PRISON PRISON PRISON

JESUIT CENTRE
FOR FAITH & JUSTICE

Workshop Report

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<u>Bibliography</u>

White, Kathleen. *Disrupting Prison Policy: Workshop Report.* (Dublin: Jesuit Centre for Faith and Justice, 2024).

Introduction

On 12th January 2024, the Jesuit Centre for Faith and Justice (JCFJ) organised an International Prison Policy Workshop at Dublin City University for a closed group of policymakers, prison staff, academics, prison oversight bodies, chaplains, and civil society organisations. The workshop developed originally from a conversation between ICFI staff and Orla O'Neill of St. Stephen's Green Trust (SSGT) about the impact of incarceration on families. Specifically, it was agreed that there was a need to create a space to reflect on the consequences of imprisonment on families; to reimagine what may possible in relation to the imprisonment of women; and to explore new ways of thinking about prison policy more broadly.

As highlighted in the opening remarks from Keith Adams, Penal Policy Advocate at JCFJ, this workshop carried a sense of timeliness as Ireland is currently in an expansionary period of prison policy and the State has committed to building more spaces for confinement and carceral control. Irish prisons are currently experiencing a period of intense overcrowding, which has knock-on effects including, but not limited to, the restriction of rights for those in prison, increased stress for prison staff, and further impacts on security and rules which have deleterious effects on those accommodated in prison and their quality of life. Considering these signs and trends, it is important to think about the future of the society in which we want to have and how we, as a society, deal with behaviour we find problematic.

The workshop consisted of three papers delivered by academics, based in the United Kingdom and Germany, addressing female sentencing, trauma-informed prisons and abolitionist thought. Each paper was followed by a discussion with the contributor, drawing on observations and questions by attendees.

The first paper entitled *The Disruption of Women's Imprisonment: Prison Sentences, Negative Consequences and Non-Carceral Alternatives* was presented by Dr Shona Minson and moderated by Dr Kevin Hargaden, Director and Social Theologian in the JCFJ. The second paper *Female*

Imprisonment and "Trauma-Informed" Prisons was delivered by Dr Anna Schliehe and moderated by Orla O'Neill, Executive Director of the SSGT. The third, and final, paper Sowing the Seeds of Change: Dissenting Voices, Subversive Knowledges and an Abolitionist Imagination for Our Time was presented by Dr David Scott and moderated by Dr Ethna Regan, lecturer in the School of Theology, Philosophy, and Music.

Key themes that emerged from the workshop include the wide reaching harms of the carceral system; the limitations of reform; the various ways in which the current system can be disrupted; and the need for our imagination to go beyond the prison system.

This event was sponsored by the St. Stephen's Green Trust, with a special thanks for both their generous financial support and solidarity in seeking to imagine a more just future.

Contributors

Dr. Shona Minson is a British Academy Research Fellow at the Centre for Criminology at the University of Oxford. Originally from Belfast, and after studying law at Oxford and being called to the Bar of England and Wales, she practised criminal and family law in London.

Her academic work explores the intersection of crime and the family and in particular the rights of children whose parents are in conflict with the law. Recent research projects have focused on the sentencing of mothers, the pandemic lockdown experiences of children with parents in prison and the barriers to participation in family court proceedings for mothers in prison in England, Wales and Scotland.

Dr. Anna Schliehe is a Research Associate at the University of Bonn, lecturing in human geography, and a MSCA Fellow at the University of Trier. She is also a visiting scholar at the Institute of Criminology at the University of Cambridge. Within the research group on 'Crime and Carcerality' in Trier, Anna works on a research project entitled 'Women's imprisonment, social control and the carceral state' (WISCA for short).

This project is designed to understand women's imprisonment and its long-term effects in Germany. Her research on carceral geography and criminal justice and their responses to women and young women in particular is informed by both geographical and criminological scholarship. Anna has recently published a monograph entitled 'Young Women's Carceral Geographies: Abandonment, Trouble and Mobility'

Dr. David Gordon Scott works at The Open University and he has been a visiting scholar at a number of universities around the world including in Italy, USA, New Zealand. He is a former coordinator of the European Group for the Study of Deviance and Social Control and a co-founding editor (with Emma Bell) of the international journal Justice, Power and Resistance.

David's research interests include reflections on our collective ethico-political response-ability for the harms of the capitalist state; the historical relationship between socialist ethics and penal abolitionism; liberative justice and anti-carceral responses to poverty, state-corporate violence and social harm. His recent books include Why Prison?, Against Imprisonment, For Abolition, The Routledge International Handbook of Penal Abolition, and Demystifying Power, Crime and Social Harm.







Paper One

The Disruption of Women's Imprisonment: Prison Sentences, Negative Consequences and Non-Carceral Alternatives

Minson's presentation explored the imprisonment of women in two key ways: first, through highlighting the disruption it has on women and their families, especially children; and second, through elucidating ways in which we can disrupt these harmful cycles of punishment and trauma. With a background in English law and criminology, Minson centred her presentation around the growing understanding of the fact that the harm of imprisonment is not isolated to the person in prison, rather it has a ripple effect to other areas of society and that individual's community.

When a mother is imprisoned, children face a host of serious challenges including having to move to another home, increased levels of poverty, educational disadvantage and "confounding grief" due to the confusion of losing a parent to incarceration paired with the stigma attached. These issues combined often result in what Minson described to as a "turning point" for these children in which their life trajectory often takes a turn that cannot be reversed. In other words, having a parent in prison is seen to be a significant turning point for children with lifelong effects

Despite evidence to support the adverse impacts of maternal sentencing on children, sentencing guidelines, urging judges to take the children's wellbeing into account, are often under-utilised resources. Minson spoke about her ongoing research and advocacy for women in prison to take part in proceedings impacting their children, which is justified by human rights law and international best practices. However, she did highlight the barriers to participation, which intersect with wider social and criminal justice impediments, such as not having control over access to information, the freedom to attend or being further marginalised and stigmatised in their own hearings. During the presentation, it was clear that the criminal justice system in the

UK—regardless of judges' intentions—makes it almost impossible to ensure that women under sentence can participate fully and fairly in hearings affecting their children's wellbeing.

After setting the scene with the consequences and barriers, Minson made a case for the disruption of women's imprisonment, and its harmful impacts, for good. Considering case study examples in Manchester, Glasgow, and Texas, a possible roadmap forward may consist of Women's Problem Solving Courts that create a mandate for women involved in the court system to have supportive resources, check-ins, and access to reconnecting with children. This is just one example that Minson used to demonstrate to the audience that there are all kinds of alternatives out there and we need to use our imagination to create a more just system that is less disruptive to families and fragile care networks.

Minson concluded her presentation with a question urging participants to think about why we put our resources into something that we know does not work and why not instead take the risk for something different.

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Discussion - Paper One

Question: Your presentation demonstrated extensively the harm put on the shoulders of children. Can you speak to the political problems that we need to overcome to address this?

Response: Minson spoke of the challenges with misinformation amongst the public related to people in prison, what happens after prison, and a general lack of thinking around what justice is. Often, the public holds very binary thinking and a narrow understanding around justice, punishment, and offending. There is a need for more public education around sentencing and the impacts on those imprisoned and their families; coupled with a larger conversation around what justice really is, and the root causes and social harms associated with offending. Lastly, politicians often reinforce this thinking in order to get votes so our solution likely does not lie in politicians but rather in educating the public and shifting their thinking on justice. There is a need to overhaul the moral imagination of society.

Question: When thinking of children impacted by the justice system and the disadvantages they may face in the education system, paired with the stigma and shame associated with having a parent in prison, who in our society gets to hear about a child's situation?

Response: The lack of resources in our schools —paired with a lack of understanding—to support children impacted by incarceration leaves little to no incentives for people to disclose. Rather than putting the onus on the children and those impacted to disclose their situation, our systems (education, healthcare, local authorities, etc) should create more understanding of the issues, and develop services of support. Therefore, they can advertise that if someone is impacted, they can access a range of services. Overall, as a society, we need to create a culture of inclusion and supports within our systems and make it clear what supports can genuinely be offered before we expect families to disclose personal, and vulnerable, information.

Question: Recognising the compounding issues Traveller women face both inside and outside of contact with the justice system here in Ireland, can you speak to the additional barriers of racism and the impact on ethnic minority children in your work in the United Kingdom?

Response: Minson highlighted that in the United Kingdom, there is also an overpopulation of ethnic minorities across every aspect of the criminal justice system. Specifically, in her own research, she found that these populations were harder to engage for research as it reflects a general trend of those who are struggling more with a host of compounding issues tend to be unable to, or difficult to, engage for participation in research.

Question: Reflecting on the devastating impacts of incarceration on mothers and children, which can result in making access to this population for research difficult, can you speak to how you managed to overcome this and how you connect/find people to work with?

Response: Minson reinforced that it can be very hard to gain access to this population and she spent a few years networking, showing up in various relevant spaces, and building relationships with this population. She did note that there are questions around the ethics of doing research with traumatised people, and how exactly we can and should do that. She believes it is very important to hear children's voices but critical for researchers to understand what they are asking, how they are engaging, and the overall wellbeing of the child.

Question: In relation to the empirical research with the judiciary, how many judges did you speak to and in which courts? Was there any evidence to suggest that sentencing judges do explicitly review sentencing guidelines?

Response: Minson asked to interview around 30 people and was given permission to interview 20, but she found that she was reaching saturation because of a lot of the same perspectives were

shared across interview subjects. Furthermore, she spoke with eight family court judges at county court level in England and Wales and five Sheriffs in Scotland, and found that they all reviewed the mandated sentencing guidelines upon conviction.

Question: Reflecting on the positive impact of Dr Minson's research on requiring presentencing reports, and that in Ireland these reports are not required, can you speak to the notion of the voice of the child and how you see the voice of the child being involved in pre-sentencing reports and how to do it while balancing positive outcomes with the impact on the child?

Response: While pre-sentencing reports are supposed to be completed, it is important to note that they are not always done, and there is variability, or sometimes are "on the day of court," which do not really work given the context of the situation is to inform the court hearing. The use of these reports has gone down by about 50% thus making it an underused resource. In terms of what they can ask to get the voice of the child, this is a difficult question and area to approach. There have been presentencing questions, which are quite factual (school, home, logistics, etc) but at least create a picture of the factual impact on the child, although they may miss some of the emotional and larger impacts. In some instances, having key stakeholders talk to the family had little impact on the sentencing outcome but created a level of trust and appreciation between the family and the officers.

The Prison Reform Trust in England has a Child Impact Assessment toolkit, which is there to be used for the benefit of the child, this can be used by schools, health services, probation, social workers, and other key agencies to ask the child what do they need from the situation, what information, support, and next steps do they need. It is highly recommended for anyone that is working with children.

Resources like this are very useful and it would be great to see more of these coming in focused on what we need to give to children involved in these processes to support them. Question: In relation to the disruption and rights of the child with a mother's imprisonment, how much do we think what we are talking about relates to fathers in prison?

Response: While the focus of today's presentation was on women's imprisonment, the overall focus of the work is on primary carers so would apply equally if the father is the primary carer of a child. Furthermore, even if the imprisoned parent is not the primary carer there are always relevant and compounding impacts on a child from having a parent in prison.

Paper Two

Female Imprisonment and "Trauma-Informed" Prisons

Schliehe's presentation explored women's imprisonment, the unique harms for women in prison, and trauma informed practices within a prison environment. She approached her research with a background in human geography, finding a fertile space at the intersection between geography, criminology, and carceral geography. Specifically, her research aims to understand, through the lens of the unique challenges women face in prison, if prisons can truly be "trauma informed" through analysing the implementation of trauma informed practices and training.

The project - 'Women's imprisonment, social control and the carceral state' (WISCA) - under which Schliehe works is responding to a research call analysing gender sensitive monitoring attuned to the problems women face in prison and how they can make sense of their contact with the criminal justice system. To date, most research is carried out on male experiences in prison and there is a gap in research on the experiences of women in prison. Often research in this space is rooted in outdated notions of womanhood and limited to stereotypes of individual incarcerated women rather than looking at power, relationships, systems, and a notion of justice that is done in other types of research not focused on women. While women are a minority in prisons across the United Kingdom and Ireland, Schliehe reminded us that this number is rising and prison spaces for women are being expanded at alarming rates, which reinforces the need to disrupt the trajectory of women's imprisonment.

Schliehe's project focuses on prisons in the United Kingdom and Norway and findings to date demonstrate that women experience imprisonment as more painful than men. Through research exploring women's imprisonment, key findings reinforced that there is an intersection of social issues impacting people, especially women, in prisons. In particular, the experiences of women in prison interacts with women's pre-prison lives, which may involve trauma, difficult circumstances,

abuse, poverty, and children's separation which then gets tied up with feelings of guilt, anger and grief.

Furthermore, because women typically make up a smaller number of the prison population, there are fewer female prison locations so incarcerated women are usually farther from home, which can impact visitations, and have a harder time accessing services. Findings show that incarcerated women are often victims of more serious crimes then what led to their prison sentence. For example, many are often victims of rape or other abuse but are typically facing sentences for petty crimes. As a result of this, a majority of women that reported their experiences report being victims of serious offences and as a result suffer severe trauma, mental health challenges, and sometimes, selfharm. While incarcerated women are grappling with these compounding traumas, they are forced to do so in an environment that is not designed for them: research shows that prisons often re-traumatise women entering the system who are already facing complex traumas and little planning goes into addressing this.

Findings show that incarcerated women are often victims of more serious crimes then what led to their prison sentence.

Shifting the presentation's focus to the role of trauma and trauma-informed practices within prisons, Schliehe highlighted that there is a tension in the way in which trauma is defined and trauma practices that look towards disruptive experiences of an individual, and those that understand experiences of trauma as relational, not just isolated to the individual experience but are strongly impacted by social environments, legal procedures, and systems. Research demonstrates that there is a strong correlation between people who experience marginalisation and the levels of trauma they are exposed to and as a result, prison becomes a place that is likely to both house people with trauma while also causing more trauma. There is a current trend of services aiming to become

"trauma informed" in their service delivery, which typically involves staff attending training focused on facilitating change and understanding the impact of trauma.

While Schliehe's research is ongoing so official findings have not been shared yet, some preliminary findings raise questions about the implementation of trauma informed training and practices. General findings demonstrated that while staff used trauma informed practices or language, there was often a lack of real understanding or implementation. Furthermore, in an evaluation of trauma informed practices in participating prisons for research, out of 20 items related to trauma informed practice, only two were scored average. The rest were rated below average or dissatisfactory, thus demonstrating that there is a mismatch between what trauma informed practices aim to achieve and how it is implemented.

These findings, paired with the knowledge about women's experiences in prisons, demonstrate that the concept is good in theory but in practice it is quite complicated and raises questions if these practices can be truly effective in a traumatic system and space. Schliehe concluded by reflecting on the development of traumainformed work as important and promising while also recognising the need to question the concept itself and look at what it means for people in prison.

Women's experiences before, during, and after prison paired with the difficulties of achieving justice demonstrates that there are complex issues in our current society and the need to raise questions and disrupt traditional notions of justice. The social and socioeconomic conditions, paired with political conditions, in prisons have important relational impacts and that is where the challenges, and change, lie.

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Discussion - Paper Two

Question: It is useful that evaluation is done and very important to involve the voice of the person in prison. How do the prisons involved respond to the evaluations of their trauma informed practices?

Response: Schliehe noted that the trauma specific evaluation was an addendum to a much larger evaluation. However, prisons were quite positive and interested in the evaluation and findings and she found that there seemed to be good will among senior management about implementing these training practices and understanding how they work. While they may not have been entirely happy with the results, she got the sense that they found it to be an important step of the implementation on a very practical level.

Observation: There are concerns that it is very easy for practitioners working on penal policy, criminology, and other related fields to get stuck on reform and proposing new reforms rather than thinking about real disruption, and trauma seems to be one of the new buzzwords of the moment. This raises real fears that rather than really disrupting prison policy, we end up busying ourselves with new ideas of doing the same things better. Rather than think of individualised reforms, at the end of the day we need to target our interventions at politicians, mainstream media, people in the public rather than individually targeting reforms to people in prison. If we really want to be disruptive, we need to come up with radical ideas and move past reforms.

Response: It is important to look at the broader system rather than individual initiatives. However, it is still important in the here and now to make a difference to people who end up in prison.

Observation: An attendee noted that prisons have to take anyone who comes into their remit as they are sent by the Court Service. As a result, some prisons

throughout the country are overcrowded beyond their intended capacity. In terms of trauma, prison staff are aware that trauma affects people in prison and there is a need to address early onset childhood trauma and look at the way that trauma impacts people. Short sentencing is problematic because if people come in with short sentences, they look towards releasing them. Ideally, an 18-month sentence is actually the minimum length in order for people to actually be able to access services in the prison that are needed.

Observation: There is a tension between the importance of having a good environment for people who are imprisoned with that of desiring the elimination of prisons. Working relationships are important; critically, specific engagement with prison officers who are trauma informed can have a huge impact. However, Ireland seems to be far away from that where on paper services seem to be good but in reality they are not implemented or delivered. There are not enough opportunities or capacity within the system to deliver these services paired with the reality that prison is a restrictive environment. There is an importance in relationships and the trauma informed piece but the bigger piece is making systemic change in order to make those things possible. Considering the needs of the Traveller Community, trauma informed practices and a need for systemic change is very relevant for their experiences.

Response: Schliehe noted that the prison she worked in was in the South of England but she has noticed similar experiences there and elsewhere to what was noted in Irish prisons in relation to racism and discrimination. She interviewed a number of Traveller women for her project and it sounds like their experiences were very similar.

Question: Following a recent visit to the new women's wing in Limerick Prison, I was impressed by the efforts at a more humane imprisonment but I keep coming back to the question of why do we continue to deem it necessary to build prisons for women? Can we look at respite centres and offer help via that route rather than imprison them, which results in further stigmatisation and marginalisation? Is it not time to take a radical look and make alternatives for prison for women?

Response: Schliehe suggested that the problems highlighted are just as relevant to the male prison estate as well. Lastly, she noted that it will be interesting to look at Scotland in the next few years and look at how the Women's Centres that are being developed will look and whether they are providing an alternative.

Question: In the prisons studied, and the one that was officially trauma informed certified, how did they balance staff knowing the history of women in order to be trauma informed and respond accordingly with the requirements of GDPR and staff culture?

Response: It is difficult to see what is going on in practice in terms of managing privacy and staff culture. Relating that back to trauma in our own experiences in doing research, there are a lot of problems as well but quite a few chances in terms of really good prison practice and good relationships between staff and people in prison developing and not coinciding with keeping privacy. It is a huge problem in a closed environment when you need to deal with challenging situations as a member of staff while also supporting people. It creates a whole number of issues when you are on call and maintaining privacy can be almost impossible.

Question: I broadly agree with the idea that trauma informed practices in prisons could be a smoke-screen when it might not have the impact suggested. In your discussions with Governors and policy makers, is the sense you are getting that people

are still willing to push ahead with more trauma informed practice despite it not really having much of an effect or is it the sense that it doesn't have the effect because it isn't being done right?

Response: Schliehe recognised that while this is a difficult question to answer, it is an important question that raises the point to be made at looking at where we are going with all of this. Her instinct is that it [trauma-informed practice] will be pushed ahead regardless because it has become a popular initiative with a lot of funding invested into it. There are problems around places rolling out the training and programmes without really understanding it and proper implementation. There is still a need for research to be done to see how it relates to other initiatives.

Paper Three

Sowing the Seeds of Change: Dissenting Voices, Subversive Knowledges and an Abolitionist Imagination for Our Time

Building on the previous talks, which urged attendees to look towards disruption of existing practice, Scott took abolitionist approaches as his starting point and explored radical alternatives to current penal policy. Furthermore, he explored what this approach might look like in Ireland and emphasised the value in looking towards dissenting voices in Irish history as a guidepost to shape an organic development of Irish abolitionist thought and practice. He emphasised why we need to radically reimagine a different future if we want to create a more just world.

To first introduce these topics, Scott spoke about the concepts of penological amnesia and the abolitionist imagination. He defined penological amnesia as the ongoing trend in society of forgetting the past, particularly with penal policies and failed reforms and instead we get trapped in immediatism. Specifically, he spoke of the concept of a revolving "penal-merry-goround" in which we repackage old reforms as new ideas without any historical context if they have previously failed or not. An antidote to failed reforms and penological amnesia is the abolitionist imagination which urges society to have an understanding of historical continuities. Scott explained that the abolitionist imagination "cultivates 'subversive knowledge' challenging penal logic; situates prison within socioeconomic contexts," and recognizes the "importance of hearing the voice of experience from within that contested power, and evolves organically in each nation." When we look back at penal policies through the lens of the abolitionist imagination we see that reforms continue to fail, the system is broken, and we need a radical alternative.

During the presentation, Scott shared aspects of his own personal journey towards abolitionism that arose during his time as prison researcher, which demonstrated clearly that prisons are a place of harm, violence, and death. While there is a lack of evidence that prisons rehabilitate people and change lives, there is tangible evidence that prisons kill people and cause harm and have problems of "institutional structured violence." Furthermore, this experience opened his eyes to the need to reject "penal utopian thinking" that reforms are the solution and a continuously harmful, failing system can be justified. When we look at the prison system for what it is, which Scott aptly called "broken, rotten, places of suffering and death," we can see that abolition is a profoundly realistic solution to moving forward. In order to see the system for the failure that it is and promote an abolitionist imagination, Scott argued that we must centre subversive knowledge and dissenting voices by hearing the voices of people with lived experience of prisons, which includes both people in prisons and the prison staff and volunteers. For example, he spoke of Sir Alexander Paterson, former commissioner of prisons in England and Wales, who at the end of his career described prisons as "a sentence of living death" and called for abandoning prisons. This type of subversive knowledge can raise awareness, share knowledge, and challenge prisons.

An antidote to failed reforms and penological amnesia is the abolitionist imagination which urges society to have an understanding of historical continuities.

Throughout his presentation, Scott emphasised the importance of abolition movements that evolve organically and locally, rather than relying on imported models. Therefore, in the final part of his talk, Scott focused on putting these concepts into the Irish context by exploring historical dissenting Irish voices and looking at what Irish penal abolition can mean in present times. For example, we can find abolitionist sentiments "in Irish traditions, folk stories, philosophies, theologies, counter-colonial struggles, political activism," and look towards the dissenting voices of Irish rebels imprisoned in England. Through using a historical lens, we can assess if proposed changes to prison policy have been attempted in the past and if they have

been successful or not, while also uncovering non-penal Irish approaches to problematic behaviour prior to colonialism. In conclusion, Scott pressed us to look towards radical alternatives and shape local abolitionist imaginations by looking at history, hearing and learning from the voices inside, and grounding subversive knowledge.

When we look back at penal policies through the lens of the abolitionist imagination we see that reforms continue to fail, the system is broken, and we need a radical alternative.

Discussion - Paper Three

Question: This was a very challenging paper, urging us to think about moving away from within the system to alternatives to the system, and in that the imagination is very important. I am reminded of Iris Murdoch who said that 'the imagination is not the poor cousin of reason' and there has been an amazing combination of reason and imagination within the workshop today. You mentioned your earlier experiences of prison research in the 1990s, can you share what knowledge or experience you may offer to prison researchers today?

Response: Scott shared how he did many different types of prison research, and how he saw there was a lack of human rights and some officers who seemed to think that some people were just lesser people, which has shaped his experiences too. His advice would be to go in with as much appreciation and understanding of the nuances of prison, be able to read and be familiar with the literature of the prison setting and its complexities. It is important to see nuance and the subtleties in order to see what concepts of institutional violence and those structures mean in real time, to be able to look and see the harm of the mundane reality. To be prepared, open, and able to read what it is that prison is doing and why prisons are harmful.

Observation: An attendee reflected on the need to challenge ourselves and make the changes we want to make in the context of what we find problematic. That they worry about the ways in which people tend to fall into a sense of needing a full movement but we should be doing more in our day to day life and practice to live out radical, abolitionist views and make individual changes too. The attendee also reflected on the reality that the Irish state did embrace locking people up when they had the opportunity and chose to lean into that so we need to take that into account when thinking of Irish history.

Response: Scott said that he agreed entirely with this point and that some aspects of abolitionism include the importance of the way of living that adheres to abolitionist ethics.

Question: Who do you see as the biggest challenger to abolition and how do you respond to them? Such as someone who has had a loved one murdered?

Response: This a good question and typically the victims of extreme crimes that want punishment and justice. There is always this question of what we do about rapists and murders. It is important to raise awareness that the system does not serve us or provide justice, accountability and also there are many other areas of harm in which our system provides no solution (e.g. poisoned by the workplace, state violence).

Part of the response is yes, there is enormous sympathy for people in their position and they are entitled to make those points but it's important to bring in the context of avoidable deaths, social murder, and intentional homicide that our system does not account for. There is currently a limitation on our existing system and sentencing which results in no accountability in some regards or in others people that are serving sentences for crimes they did not even commit (e.g. someone serving a sentence for murder who did not commit a murder but was on the scene during it).

Question: I was struck by the phrase of making people invisible and putting them out of sight. Living in Northern Ireland, something that was very hard was the reality that someone that killed your loved one could be in your community whereas making them invisible could be attractive. One of the functions of prisons right now serves a social function that shows someone is a victim and someone did wrong, which communities seem to need. If we imagined a new system, we'd need to find a new way of vindication.

Response: Scott reflected that he agreed, as Emile Durkhim argued that prisons serve a kind of function around sending a message of moral boundaries of society and moral philosophers agreed the same. The problem, however, is that it doesn't really work how they anticipated - the most obvious being that we do not receive messages the way people think we do. The state thinks it is sending a message to society but it is

not reaching society in the same way. For example, people in dire situations may not be able to receive the message of the state.

We also need to recognise the harms of power, we currently do not have the criminal laws and moral boundaries for the harms of power and state harm. As a result, this theory falls down as soon as you look at the message and context of social harm. If we need these boundaries and functions, why don't they apply equally? It is a fundamentally flawed boundary.

Panel Discussion

Building on the richness of the earlier presentations and Q&As, the afternoon's panel discussion provided an opportunity for attendees to engage further and for the speakers to expand upon points of interest.

Question: What are the factors that you think are driving the rising trends of imprisonment?

Minson: In England and Wales, there is a very reactive government and legislation that has been recently passed that creates new criminal offences and/or extended periods of imprisonment. This is being done for political reasons and it builds populist narratives and gets people trapped into a way of thinking that this is needed. Currently, people are looking at life sentences for young people, the new legislation is look at a minimum for some people at nine years and a maximum of 27 years for a young person, we are talking about 13-14 year olds here and this legislation just sort of appeared and we really need to understand what brings us to this point, we have things coming to legislation without scrutinization. There is a creation of new criminal convictions and this idea that the only way to make society better is through criminalisation.

Schliehe: Internationally looking at prison policy, there has been a trend of incarceration, for example looking at the US context, and that has had an impact on the English speaking world. We are seeing these trends, even on a smaller scale too. However, when we look at systems such as Norway with shorter sentences, it raises questions: what does it mean to punish and can we do that differently? How does that matter and what do we do? We must look more broadly.

Scott: It comes down to the political economy. For example, social democratic countries are seeing much less emphasis on penal expansion whereas neo liberal countries follow the path of penal expansion. When we look at authoritarian populism and the political economy, we see that there are massive problems in our society that are difficult to fix and if we can distract people's attention to a specific form of harm and give the

impression that we are doing something about it, we give a false impression that we have a strong state. It sends a message that politicians are doing something and mystifying attention away from the social harms such as poverty.

Question: There is the recurring theme of imagination, can you help me imagine what would or could a justice system look like that acknowledges harm?

Scott: A victim-centred approach, if we want a response that delivers justice, it cannot come through punishment, punishment will never deliver justice because it is only about hurting people and inflicting pain, justice cannot be served through the pain of others. Justice occurs when we redress, repair, or rebuild.

Schliehe: The question should be bigger than this, it is not just about punishment. We need to be thinking about safety and how do we create safer societies and preventative society building? It is about thinking about how we achieve this? We need to replace our broken society and replace the notion that punishment is more important than social cohesion.

Minson: Justice is a beautiful concept and how can it have harm attached to it? A victim centred approach ties back to the beginning of the harm caused, our current system does not hold space for the realities of people's lives and the hostile societies that we are living in. We need to reimagine how we deal with different realities in scope and scale.

Scott: Yes, we need to look at the life course not just the specific event.

Question: There is a common trend of when people talk about reducing prison populations to call for an expansion of community sanctions. What is an abolitionist view on probation and parole, do they have a place in a reimagined world?

Scott: There is danger around expansionist reforms, the system gets co-opted by reforms and it is difficult because we want to have

options and interventions but we need to be very careful.

Observation: When thinking of achieving a victim centred approach that does not continue to harm the individual and the entire community, then we need to get to a point where states take account for their harm, violence, and inaction. We look at the gross overrepresentation of ethnic minorities in the penal systems, this is a result of inaction by the state. Even the states that have good policies still have intergenerational disadvantage, trauma, and the result typically becomes criminalization of entire communities. We really need states to take accountability and a system wide change in order to get to this new system. It is a struggle in the Irish context because we still take the approach of assimilation rather than integration, which could create real change on the ground.

Minson: There is literature coming out of Canada from Marie Manikis, that talks about when it comes to sentencing, the state should be recognising its role in whatever has occurred and the sentence should be judged for the state taking accountability and their role.

Scott: Looking at positive rights and the importance of accountability. We can look towards indigenous arguments in places like New Zealand, Australia, and Canada, for example we can look towards the practices of the Māori people. One of the arguments is that it is about building people's confidence and not punishing them, we need to build people up. Abolitionism can be a discourse in rebuilding.

Question: If you were to make these systemic changes you start off with the general population trying to push for change while most politicians who keep pushing for criminalization are doing so because that is what they believe the public wants. Those who meet senior politicians are generally the victims of the most serious crimes. The talk earlier said we need to start with local populations, how do you overcome this?

Minson: Yes, the ministers meet the most serious victims which results in laws that have very real impacts for people not involved in the reason the law was created. There was recently positive legislation around women having babies in prison, the work of Level Up which is educating the public on the issue of birth while imprisoned and doing work on getting the media engaged, they are making progress with guidelines and we think it is because of this organisation.

Schliehe: If we have a victim centred approach, we need to question who is the victim? People in prison have been victims massively on a repeated scale and if we have a true victim centred approach, it could turn things around.

Question: [directed at Schliehe] Norwegian prisons are often seen as the best types of prisons, but recent research shows that the pains of imprisonment are still relevant there but may look different, can you speak to this?

Schliehe: It is complex. While on paper it may look better with lower numbers, the situations in prison there are not as different as you may think, harms in prison there are still problematic and harmful. People are still dealing with a situation that is still very punitive and not centred on people's needs. However, maybe people's perception of people coming home is different but the experiences in prison can be similar.

Question: Finally, if you had the power to take action in the morning, what would be your main priority for female imprisonment?

Scott: To close the prisons!

Minson: Yes, close prisons, stop sending women to prisons, and to keep talking and keep working on this, to be brave about it. A Quaker lawyer, Rachel Brett, gave me the advice that this is a game of snakes and ladders and the only way to win is to stay on the board and I think we need to do that.

Schliehe: Yes, I agree with both and think that it is great point to close on.

Emerging Themes

Introduction

From the continuum of the opening remarks to the panel discussion, it was evident that there was a desire and urgency to reimagine something different when it comes to prison policy. During the workshop, **four key themes** emerged:

- 1. Harms of an expanding prison system are wide reaching and long-lasting to those impacted;
- 2. Reform is very limited and an honest interrogation of the goals of imprisonment is required;
- 3. Penal systems are complex and resistant to change but there are areas where pressure can be successfully applied;
- 4. Change cannot be limited to the prison system alone; it must be reimagined and realised alongside changes to housing, education, and health care systems.

This section provides information on each of the four key themes and the ways in which they were threaded through the presentations during the day.

1. Harms of an expanding prison system are wide reaching and long-lasting to those impacted

The workshop presentations had a linear progression, touching upon multiple areas of the justice system and demonstrated all the ways in which the harms of the carceral state are not confined to just the prison or the person sentenced to prison. These harms are wide reaching and impact all areas of our society, with devastating long-term effects that reproduce the cycles of harm and future contact with the justice system. Throughout the workshop, every single stage of contact with the justice system is categorised and described as harmful. For example, Minson demonstrated the harmful repercussions at the stage of sentencing on children whose parents are incarcerated.

Schliehe spoke of the recurring harms once someone is in prison, as people in prison are

often deeply traumatised and victims of severe crimes and the prison itself is filled with trauma. Lastly, Scott reinforced this by talking about the history of the penal systems and the harms it causes. Furthermore, the harm of the prison goes beyond just the person who is imprisoned. Minson spoke extensively about the devastating and long-term impacts on children who have a primary carer in the system. Whereas, Schliehe and Scott spoke not only of the harms for those who are in prison but also the dangerous and adverse impacts for those who work in the prison system too.

These harms are wide reaching and impact all areas of our society, with devastating long-term effects that reproduce the cycles of harm and future contact with the justice system.

2. Reform is very limited and an honest interrogation of the goals of imprisonment is required

Throughout the presentations and discussions, complex and devastating faults to our current and traditional justice system were highlighted. From sentencing to incarceration and beyond, attempted reforms to this broken system have, at best, been limited and, at worst, have failed or exacerbated the dysfunction. Minson spoke of the instance of sentencing guideline reforms that were developed to support children whose parents were incarcerated but are often ignored or underutilised by judges and courts.

In other cases, reforms can become co-opted by the state and can further enable the broken system to continue to fail. For example, Schliehe spoke of trauma informed training becoming embedded in prisons with key buzzwords being used or trauma informed status being granted when in reality there is a lack of understanding or implementation. Lastly, Scott discussed the history of failed reforms and provocatively suggested that reforms are indeed a utopian idea because as we look towards history this

existing system, and the reforms to it, continue to fail and therefore we must try something new.

Within the context of these failed reforms and broken penal system, we must guestion what are our goals in relation to criminal justice. For example, what do we mean when we say community safety, justice, and accountability when it is clear the current system has demonstrated it does not deliver any of those things? As highlighted in the presentations outlined above, our traditional justice system does not hold space for the complexities and the hostile realities people who come in contact with the justice system are living in. As Scott outlined in his talk and again during the discussion, there are limitations to our current system to deal with larger social harms and issues, such as state crimes or intentional violence and death associated with our political economy. This was also clear in Minson's talk about the inability of the system to deal with the long term consequences of having an incarcerated parent on children or Schliehe's point that women in prison are often victims of much more serious offences committed against them.

3. Penal system is complex and resistant to change but there are areas where pressure can be successfully applied

The current penal system and carceral state is very complex and difficult to challenge. However, within that difficult system, there are many important areas for disruption and roles for all different types of disruptors. As seen within the presentations, these roles could be in research, direct activism and advocacy, or legal work. Additionally, there is a need for people to centre dissenting voices, which includes generating and amplifying the lived experience and subversive knowledge to create localised and organic radical movements.

There is a requirement to find a balance between alleviating harm in the here and now but also reimagining, and building, a radically different alternative future. Furthermore, as highlighted in the discussions, this disruption needs to happen on both an individual level of how we live out

abolitionist values and also on a systemic, collective level to rethink our societies. There are many different areas of disruption that can, and must, happen simultaneously rather than getting caught up in reforms that further enable and entrench the carceral state and violent institutions.

4. Change cannot be limited to the prison system alone; it must be reimagined and realised alongside changes to economic, housing, education and health care systems.

The fourth emerging theme from the workshop is the need to focus on intersectionality when critiquing policy and imagining an alternative future. People who come in contact with the carceral system are often experiencing other social issues and compounding factors such as poverty, racism, exclusion, and abuse. Crime and social issues do not happen in isolation - they are connected to systemic issues and their impact and a person is not fully understood by their problematic behaviour. Specifically, we cannot just focus on the prison system as the only broken system, we must reimagine our entire society. This includes reimagining our economic system, education, health care, housing, and social protection systems, among others. We must reimagine radical alternatives to our communities, societies, and systems.

Without a whole of Government response to social harms, Ireland runs the risk of becoming a carceral state, which emerges when institutionalised policing, criminalisation, and incarceration of people occurs to obscure and mask failures of Government policy and the erosion of the welfare state. As demonstrated internationally, such as in the United States, an unchecked prison system can result in the criminalisation of social issues where the prison becomes the solution to poverty, state failures, and racial injustice among other social harms. With Ireland's near history of institutionalisation and the warehousing of those deemed problematic—especially women—politicians and policymakers should be sensitive to the calls for more prisons.

Conclusion and Next Steps

The international prison policy workshop addressed topics including women's imprisonment, trauma informed prisons, and abolitionist thought and practice. The range of the presentations and discussions, paired with the emerging themes, point to the very real need for a continued and serious exploration of reducing our prison population and abolitionist practice here in Ireland. As the prison population has recently reached its highest level in the history of the State, with plans to create more spaces over the next five years, there has never been a clearer indictment of a broken system and its resistance to mild reforms or a clearer need to reimagine an alternative to the existing path of prison expansionism.

While it is easy to get caught up in the immediacy of reforms, the presenters and the discussion that followed demonstrated the need to remember that the harms highlighted are one look into a violent and inefficient system. They are not solely theoretical or academic, but very real systems of harm that impact people's lives, sometimes for the remainder of their lives. A common theme was the need to look to the past and learn from history about what hasn't worked and where potential solutions may lie. As Irish penal policy continues to steadily deteriorate, based on human rights obligations, international prison standards, and outcomes for victims, offenders and communities, we must explore alternatives to rebuild a more just world in every level of our communities.

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About the Organisers

Jesuit Centre for Faith and Justice

The Jesuit Centre for Faith and Justice is an agency of the Irish Jesuit Province, dedicated to undertaking social analysis and theological reflection in relation to issues of social justice, including housing and homelessness, penal policy, environmental justice, and economic ethics.

The Centre emerged from the work of a small group of Jesuits who were living and working in Ballymun, in the late 1970s, and was intended to promote social justice and critically examine issues of structural injustice and poverty. The original focus was on researching and commenting on the high level of poverty, unemployment and poor access to jobs and training in Ireland at that time. Staff within the Centre also provided support to local community groups.

The mission of the Jesuit Centre for Faith and Justice is to promote justice for all through social analysis, theological reflection, action, education, and advocacy.

Learn more at: https://www.jcfj.ie/

St. Stephen's Green Trust

St Stephen's Green Trust (SSGT) is an independent social justice grant-maker which has been working across the island of Ireland since 1992. Our primary purpose is to make grants available to groups to allow them to effect positive social change in areas which trustees deem to be critical. SSGT believes supporting advocacy and activism to achieve social change is the best use of independent funding and this forms the basis of their strategic philanthropy. We aim to work in solidarity with grantees in a way which respects their dignity and leadership in the causes we fund. We commit to effective stewardship of the funds entrusted to us by our donors.

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Phone: 01 855 6814 Email: info@jcfj.ie St Stephen's Green Trust is an all-island independent grant-maker which supports groups to effect positive social change in critical areas of social justice.

Our vision is of a fair society where no-one is left behind

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