCJR for covering the catering and stationery materials expenses.

### About the Author

Alejandro Rubio Arnal is currently a full-time PhD student at the University of Glasgow, based within the Scottish Centre for Crime and Justice Research and funded by ESRC.

## Is the relationship between imprisonment and deprivation in Scotland at its most pronounced in Glasgow?

**Ben Matthews**

### Introduction

Previous research has established that there is a strong link between a neighbourhood's level of deprivation and its imprisonment rate, a link notably illustrated in Scotland by Roger Houchin's 2005 report *Social Exclusion and Imprisonment in Scotland*. This report also outlined differences in the relationship between deprivation and imprisonment between Scottish regions, in particular suggesting that this relationship was "at its most pronounced in Glasgow" (2005:43).

But a lot has changed since 2005. This was the same year in which Glasgow was given the title of "Murder Capital of Europe" - but since then the city has seen a marked fall in its violent crime rate (McVie, Bates, and Pillinger 2018), and recorded crime has fallen across all Local Authorities in Scotland. Alongside this sustained crime drop, researchers have also shown that geographical patterns of poverty and deprivation are changing in the UK, with increasing poverty in the suburbs and falls in poverty in inner cities (Bailey and Minton 2018). Meanwhile, in the USA, researchers have suggested that similar trends in the suburbanisation of poverty have coincided with high imprisonment rates in satellite cities, away from large urban centres which had previously been the focus of most research into the relationship between imprisonment and deprivation (Simes 2018).



The Understanding Inequalities project (<http://www.understanding-inequalities.ac.uk/>) aims to understand the causes and consequences of these kinds of changing patterns of inequality across Scottish society. As part of this project I have used contemporary data and methods to revisit Houchin's claim that the deprivation/imprisonment relationship in Scotland is still at its strongest in Glasgow, and this paper aims to investigate whether Houchin's contention still holds by exploring regional variation in the relationship between deprivation and imprisonment in Scotland.

## Research design

### *Imprisonment data*

To explore regional variation in the relationship between deprivation and imprisonment in Scotland I use data detailing the home addresses of prisoners on a single night in 2014. Neighbourhoods are demarcated by data-zones, a statistical geographical unit designed to group together households with similar social characteristics. Data was kindly provided by the Scottish Government.

An important feature of the imprisonment data is that it represents a snapshot of the prison population on one night. We should be cautious about reading data on counts of people registered to different data-zones as generalising to other days or times, especially given that people both enter and leave prison every day. For example, Scottish Government's statistics show that 33,626 people entered Scottish prisons in 2013/14, compared to a daily average prison population in that period of 7,894 (see more at <https://www2.gov.scot/Publications/2015/12/5123>). Given that over three-quarters of data-zones have either zero or one person registered as being in prison, a single person being released or entering prison could make a substantial impact on a data-zone's imprisonment rate. This effect is amplified for small Local Authorities which may only contain 20 or 30 data-zones.

### *Deprivation data*

Data-zones are easily combined with information from the Scottish Index of Multiple Deprivation (SIMD). SIMD is a measure which ranks each

neighbourhood in Scotland across different 'domains' - income, employment, health, crime, housing, geographic access to services and education, skills and training - which are then synthesised into a single ranked list of all neighbourhoods in Scotland (more information on SIMD is available here at <https://www2.gov.scot/Topics/Statistics/SIMD>). There is also information on the English indices of deprivation available at <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2015>.)

Because SIMD measures the *ordering* of data-zones by their levels of deprivation, rather than their *absolute* levels of deprivation, the underlying difference in deprivation between data-zones with adjacent ranks can be very small or very large. Moreover, not all people who are deprived live in a deprived area, and so there will be people experiencing deprivation but in areas that are, on average, not deprived. However, as the domains included in SIMD have significant overlap with the factors identified by Simes (2018) as being relevant to estimating the relationship between deprivation and imprisonment, SIMD is a suitable indicator of deprivation for this analysis.

## Methods

Houchin's claim that the relationship between deprivation and imprisonment was most pronounced in Glasgow was based on the observation that Glasgow City local authority had particularly high imprisonment rates and also high levels of deprivation.

I take a slightly different approach to Houchin, and instead describe how the relationship between deprivation and



imprisonment varies across Scotland using the following steps:

- First, I show descriptive statistics of imprisonment rate and average deprivation by Local Authority.
- Second, I fit a regression model to describe the number of people in prison with a home address registered to a given data-zone as a function of deprivation, in this case measured by overall SIMD rank. I specified a Generalized Additive Model (GAM) which could account for the non-linear relationship between the number of people in prison and the SIMD rank variables and the count distribution of the dependent variable (i.e. the number of people in prison). Further information about the regression model used is available in the technical appendix accompanying this article (<https://github.com/benmatthews/simd-imprisonment-online>)
- Finally, I include Local Authority in the regression model to assess the differences between Local Authorities in the effect of deprivation on a neighbourhood's imprisonment rate.

This approach lets us see how imprisonment rates vary between Local Authorities once we control for their differing levels of deprivation. This model assumes that the *only* factor affecting a data-zone's imprisonment rate is its SIMD rank. We should therefore treat the results of this analysis with some caution, understanding them as a rough estimate of the regional variation in imprisonment

rates by SIMD; to echo John Tukey, they are an approximate answer, but hopefully to the right question.

## Results

Figure 1 shows the imprisonment rate across Local Authorities in 2014. In this figure Local Authorities run down the y-axis, ordered by their average SIMD score, with point sizes for the Local Authorities scaled by their working-age population. We can see that Glasgow City is the Local Authority with the lowest average SIMD rank (i.e. it is on average the most deprived) and has the second highest imprisonment rate. This figure gives an initial sense of the relationship between SIMD and imprisonment at the Local Authority level, as Local Authorities with higher average SIMD (those at the top of the figure) tend also to have higher average imprisonment rates. However, there are exceptions to this pattern; Dundee City has the highest imprisonment rate but only the 7<sup>th</sup> highest average SIMD rank and towards the bottom of the graph Aberdeen City, City of Edinburgh and Perth and Kinross (which is adjacent to Dundee City) also seem to have higher imprisonment rates than other Local Authorities with lower average SIMD ranks.

In terms of the regression results, the GAM does not provide a single parameter estimate for the effect of SIMD on imprisonment because this effect is modelled as non-linear, and so varies for different values of SIMD. Instead, it's easiest to understand the model by plotting the predicted values as in Figure 2, which shows the estimated data-zone imprisonment rates from the regression model plotted across the range of SIMD ranks. From this figure we can see that the estimate

Figure 1: Imprisonment rate and mean SIMD rank by Local Authority

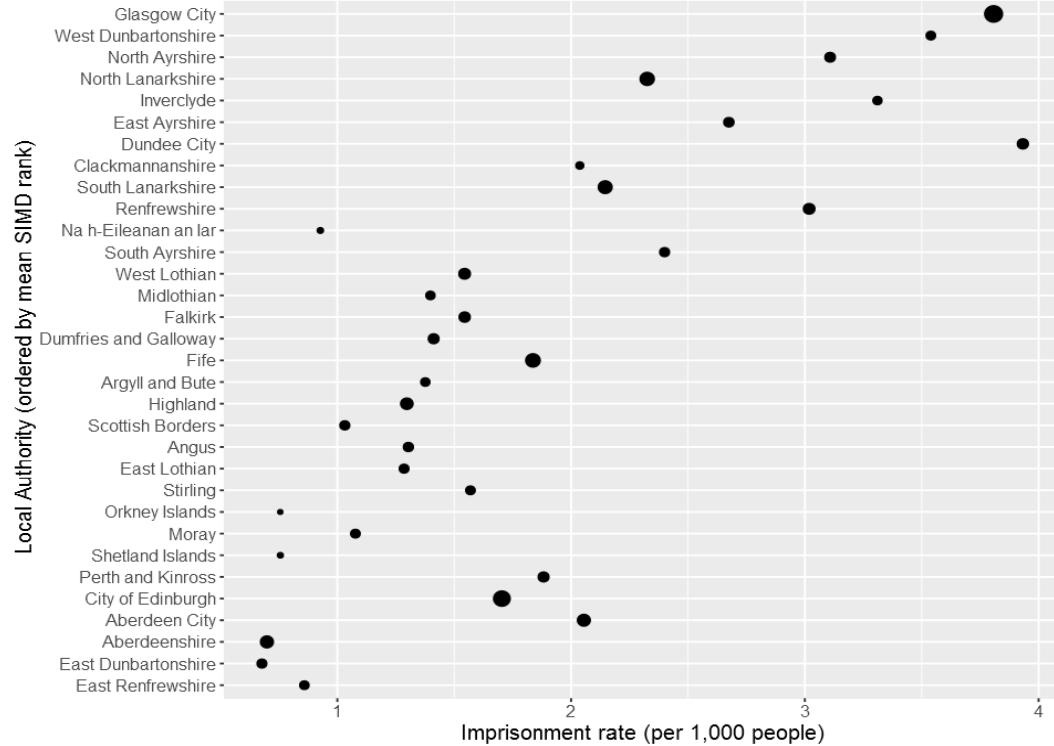
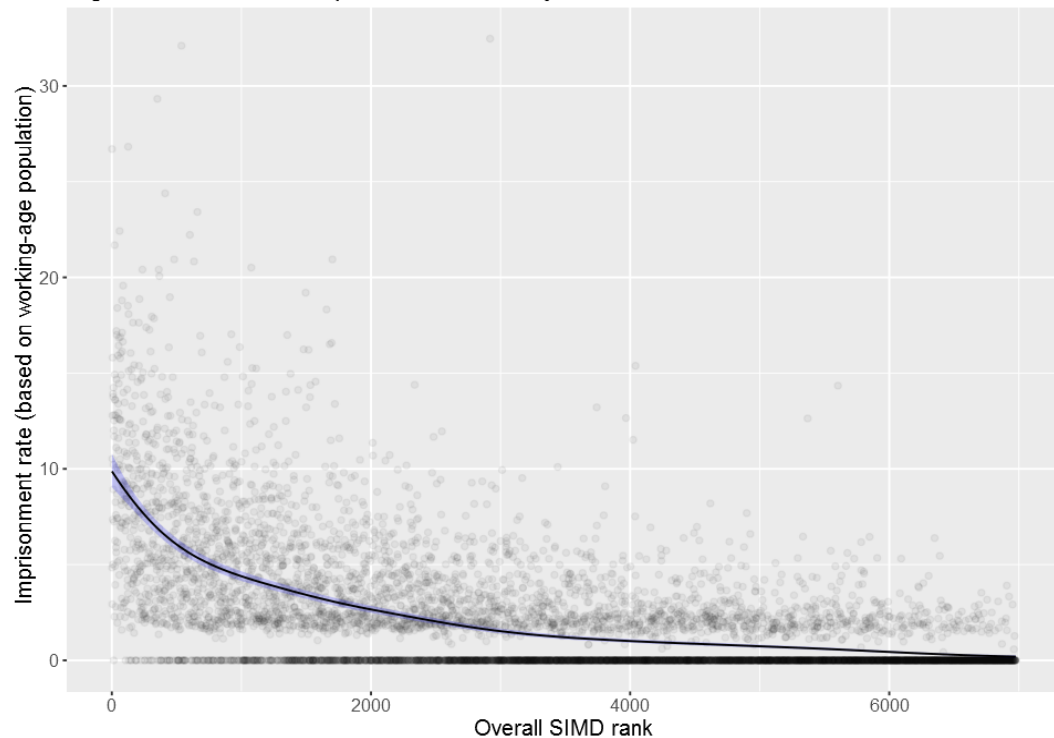


Figure 2: Estimated imprisonment rate by SIMD, data-zones



of the imprisonment rate increases as SIMD rank decreases, and that this change is more pronounced at higher levels of deprivation (i.e. lower SIMD ranks), as the regression line curves upwards towards the left-hand side of the plot. This non-linearity means that, for example, there is a larger change in the estimated imprisonment rate between the data-zones ranked 10 and 11 by SIMD than those ranked 6010 and 6011.

To explore the Local Authority variation in this relationship I added a fixed effect for Local Authority to the model. This fixed effect allows the estimate of the imprisonment rate given SIMD to shift up or down for each Local Authority in comparison to Glasgow City, which I set as the reference class in the model. Figure 3 shows the coefficient estimates for each Local Authority. The figure shows that eight Local Authorities had higher estimated imprisonment rates than Glasgow City after controlling for SIMD, but there are three Local Authorities - Aberdeen City, Perth and Kinross and Dundee City - where the quasi-confidence intervals for the model estimates do not overlap with those for Glasgow City, suggesting these differences are statistically significant. (The online technical appendix shows that the difference between Glasgow and Renfrewshire is also statistically significant at  $p < 0.05$ , despite the overlap in the quasi-confidence intervals.)

These results show that the relationship between imprisonment and deprivation is not at its most pronounced in Glasgow City - it is data-zones in Aberdeen City which have the highest estimated imprisonment rate once

deprivation is controlled for. These results are multiplicative, so the model's estimate of the number of people in prison in Aberdeen City Local Authority would be around 1.5 times that of a data-zone in Glasgow City with the same SIMD rank, whilst a data-zone in East Dunbartonshire would have an estimated imprisonment rate of around 0.6 times that of a data-zone in Glasgow City with the SIMD rank.

We can see this difference between Glasgow City and Aberdeen City in Figure 4. Similar to Figure 2, this shows the estimated imprisonment rate against SIMD, but this time with a separate line for the fixed effect of each Local Authority. Estimates and confidence intervals for Glasgow City, Aberdeen City and Scottish Borders are highlighted to indicate the range of differences between Local Authorities, with those for data-zones in Aberdeen City being higher than in Glasgow City for the same SIMD rank and those for Scottish Borders being lower. These Local Authority estimates fan out around the Glasgow City estimate with eight Local Authorities having higher estimates and 23 having lower estimates as in Figure 3.

## Discussion

These results suggest that Glasgow City Local Authority does not have the 'most pronounced' relationship between imprisonment and deprivation. How then do we explain the higher imprisonment rates in Glasgow City compared to, say, Aberdeen City? It is because, as we saw in Figure 1, Glasgow City has more data-zones with high SIMD-ranks (i.e. are more deprived) than Aberdeen City. As a result we see a higher overall imprisonment rate in Glasgow City

Figure 3: Local Authority fixed effects on estimated imprisonment rate by SIMD

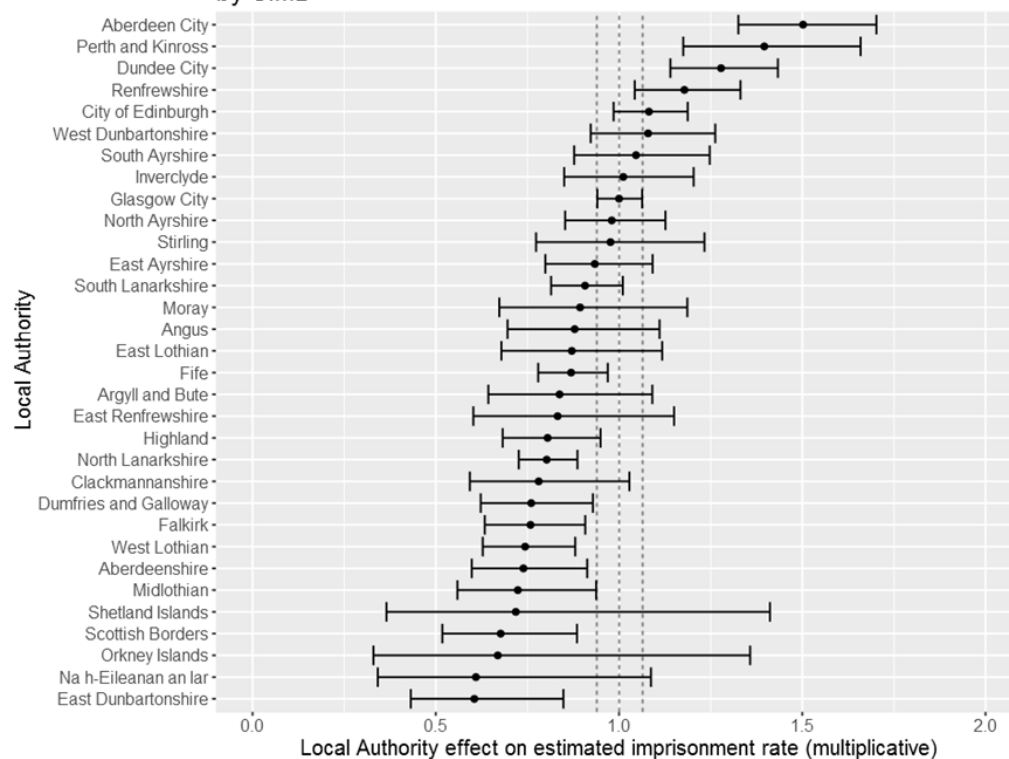
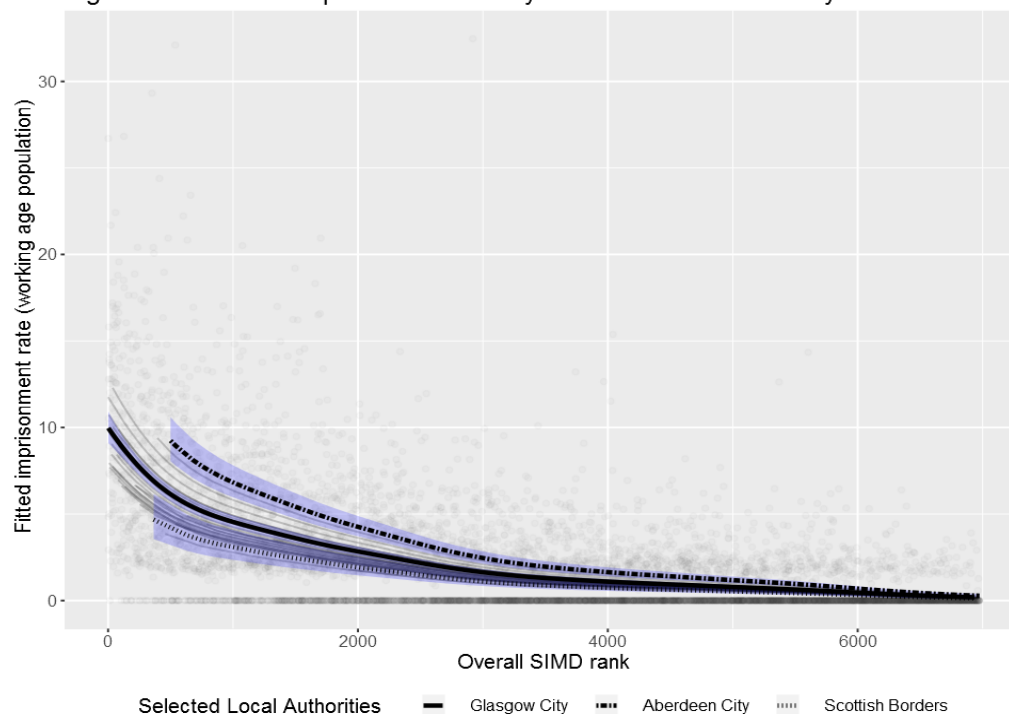


Figure 4: Estimated imprisonment rate by SIMD with Local Authority fixed effect





despite our best guess of the imprisonment rate of a given data-zone in Glasgow City being lower than that for a data-zone with the same SIMD rank in Aberdeen City. The *statistical* relationship between imprisonment and deprivation was stronger in Aberdeen than in Glasgow but Glasgow City had a higher imprisonment rate - because the 'average' neighbourhood in Glasgow was more deprived than the 'average' neighbourhood in Aberdeen.

These findings contrast with Roger Houchin's description of the situation in 2005. However, we should be skeptical as to whether this estimate of the difference between, say, Aberdeen City and Glasgow City in the relationship between imprisonment and deprivation is the 'true' difference in the relationship between imprisonment and deprivation between these Local Authorities. As discussed previously, data from a different day may show different trends and there are likely to be other factors which would predict an area's imprisonment rate other than SIMD which may have changed results if included in the model.

Moreover, whilst the data-zone's crime rate contributes to its SIMD rank, this model does not take account of different crime patterns at the Local Authority Level, such as the mix of offence types which come before courts (information on differences in police recorded crime between Local Authorities is available from Scottish Government at <https://www.gov.scot/publications/recorded-crime-scotland-2017-18/>). Consequently, we should not read these model results as implying

sentencing disparities across Scotland, as courts in different Local Authorities may be hearing different types of cases - this is an issue that I have not explored in this analysis.

### Conclusions

By examining Local Authority differences in the strength of the SIMD/imprisonment relationship we've seen that in 2014 this relationship was not at its most pronounced in Glasgow - at least based on the methods and data used here. This discrepancy could be due to the differences between Houchin's work and the methods used in this analysis, or they could represent actual change in geographical patterns of imprisonment in Scotland. This paper is a starting point in investigating these issues; for example, with longitudinal data on data-zone imprisonment counts it would be possible to explore the issues raised by Simes (2018) as to whether patterns of receptions and liberations have also shifted in Scotland alongside changes in the geographical distribution of deprivation and poverty. This is of more than just academic interest given the Scottish Prison Service's emphasis on the importance of working with communities to reduce reoffending (Scottish Prison Service and APS Group Scotland 2013). As communities and their experiences of inequality themselves can change over time, more than ever we need to understand how inequality affects areas with high imprisonment rates and how changing patterns of inequality in Scottish society filter through the justice system.

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## About the author

Dr Ben Matthews is a quantitative social researcher working on the Understanding Inequalities project at the University of Edinburgh.

*A slightly expanded version of this article is available online at <https://github.com/benmatthewsed/sim-d-imprisonment-online> which provides more detail on the methods used, including a technical appendix and references.*


## **Howard League** for Penal Reform

### **Crime, Justice and Social Harms**

#### **Two-day International Conference**

**31 March – 1 April 2020, Keble College Oxford**

#### **Call for papers**



How social harms are understood, questioned and tackled can have a profound effect on how communities approach crime and justice. This conference comes at a time when communities across the world are experiencing change and uncertainty affecting how they understand themselves and challenges to the status quo. Coping with, responding to and supporting such uncertainty and change brings challenges for political institutions, criminal justice agencies and civic society in developing values, strategies and systems. We will bring together academics, parliamentarians, practitioners and those directly affected by the criminal justice system to discuss, reflect on and suggest alternative strategies.

The Howard League's conference will consider the intersection of issues relating to crime, justice and social harms. Building on the Howard League's Commission on Crime and Problem Gambling and the burgeoning international concern around it, we are keen to explore the impact of problem gambling on patterns of crime and the societal harms that link crime and problem gambling.

The Howard League is looking for papers from academics, policy makers, practitioners, PhD students and researchers from within the criminological and legal disciplines, however we are also keen to include contributions from fields of study including philosophy, geography, political science and economics. We will consider theoretical, policy, practice-based and more innovative contributions around a wide range of issues that encompass the broad theme of justice and the wider conference themes. We would particularly welcome papers on the following themes, however other topics will also be positively considered:

- political instability, austerity and social change
- addictions as a social harm including gambling, drugs and alcohol
- racism as a social harm
- cybercrime, technology and social media
- policing
- sentencing and legal change
- the role of probation, prisons and the criminal justice system in responding to social harms
- community and civil society's responses to social harms
- relationships and responsibility of social, health and (criminal) justice
- gender, men and masculinities
- equality and social justice
- women, gender and justice
- overuse of the penal system: mass imprisonment, mass supervision and mass surveillance
- poverty and criminal justice
- domestic violence as a social harm
- young people, young adults – social justice and criminal justice
- victims of crime in a social harm context

**Abstract guidelines**

Abstracts should be a maximum of 200 words and include a title and 4–5 key words. Your submission should be submitted in English. Papers will normally be presented in panel sessions with 3 or 4 papers presented in either slots of 20 or 15 minutes, followed by 20/30 minutes discussion. This conference is particularly interested in and will respond positively to papers that incorporate participatory and creative methods to discuss ideas and findings, lightning talks, panels, or roundtables. We will ask you indicate your preferred method of delivering your paper. Include the proposer's name and contact details along with the job title or role. Please submit abstracts via email to:

[anita.dockley@howardleague.org](mailto:anita.dockley@howardleague.org)

The deadline for submissions is Monday 2 December 2019. Decisions will be made by Wednesday 8 January 2020.

**Conference fees**

All conference participants, whether presenting a paper or not, are expected to pay conference fees. Further information can be found at:

[www.howardleague.org/our-events/](http://www.howardleague.org/our-events/)



## **Guidelines for submissions**

### **Style**

Text should be readable and interesting. It should, as far as possible, be jargon-free, with minimal use of references. Of course, non-racist and non-sexist language is expected. References should be put at the end of the article. We reserve the right to edit where necessary.

### **Illustrations**

We always welcome photographs, graphic or illustrations to accompany your article.

### **Authorship**

Please append your name to the end of the article, together with your job description and any other relevant information (eg other voluntary roles, or publications etc).

### **Publication**

Even where articles have been commissioned by the Howard League for Penal Reform, we cannot guarantee publication. An article may be held over until the next issue.

### **Format**

Please send your submission by email to [anita.dockley@howardleague.org](mailto:anita.dockley@howardleague.org).

### **Please note**

Views expressed are those of the author and do not reflect Howard League for Penal Reform policy unless explicitly stated.