

scottish justice matters

ENVIRONMENTAL CRIME AND JUSTICE

ALSO

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on prisoner voting

Interview with former Cabinet Secretary
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Fair enough

Marguerite Schinkel on long-term prisoners talking about their sentence



LONG-TERM (over four years) imprisonment is, after life imprisonment, the most serious sentence that courts can impose in Scotland. Despite this, we know very little about how people who are imprisoned long-term think about their sentence. Much more is known about the lived experience of other interventions that aim to change behaviour (as prison sentences do at least in part): for example, smoking cessation and physiotherapy. Compared to these, criminal punishment is much more loaded. Imprisonment happens when someone has done something 'bad' and, in the opinion of the court, deserves to be punished. This might be the reason prisoners' perspectives on the fairness, purpose and efficacy of imprisonment has been largely ignored. However, how someone sees and copes with their sentence might well affect their behaviour while in prison and after release. This article summarises a research project that aimed to understand long-term prisoners' views of their sentence, and the implications these views had for their wider lives, and vice versa (for a fuller discussion see Schinkel 2014a). 27 male long-term prisoners were interviewed: six at the start of their sentence, 12 towards the end of their time in prison and nine on licence (or parole) after release.

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Purpose of the sentence

Most of the men were really only able to make sense of their sentence if it aimed to make them less likely to re-offend in the future (rehabilitation). Those who were imprisoned for their first offence (death by dangerous driving in both cases) and had had conventional lives up until then, acknowledged that they needed punishment, but found it difficult to see what their years in prison were meant to achieve. Despite the widespread wish for rehabilitation, the men were almost unanimous in their dismissal of group based cognitive behavioural courses as the best way to go about this. They felt more individual attention was needed, as well as more practical support, to allow them to change their lives around. With very few really committed to their offending lifestyle, most were angry that, instead of this individual attention, they were treated as one of a large, undifferentiated and undeserving mass of people.

Fairness and justice

Along with the anger about rehabilitation unachieved, many of the men also felt that there were problems with their sentence. Some maintained their innocence, while others felt that the court did not have the standing to judge them (given their disadvantaged backgrounds), that the law was unjust or that the sentence was too long. Surprisingly, these feelings of injustice were almost always neutralised by those at the end of their sentence or on licence. Some adopted a 'general guilt' approach to evaluating fairness, saying that they had committed other offences which had gone left unpunished, or would have done so in the future. This neutralisation was driven by the pressures of coping with the prison environment. In order to survive a long-term sentence, it was much better to 'put your head down and get on with it' than to keep a sense of unfairness alive. Once appeals had been lost, there was no gain in an ongoing

fight against inevitable, unopposable imprisonment. Instead, the best strategy was to 'keep your head inside the walls' - trying to avoid thinking about family and friends outside and accept the prison as a whole life-world for the duration of their incarceration. This made their confinement much easier to bear, as they were seldom confronted with what they were missing. Research in other prisons and jurisdictions has found much more oppositional prison coping strategies (for example, Liebling et al., 2011), so it is likely that the intentional limiting of their horizons described by the men I spoke to was an adaptive strategy only because the prison in which they lived was relatively safe and 'busy' with many activities on offer. It did mean, though, that the men's general acceptance of their sentence was a result of the need to cope, rather than the justice of their sentence, and that the link between crime and punishment was largely left unexamined for most of their time in prison (see Schinkel, 2014b).

Several credited their social worker with motivating, supporting and, in some cases enabling them to stay away from crime

Life after prison

The men on licence were experiencing the drawbacks of coping with imprisonment by cutting themselves off from the world outside. Most described themselves as 'institutionalised' and found it difficult to re-integrate into normal life. Opening up to loved ones and supporting them in turn was a challenge after years of isolation and several said that they missed their life in prison at times. This, and other aspects of institutionalisation, were compounded by a sense of surveillance: having a history with police officers 'who might be out to get them one more time' and being on licence made many of the men feel very vulnerable to being returned to prison. Not ascribing much control to themselves in difficult situations, almost all the men avoided offending by avoiding the world at large and spent almost all their time inside their own homes. This was compounded by their inability to find new, meaningful, activities. Most aspired to employment, but their criminal record (which they would have to disclose for the rest of their lives) meant that employers rarely shortlisted them for interview and none had had any job offers, despite many trying for years. Their inability to work towards their goal of a 'normal' life (and a new identity as 'working man') was very frustrating and meant that some of the men were beginning to give up hope. The lack of work also affected relationships, with some cohabiting partners asking those on licence to move out, so that they would no longer need to be supported financially. Some of the men described relapses, but none had been re-imprisoned despite the high levels of surveillance, so they were managing to desist in the sense that they were not offending (seriously). However, they were not desisting into something; they led rather empty lives in which nothing had taken the place of the things that filled many of their lives before their imprisonment and which they now had to avoid in order to remain free: co-offending friends and associates, drugs, alcohol, excitement and offending.

Implications for practice

The Scottish Prison Service is already making moves towards a more individualised regime for prisoners. In several prisons, personal officers now accompany prisoners throughout their time in that prison, from induction to release (and hopefully in the future, also after release). This means that these officers have a chance to get to know prisoners and their needs, and to provide help at the right time and with the right issues. However, for this to work, there will need to be a greater variety of resources and interventions on offer: the SPS can no longer rely on a restricted number of cognitive behavioural courses to deliver rehabilitation. Another task for the SPS and its staff, along with policy makers and judges, is to reduce the extent to which men cut themselves off from the world outside while imprisoned. In order to support desistance, it is necessary to increase the permeability of the prison walls, so that prisoners remain engaged with, and are better able to cope with returning to, their lives outside. One option would be to allow much more extensive contact with family and loved ones, for example through prisoners having phones in their cells, so that family members can take the initiative in seeking contact. As this would make sentences arguably more painful, as prisoners would be regularly confronted with their physical separation from family, their length might also be reduced, further reducing the impact of institutionalisation.

Within the community, the relationships of the men with their criminal justice social workers were almost exclusively positive. Several credited their social worker with motivating, supporting and, in some cases enabling them to stay away from crime. However, social workers were seen as having very limited powers to help them to achieve their goals, especially employment. This meant that many felt left in the lurch; they had the basics they needed (such as accommodation, benefits and support with their addiction issues where relevant) but were left to their own devices to build up a life, despite their ability to achieve this being limited. A change in the Rehabilitation of Offenders Act (1974) is needed so that at least some jobs (ones that require little trust) are available to ex-prisoners in the first few years after their release, with this increasing until they no longer need to disclose their offending history for any job after several years of desistance.

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