



Life after Prison: Resettling Adult Offenders

Report

Glasgow, Scotland
- April 2008

CONTENTS

Opening and Introduction

Professor Mike Nellis, University of Strathclyde Leo Tigges, Secretary General, CEP	3
--	---

Throughcare and Resettlement in Europe

Stephen Pitts, International Programme Manager, NOMS England Wolfgang Wirth, Director of Criminological Service, NRW Germany.....	4
--	---

Resettlement and Desistance from Crime

Dr Fergus McNeil, University of Glasgow	6
---	---

Workshops

A. Recent Trends on Resettlement in the Netherlands

Karel van Duijvenbooden, Programme Follow up care for offenders of the Dutch Ministry of Justice Jos ter Voert (EM), Unit Manager Reclassering Nederland Jaap van Vliet, Janne Zwemmer, Salvation Army, Child and Adolescent Welfare and Probation Service (LJ&R), the Netherlands	9
--	---

B. Mappa-Multi Agency Public Protection Arrangements

David Swindle, Detective Superintendent, Strathclyde Police, Scotland Beth Weaver, South West Scotland Community Justice Authority, Ayr.....	10
---	----

C. Employment (and Accommodation) - Strategies for Success

Bernadette Monaghan, Chief Executive, Apex Scotland.....	11
--	----

Interesting Times in Scotland

Kenny MacAskill, MSP, Scottish Government Justice Minister.....	12
---	----

Ex-offenders' Perspectives in Scotland

Professor Bill Whyte and Brieger Nugent.....	13
--	----

Circles of Support and Accountability

Chris Wilson, Chief Executive.....	14
------------------------------------	----

Women's Imprisonment and post imprisonment in Russia: Some Preliminary Findings, Thoughts and Reflections

Dr Laura Piacentini	16
---------------------------	----

Resettlement of Ethnic Minority Offenders

Dr Gabriele Marranci, University of Aberdeen.....	17
---	----

Workshops

D. Resettlement of Political Prisoners in Northern Ireland

Mike Ritchie, Committee on the Administration of Justice,
Coiste, Northern Ireland.....19

E. Resettlement of Foreign National Prisoners

Femke Hofstee-van der Meulen, Prison Watch, the Netherlands
Hindpal Bhui, HM Inspectorate of Prison, England and Wales.....20

F. When Things go Wrong - Dealing with serious incidents on Parole

Andrew Bridges, HM Inspectorate of Probation, England and Wales.....22

Supporting Prisoners' Families - Prison without Bars

Dr Nancy Loucks, Acting Director, Families Outside, Scotland.....23

Imprisonment, Alternatives to Prison and Resettlement - Their future in Europe

Professor Andrew Coyle, International Centre for Prison Studies,
Kings College, London.....25

Summing Up

Dr Fergus McNeil.....28

Closing Speeches

Professor Mike Nellis and Leo Tigges.....28

References.....30

Report by
Briege Nugent

Opening and Welcome

Professor Mike Nellis, University of Strathclyde

Mike welcomed all 90 delegates who had come from 16 countries including representatives from Canada and the USA as well as from throughout Europe. The University of Glasgow, University of Strathclyde and the Scottish Government had worked together in organising the event. It was hoped that it would mean the expansion of horizons to look at social work and how to overcome the problems in the resettlement of offenders. Mike reflected that each country has its own traditions and what was appropriate for one might not be appropriate for another but that there was a process of learning involved. Mike felt that the conference would be an opportunity to strengthen bonds and build up networks and raise further awareness of the Conférence Permanente Européenne de la Probation (CEP).

Introduction

Leo Tigges, Secretary General, CEP

Leo welcomed everyone on behalf of CEP to the beautiful city of Glasgow and thanked Mike for everything he had done to make the conference become a reality. He said that this was the first time that the CEP had hosted an event on the re-settlement of offenders and the fact that the event was over subscribed reflected the interest and centrality of the issue to social work and probation. Leo reminded the delegates that the CEP promotes community sanctions, just outcomes, the reduction of offending, human rights and the need for evidence based practice. The CEP's vision is about community justice, because crime happens in communities and it should therefore also be resolved there. The CEP are able to help in many ways such as by organising seminars and conferences to bring together practitioners, academics and policy makers to share knowledge and learn from one another across cultures. In striving to reduce re-offending and in resettling the offender effectively Leo referred to Canton (2007) who placed great emphasis on the importance of including the offender in any planning and also in the importance of the community. In drawing on these two themes Leo discussed the seven key elements of resettlement, that is-good assessment of risk and criminogenic factors, good planning, motivation of the offender, taking account of the problems the offender faces, timely actions in prison, a partnership approach and good working relationships between agencies. The importance was placed on the need for a seamless transition from prison to community and also on caring communities. Leo felt that the conference may offer an opportunity to question how to stimulate communities to care and lastly would provide a strong platform for the exchange of ideas. He thanked Glasgow University, University of Strathclyde and the Scottish Government for their work and concluded that he thought it would be an inspiring and valuable conference and hoped that everyone enjoyed the event.

This report contains a summary of each of the speaker's papers and reflects the questions and discussions raised as a result. The main points and discussion from workshops is also reported on.

Throughcare and Resettlement in Europe

The keynote speeches on this area were given by Stephen Pitts and Wolfgang Wirth.

Stephen Pitts, international Programme Manager, NOMS, England

Stephen opened by describing the 'Pathfinder' re-settlement projects which had taken place in England and Wales. All the projects worked with short term offenders and incorporated a cognitive element: the 'F.O.R....A Change' programme. For Stephen the name of this element of the programme had two meanings, firstly that it would lead to a change in thinking and circumstances for the offender and secondly a change in focus for organisations to address re-settlement issues. The programme was about building motivation and helping the individual to have a sense of something to aspire to and it was strongly felt by Stephen that this had a very real impact on offenders. The Pathfinders project also allowed for a holistic continuity of care and for the prison wall to become permeable with services accessible on the inside and on the outside.

Stephen reflected on the problems that offenders faced, with most presenting four or five needs with education, training and employment one of the most common and that being holistic meant addressing all of these needs.

Stephen mentioned the example of PS Plus which is an employability project to help offenders enter into the labour market in England and Wales. Over a period of 6 years it has successfully drawn down external European Social Funds to deliver £122million of resettlement activity into the Prison Service, NOMS and the Probation Service. PS Plus has worked with over 80,000 Beneficiaries, in 15 Probation Areas and 41 Prison Establishments. He noted that understanding of the broad range of resettlement needs faced by prisoners, including the significance of employment as a factor in reducing offending has been well established, for example in 1979 NACRO drew attention to how large-scale unemployment among school leavers and young people was putting them at greater risk of offending.

Turning to the European perspective, Stephen looked at the Strengths, Weaknesses, Opportunities and Threats in relation international funding. The strengths include that projects can be creative, involve a variety of partners, and address diversity, and the weaknesses can be in relation to evaluation, continuity and also the difficulties when rolling out and mainstreaming. The opportunities are many, including the chance to build strategic partnerships, systematic sharing and model development, and building value for money and co-ordinated partnerships at all levels; lastly there are opportunities for stronger trans-national strategic links leading to a European level virtuous circle of practice - policy - practice development.

Stephen spoke briefly about some of the promising approaches in Europe. For example Denmark assesses all prisoners on their first day in prison and by the second day every prisoner is placed in education and work programmes depending on need. They can work towards qualifications, even short modules contributing, and train together with prison staff, and this is said to have a very positive impact on those in prison. Other promising approaches include work with faith groups, on drugs mis-use, and to involve families in resettlement, an under-developed area. He concluded that there is much to be drawn about the re-settlement of offenders from the European context, in particular addressing needs holistically and inter-agency working and developing prison to community links and management.

The key issue is how to make these developments more widely available and to build on and adapt the best. He said that there is substantial funding available through the European

Community to support practice and policy development, including several billions of Euros through a number of EC Directorates.

In summary Stephen said that there is a major opportunity to support the development and dissemination of trans-national practice, including through projects and communities of practice. He would be happy to be contacted if this was something that would like to be pursued. His last point was that the development of a vision for how we could work together trans-nationally to improve and share approaches and best practice in the re-settlement of offenders was still at an early stage. There was an opportunity to develop this vision together and to turn it into a practical reality.

Wolfgang Wirth, Director of Criminological Service, NRW, Germany

Wolfgang introduced himself and explained that Land Nordrhein-Westfalen (NRW) is one of the 16 states of the Federal Republic of Germany and is comparable to the Netherlands with almost 18 million inhabitants and 18,000 prisoners. His focus was on the re-settlement of offenders and the labour market and said that this was based on a three-pillar approach that is to improve employment and vocational training in prison, to have post release and access to labour, and to have after-care services for prisoners. He said that this step-by-step approach had been developed partly in co-operation with in other countries with support of the European Social Fund.

In 2006 there have been 2600 clients who finished vocational courses in prison in NRW. An earlier study showed that about 50% of offenders return to prison within four years in the average, but 90% of those who participated in vocational training but never qualified. On the other hand, there was a recidivism rate of “only” 33% among those who achieved some vocational qualification in prison and found a job or follow-up training subsequent to their release. Wolfgang pointed out that the findings are somewhat ambivalent but show that employment can and has had an impact. Taking an evidence-based approach it was felt that there should be more resources allocated to aftercare services to help support offenders, particularly to sustain work. Wolfgang felt that the experience in NRW showed that it was important to have co-operation among services and also to have shared costs and responsibilities with structured strategic ways forward.

Starting from the Prison Service, he presented Ten Commandments for effective Reintegration of (ex) prisoners that are important for the Probation Service, too.

1. Accept that access to the labour market is a key factor for a successful reintegration of prisoners into society – although this does not hold true of all (ex)prisoners.
2. Provide a broad variety of vocational training programmes in prison that meet both heterogeneous needs of clients and rapidly changing labour market requirements.
3. Allow offenders to work towards qualifications and training whilst they are in prison. Use the time effectively and if training cannot be completed within the sentence then make sure that follow-up training options are given.
4. Help prisoners, especially participants of vocational training courses, to find a job or follow-up training by providing labour market oriented release preparations.
5. Aims at intelligent information management about clients needs, competencies and risk to employers must be adherent to privacy.
6. Improve inter-agency co-operation with external aftercare services in order to stabilise post release employment and training.

7. Ensure employers are involved in the delivery of placement training and also in designing of training; it should be a win-win for everyone that is the client and the employer.
8. Initiate reintegration networks of justice and labour market actors on local and regional levels and use of their experience or feedback for strategic planning at the state level-although this will and must not result in a shift of formal responsibilities.
9. There should be an application of performance evaluation and identifying of effective practice.
10. For mainstreaming be careful.¹

Wolfgang felt that there should be better risk assessment in the future and better co-operation between the prison and probation service. Wolfgang also felt that there should be better exchange of systems and transnational networks in place, for example internal based knowledge management such as a prison portal and also more comparative evaluation.

Questions from delegates

Ruth Harrington asked Wolfgang to describe the orientation process for offenders. He felt that this could be improved as prisoners often were unsure about the jobs that they wanted to do and there needed to be more support put in place.

Bill McHugh, Chief Probation in England wondered if the outputs and outcomes took into account what was meaningful to the offenders. Wolfgang agreed that this was important and was the reason why better aftercare had been put in place.

A question was also posed as to whether foreign prisoners were offered the vocational training. Wolfgang said that they were and there was no difference in the outcomes that had been achieved.

Mary Ann McFarlane asked if there had been specific programmes for female offenders. Wolfgang said there had been one cognitive behavioural programme developed for women for going into the workplace and the feedback for this had been very good.

Jimmy Moore from Northern Ireland probation service asked how communities were engaged and how this was promoted. Stephen Pitts felt that this was very challenging and difficult in practice. In England and Wales groups have been able to come together at both strategic and local level including NGOs and faith groups and this can be very positive, for example he referred in particular to the engagement of Islamic communities.

Resettlement, Desistance from Crime

Dr Fergus McNeill, University of Glasgow

Fergus opened with a quote from a famous serious criminal from Glasgow who had been sentenced to life imprisonment for murder. '...I am finding out a great deal about myself. I am making new relationships and living in a world totally unknown to me. I love it yet there are times when I hate it. I am torn between two worlds – alienated from the old one and a stranger in this new one' (Jimmy Boyle 1985, p80.)

¹ Mainstreaming recommendations have been discussed during a Policy Forum held in Warsaw, on 21 and 22 June 2007 and can be found at http://ec.europa.eu/employment_social/equal/news/200707-warsoff_en.cfm.

During his prison sentence Jimmy Boyle had been very difficult to manage but had undergone a dramatic transformation. Fergus reflected that the extract showed that he was no longer part of the subculture from which he had come, but in his transformation he was not comfortable either in the 'normal' world. Fergus related this individual sense of 'liminality' (meaning being caught between two states or places) to Uggen et al.'s (2006) suggestion that there are serious limits to ex-offenders social mobility; yet to desist from crime they need to move into full democratic participation.

Fergus spoke about primary and secondary desistance, primary being that the individual desists from committing crime and then secondary desistance is the acceptance and internalisation of the idea that they have 'made good.' The internalisation of this self concept was described as the 'holy grail' for criminal justice.

Desistance can be characterised by ambivalence and there are often steps forward and back. It relates to aging or related life events such as finding a life partner or getting a job. Fergus questioned what the underlying reasons were for this and held that this suggests that desistance is a personal and subjective process for each offender, and that the meaning of events and finding hope in them can be vital in this process. Desistance is also about narrative reconstruction and the opportunity and capacity to learn a new story, developing a sense of control over the direction of one's life. Persistent offenders can often be fatalistic and feel that events can determine them rather than them determining events. He drew a distinction between human capital which is about personal skills and capacities, and social capital which is about networks and opportunities.

Fergus said that change takes place in a relational context and that changing behaviour is also about the people around you. There is a need to capitalise on offender's strengths as well as addressing their needs. He pointed out that an excessive focus on risk can lead to the offender's strengths being overlooked. In order to help offenders develop a sense of agency, resettlement workers need to secure the offender's active involvement in the process. Motivation can be encouraged by the counselling role in resettlement work but the offender also needs to be able to build skills such as accessing education and training, and to have real opportunities to use new skills and capitalise on being motivated to change. This means that workers need to act as advocates for the offender to create and access opportunities to move on.

Fergus hypothesised that those even in areas where there is a high level of crime and serious social problems, bonding social capital (meaning the close ties between people with a lot in common) can be strong, but that this does not buy mobility in the social sense. Webster (2006) found that those with serious problems, and in particular repeat offenders often had diminished social capital, forcing them back onto reliance on criminal ties and.

Barry (2006) also found that access to licit social capital is age related and can mean that young offenders in particular struggle. Fergus took a specific look at the impact families can have on social capital but noted that families aren't always a positive influence.

In relation to community development, a subject which had already been raised as an issue of concern among delegates, Fergus reinforced the importance in engaging communities by reflecting that offenders must be prepared for and allowed to access wider social networks. This requires work with employers to build opportunities. However, the wider social context and climate and in particular adverse public attitudes can make it difficult, particularly due to the pre-occupation with 'risk' and insecurity. Fergus argued that there was a need to move beyond promising risk management and control and towards reparation and redemption; themes that continue to resonate in enduring cultural discourses. He also posed the dilemma that we cannot expect that the public are reassured when they are not made aware.

Fergus presented a table by (Cavadino and Dignan, 2006: 15) in which countries were categorised in accordance with their penal ideology, the UK were classified alongside the USA as being more punitive than other countries such as the Netherlands and Sweden. In neo-liberal countries 'risk' was much more important and Fergus argued that it frustrates its own purpose by moving offenders to identify their worst aspects and not allowing them to move out of this fixed identity.

Fergus posed the question as to how we can learn from one another and referred to the human rights agenda and how its influence might need to move beyond questions of prison conditions and into resettlement work and the reintegration of ex-offenders. He questioned how resettlement of offenders plays out in different countries in relation to the themes that he had explored and hoped that this conference would provide the opportunity to learn from one another.

Questions from delegates

Firstly Ian Phillips from the Probation Service in England asked about the desistance process in relation to sexual offending and in particular referred to successes that in his view had been because of a control issue rather than anything else. Fergus replied that he understood this to be the case and had no problems with high risk logic being applied to high risk offenders but that in the UK there was a current problem that this logic was being applied to all offenders. Instead it should be on a case by case basis. Mary Anne McFarlane said that from her experience there is a risk that the classification at a point in time can become a life long label and that this is secondary deviance and we must be more prepared to work on offender's resources and capacities and not become transfixed by risk.

Fergus concluded by saying that there were some areas of good practice such as the listener's scheme in prison whereby prisoners helped other prisoners in prison by simply listening to their problems and that this showed the capacity of offenders to change and also to help others.

Workshops

A: Recent Trends on Resettlement in the Netherlands

Karel van Duijvenbooden, Programme Follow up care for offenders of the Dutch Ministry of Justice

The Follow up care Project of the Agency of Correctional Institutions is set up to create a platform for a more distinguished cooperation between the prison system, the municipalities and healthcare institutions. The over all goal of the Project is to improve the collaboration between the municipalities, other chain-partners and penitentiary institutions. The Correctional Agency have made it clear to each municipality that their contribution is critical and recently the flow of information has been improved with each area submitting statistics to be collated for analysis. It has been found that as with the British experience the vast majority of offenders are being sent to prison for a very short time with 26% in prison for less than two weeks and 45% less than one month. The findings showed that the problems of this population were not being alleviated and that prison was a short stay or break from their issues. It was concluded that there was a need for a new position for probation services to help the direct communication between localities and prisons and for the municipalities to take the lead role in re-settling offenders.

Prison Gate office in the North of Netherlands, Salvation Army Child and Adolescent Welfare and Probation Service

Dr Jaap Van Vliet and Drs. Janne Zwemmer, Salvation Army, Child and Adolescent Welfare and Probation Service, (LJ& R), the Netherlands

In the Netherlands there was a reorganisation in 1995 and this meant a discontinuation of aftercare programmes. One of the consequences of this was that an increasing number of inmates in the Netherlands now can be released from prison without any form of housing being arranged for them after detention, sometimes literally leaving them with all their possessions in a rubbish bag. The Ministry of Justice three years ago gave the local authorities the responsibility of care of offenders in the community. It has been found that the bridging role between the prison and community can be poor but that aftercare is crucial and as a result the Salvation Army set up an aftercare programme which was actually adjoined to the prison called 'prison gate office'. This service was for those who were homeless and it gave them a place to stay as well as food and a chance of work and also has links with the Social Work service to help them to get accommodation outside of the service. The only condition is that you have to be a Dutch citizen and over the age of 18 and you can have a placement for up to two years. Mike Neilis wondered if the Salvation Army had any value base and it was made clear that yes they did but that the service did not impose any of their ideals on clients.

A profile of clients reflected the earlier presentation with offenders having complex needs and many having experienced a history of abuse and mental health problems. Since the set up of the service 136 people have been referred to the service and it will be rolled out to four different locations, it is also hoped that from July 2008 it will be piloted so that those released will be referred to prison gate.

Re-settlement and Electronic Monitoring

Jos ter Voert, Unit Manager, Reclassering Nederland

This presentation reflected the complexities of problems that offenders face and the fact that offenders need to be able to live a normal and social life. He referred to the chronic situation in relation to housing and called for more expertise to be put in place in relation to psychology. Jos described 'care farms', whereby offenders in the Netherlands could use their healthcare insurance to pay farmers to house them and they would then work on the farms. Jos referred to the lack of standardisation in relation to this practice and lack of scrutiny or accountability on these farms. He felt that the probation service should be working with half way houses and care farms to improve the standards in this area.

He also looked at electronic monitoring which he argued can be useful in motivating offenders and giving them structure in their lives, particularly for those who find this difficult.

B: MAPPA-Multi Agency Public Protection Arrangements

David Swindle, Detective Superintendent, Strathclyde Police Scotland

Beth Weaver, MAPPA Coordinator South West Scotland Community Justice Authority

It was explained that MAPPA has been set up in April 2007 to reduce the risk of harm, reflecting arrangements South of the Border. In Scotland, Multi Agency Public Protection Arrangement are coterminous with the eight Community Justice Authorities (CJAs). The CJAs have been tasked with bringing together agencies to improve the management of offenders under the umbrella of MAPPA; in each CJA, a MAPPA co-ordinator has been tasked with coordinating these arrangements amongst which responsibilities are the identification of offenders, gate keeping and quality assurance of processes and the collation and analysis of offender information for dissemination for the purposes of risk management. It was explained that a multi-agency response is only invoked on the basis of risk and best practice involves a joint risk assessment between the police and criminal justice social work. David and Beth spoke about the different types of risk assessment tools used and the risk management plans that are then drawn up. There was a differentiation between those elements of risk management plans that were restrictive such as curfews or licences, which seek to impose external controls and those that are constructive such as drug rehabilitation and the use of accredited programmes, which seek to enhance internal controls. In relation to any action taken it was outlined that 'defensible' decision making processes are followed to ensure that all reasonable steps are taken and all actions and decision making is recorded. It was important that all decisions were transparent and that there were clear lines of accountability. Defensible actions also meant that you focused on the victim as well as the offender and evaluate performance and delivery.

The challenges were also presented such as the balance to be struck between the rights of the offender and the need to protect the public.

The international perspective, the need to consider better information sharing regarding sex offenders across European countries, the influence of European legislation and the concept of European MAPPA processes were also discussed.

Workshop C: Employment (and Accommodation) Strategies for Success

Bernadette Monaghan, Chief Executive, Apex Scotland

Apex is a national voluntary organisation (170 staff) that has been working since 1987 to give its clients – (ex) offenders and young people at risk – the skills employers want.

The workshop discussed the policy context in Scotland which was regarded as being punitive and prison was seen as the main way of punishing with all other types of sentences as 'alternatives'. Bernadette spoke about the challenges within criminal justice and in particular the fact that 95% of those liberated from prison are from short sentences but that vocational training programmes in prison were geared towards more long term offenders. The problem with unspent convictions and how this meant that offenders could not move on in their lives was also discussed as well as the specific responsivity issues in relation to young offenders.

APEX tries to work with employers in the community and create and improve links. Bernadette spoke about trying to get employers into the prison setting, the need to be aware of the needs of employers and be able to speak their language, to take a business perspective and take account of the different skills sets that they are looking for. She spoke about the capacity of the staff at APEX in engaging offenders and how this was a real strength of the service.

Bernadette questioned whether reducing offending was really the appropriate measure to which a service was often judged and said that there should be a change in emphasis a recognition that offenders often will relapse but this does not mean that they have failed.

Bernadette explored the problems with accommodation provision, as well as there being a shortage she said that hostels were sometimes not suitable for adequate living and that many offenders were not equipped to live independently. She said that there needs to be an emphasis on empowering offenders and that there needed to be stronger links established with housing providers.

A point had been raised about the instability of the market and Bernadette said that if a recession happened the service would also have to react. She said that the road to stability for offenders was a long road to recovery and this had to be taken into account. However, the importance of education and in making offenders skilled made them attractive to employers and should be something taken forward even if a recession was to happen.

The workshop ended with a number of conclusions the need to engage with employers and housing providers was particularly emphasised. It was also discussed that the media had an adverse impact on the resettlement of offenders which generated risk adverse practices. Disclosure and police checks were also seen to have a detrimental effect on offenders. The last point raised was the need for the human rights approach to be taken to re-settlement and the right to be a human after punishment.

Interesting Times in Scotland

Kenny MacAskill, MSP, Scottish Government Justice Minister

Kenny welcomed all to Glasgow and was encouraged by the international audience present and noted that networking on the fringes of the event can sometimes be just as productive as the actual event. He acknowledged the benefits to all generated by the CEP in bringing practitioners, academics and those working throughout criminal justice together to disseminate information within a multi-national forum and to find new ways of reducing reoffending. He felt that the protection of communities was best served by the social inclusion of offenders who have served their sentences but also 'what works' and how it can be effective.

The Minister said that the Scottish Government was committed to building a prison system that delivers a tough response to serious and dangerous offenders but also to recognise that they are still part of the community that they will return to. Scotland's prison population is now at its all time high and this cannot continue. The Minister pointed out that short term prisoners, and those in the revolving door are a major contribution to the 'churn' in the prison system. However, he believed that they should still be given access to good medical care, drug misuse support and support from services to assist them in re-settlement upon release. The recidivism rate for offenders in Scotland is 64% within two years, whereas for those served a community penalty the figure is 39%. He reflected that half of the prison population come from 15% of the poorest areas with many also having a drugs, alcohol and mental health problem.

As a way forward the Minister spoke about how he has commissioned a review of the role of prisons in Scotland by an Independent Prisons Commission who will report in June. One of the things that they will be looking at is the European experience. The Minister felt that the conference would contribute to the Scottish Government's thinking on the issue of the re-settlement of offenders.

The Minister then went onto describe the positive developments in Scotland such as working with offenders during and on release to help them re-settle in their communities. The Links Centre in each prison was also described which gives offenders the opportunity to meet with services prior to their release and he also mentioned the Community Links Centre which has been set up in Edinburgh as a Pilot. The need for joined up services was imperative and support to be in place. It was hoped that more families could be involved in the case conferences set up prior to the prisoner's release. The Minister spoke about the development of policies in the re-settlement of foreign nationals and felt that this was an emerging issue which needed attention and emphasised the importance of recognising cultural differences and how this could be supported.

The Minister highlighted the particular vulnerability of female and young offenders and said that many women in Scotland are sentenced to prison to be cared for and the Minister stressed that this is not what prison is for. He felt that there needed to be an improvement made to community penalties and that there should be a rebranding to the public and sentencers to build confidence, he saw this taking place through six principles of effective practice: Quality, Effectiveness, Immediacy, Visibility, Flexibility and Relevancy.

He stated that the Pew Centre in Washington revealed last year that in the US for every 99 adults one is behind bars. They concluded that 'the continual increase in the reliance on incarceration will pay declining dividends in crime prevention...and expanding prison populations will accomplish less and cost more than it has in the past'. The Minister said that this was a sobering thought and Scotland in light of the current situation would do well to bear it in mind.

He concluded that there needs to be support in place to help offenders to re-settle in the community and ensure that there is life after prison, preferably a good one and one which allows them to turn away from crime. He concluded that prison policy did not begin at the prison gate and reiterating the ethos on which Leo opened the conference he said that crime is committed in communities and offenders return to them.

Ex-Offenders' perspectives on re-settlement

Professor Bill Whyte and Briege Nugent

Professor Whyte opened by describing the context in Scotland in which short term offenders (those sentenced to less than four years) did not have access to services or aftercare in the same way as long term offenders. He referred to the Ministers description of many short term offenders being in a 'churn' and added that it could be argued for many they are serving a life sentence in instalments. In Scotland unless short term offenders ask for voluntary assistance they generally do not get help. Bill explained the difficulties in getting these offenders to ask for help and it was with this background that he began to describe a new initiative in Scotland being carried out by the Wise Group, Scottish Prison Service, Families Outside, Relate Scotland and the Scottish Government called Routes out of Prison (RooP).

RooP became operational in August 2006 and the Criminal Justice Social Work Development Centre for Scotland, of which Bill is the Director, has been undertaking the evaluation of the service. The service is a peer support model whereby predominantly ex-offenders have been employed to help offenders as their Life Coaches when coming out of prison to access services in the community. The project currently works in three prisons; an adult male prison, a female prison and a young offender's institute and targets those returning to Glasgow, Renfrewshire and North Lanarkshire. Bill described the strengths of Life Coaches in their ability to connect with offenders where other services have failed and also in their commitment to go the extra mile for clients and advocate on their behalf. He described the continuity of care as Life Coaches meet with the client before they leave prison and begin to build a relationship which has shown positive results with 76% of clients engaging once in the community. Briege, who is the main researcher on the Project, described the 1,589 clients that have signed up to the project and showed the complexity of their needs with over 40% having four or more issues. She described how having support and someone who cared helped clients to feel more optimistic about leaving prison and being able to achieve when they got out. One of the major challenges to the service has been sustaining engagement with clients who have addiction problems and in particular can mean clients no longer work with the service. Bill raised the importance of the service as sitting within the CJA structure and the need for services to be more joined up. He also spoke briefly about the need to engage families of offenders and that this was also something that the Project was attempting to do. He argued that this project was able to capitalise on the strengths of offenders because they could connect with the offender and say 'I have been there and I know what it is like' and to date had shown to be a valuable service. Through RooP 336 clients from just over 700 closed files have been able to achieve a positive outcome and these included 154 clients getting a job. Other outcomes include connecting clients with agencies to help with drugs, alcohol, counselling and health. As well as the Life Coaches the Wise Group have dedicated 5 employment consultants to work on the project and this has proved valuable particularly in developing links with local employers. The next stage of the project is that APEX are now leading partners and through their criminal justice links it is hoped that the service can continue and improve to help offenders to become stable and lead 'normal' meaningful lives that goes beyond re-settlement to full reintegration.

Questions from delegates

Michelle Burman, Director of the SCCJR asked about the training of the Life Coaches. Briege explained that there had been four week intensive training which included ASSIST and mental health training; however training had to be ongoing. Bill added that training is always an issue as the question about how to train someone is always going to be difficult in this type of role.

Support for the Life Coaches was also questioned and Briege explained that there had been a professional social worker employed half way through the Project to act as supervision for the Life Coaches but that generally the Life Coaches preferred to speak to one another and use this as a source of support above all.

Circles of Support and Accountability

Chris Wilson, Project for the safer integration of sex offenders into the community

The idea of Circles of Support and Accountability was developed in Canada and one of the first pilot projects for sex offenders were set up in the Thames Valley. The service is seen as invaluable; offenders who are assessed as being at high risk of sexual re-offending and have high levels of personal need are able to have a 'Circle' to assist them in keeping the goal of avoiding behaviours that put others, and also themselves, at risk. The idea is that there is a support structure around the sex offender. Controls and measures are put in place and a concept of partnership established. The partnership is about sharing risk, on a macro level it is strategic and on a micro level is operational. An important strength of 'Circles' is the sharing of information and facilitating them to live a meaningful life. While a 'Risk, Needs and Reponsivity' principle is used Circles depend upon positive psychology to create a 'therapeutic alliance' to established inclusion and renewal.

Chris illustrated how sex offenders are ostracised in Texas and the rate of compliance for registration is low at only 44%. In comparison England has a high compliance rate of around 97% and for Chris this demonstrated how community notification did not working well and should not be adopted by the British Government. Chris spoke about the moral panic that has been generated through the media and how this is not justified as the problem is no worse than it ever has been. He reflected that sex offenders are often dehumanized and that we should demonstrate humanity and care.

There are three different strands that are essential to an effective Circle, that is 'Support, Monitor and Maintain' (R. Saunders & C. Wilson 2002) which is all used to reduce isolation. In relation to monitoring there was a need for public protection and communities to be safe and Chris referred to MAPPA which was about the sharing of information. Chris explained that when the offender displayed worrying signs these had to be communicated to the police.

Chris emphasised that being part of the 'Circle' is voluntary which means that the offender is opting in to ask for help. The Circle crosses all socio-economic groups and essentially volunteers are police checked and trained to a very high standard, they are also given psychological tests to check their motivation and undergo training before a decision is made as to whether or not they can be included in the network support around high risk offender. As well as the initial training the volunteers also undergo 'booster training' every year to ensure that they do not become complacent. Meetings with agencies are quarterly and the immediate Circle of volunteers is overseen by a Professional Volunteer Co-ordinator who liaises with the police or probation.

Chris felt that the key was good communication and he presented a flow chart which showed the protocols, service agreements and the need for intelligence gathering as well as ensuring the process was rooted in MAPPA. The best practice model was to be in touch with the offender at least three times prior to their leaving the prison so that the 'Circle' could be set up before they came out and although logistically this was very difficult it was felt that that this was worth continuing to pursue.

Chris said that he had been in social work for thirty years and the reason he had been drawn to the profession was the belief in someone to be able to change. He said that this model had been able to show that individuals can change and thus far it works with no one re-offending. In England and Wales, despite the squeeze on budgeting there has been a growth in the number of 'Circles' which has now overtaken Canada. The Scottish Government are now undertaking a feasibility study on how this may be taken forward.

Questions from delegates

David asked how the media reacted as he had presumed that in Scotland this could leave sex offenders vulnerable. He also wondered how they had been able to recruit volunteers. Chris said that the strategy for recruitment had been undertaken through Universities and from people who were quasi-professional, he said that there had been surprisingly much enthusiasm for the project. He thanked Tim Brian, William Payne and all of the civil servants who had through osmosis been able to get support from Ministers. He said that the initiative had won awards such as the Howard League and although it had not been won over easily it now had full government support. Mary Ann McFarlane said that in her experience the media will only attack when information has been withheld and it is best to actually give them all of it up front and then they generally leave you alone. Leo Tigges also added that he felt that is was a very courageous way forward and said that he was not sure if the authorities in the Netherlands would be as keen on the programme but that the results show that it can work and is intriguing and spectacular.

The day was closed by Mike Nellis who thanked all the speakers and invited all delegates to dinner in Glasgow University.

Women's Imprisonment and Post Imprisonment in Russia: Some Preliminary Findings, Thoughts and Reflections

Laura Piacentini, Reader in Criminology at Strathclyde Law School

Laura opened by saying that this area is vastly under-researched in Russia and some her research has brought some bizarre and troubling findings. She was in her first Russian Prison eleven years ago and over time radical penal reform had been embraced. However, the first women's prison still remains a Gulag style prison and post custody is simply not considered only in so far as to help women to establish and go back to their being a mother. In Russia the penal system is gendered and it is a very patriarchal society and this ideology informs 're-settlement.'

Although there is no accurate picture of the number of prisoners in Russia it is estimated that there are 128 people in prison to every 100,000 and half a million are women and girls. Laura has undertaken her research with a grounded theory approach using the help of 2 geographers and funding from the Economic Social Research Council. She explained that geography is important as it shows the 'friction of distance' and reality that women in Russia are banished when they break the law. 43% of women are sent thousands of miles away from their home to prison. A round trip to a prison can cost 15,000 roubles, which is twice the wage of an average worker and the average prisoner receives only three visits per year which can be traumatic and highly emotional experiences. In prison they are entitled to have conjugal visits but these are never used as it is simply too expensive to get there.

Laura described how there is a re-manufacturing of women with beauty contests such as 'Miss Gulag' 'Miss Honesty' taking place but only with a view to beautify women and send them back home to their children. There is an argument that being confined like men turns them into 'lesbanki'. So the prison goes to many lengths to feminise these women. Laura referred to the prison regime in the female prisons as 'lipstick, lace and longing', for example Laura described how there are pictures of children behind bars calling 'Mamma, I am waiting for you.' In the prison the notion of women and what they ought to be consigns women to very traditional roles as females and is about making the women fit for male gaze and also cultural gaze. Women are seen as daughters, lovers, mothers and wives rather than women in their own right.

Domestic violence is very high and the women often return to families which are not entirely healthy; however the women are seen as the problem and the cause for all of the destruction in society. Women in Russia experience prison differently and there is a very Soviet model of what women should be imposed on them. 'Gde muzh tam zhena' means 'Where the husband is, so is the wife' and this type of motto embodies the way in which the women's place in society is viewed.

Laura described how the idea of re-settlement is non-existent. 'Women will always be disgraced' commented one prison officer and this was the view widely held. The women in Russian prisons present the same levels of multiple complex needs as presented in Scotland and in the UK but there is no support to address these.

There is no such thing as social work service in the sense that we have in the rest of Europe. There are some areas of good practice but these are not rolled out and the preparation of domesticity is what prevails in the prison system. Two thirds of the women are in prison for their first offender and for most this means a five and a half year sentence, they have never been offered the opportunity of community sentences and in Russia prison is seen as the first and only resort in many instances. 42% of these women are married and 60% have children.

They type of offences that women commit are similar to those in Scotland, for example there is a high rate of shop lifting but as Laura explained men and women have the same response with many men also being sent to prison for their first offence. Non-custodial sentences are not prominent and there is no formal recognisable alternative to prison. It is not strategic and Laura explained that 'alternativeness will be used but only if the prison is full.

Questions from delegates

Mary Anne McFarlane asked about the ethnicity of prisoners and Laura said that those from Chechnya were a small minority but that they did not have religious support, only on an ad hoc basis and it seemed that their crimes were often drug related.

Wilma Dickson asked whether domestic violence was an issue and it was found that any attempt to deal with it was also on an ad hoc basis. There was very little work in this area.

Leo Tigges asked about the impact of the prison rules of the Council of Europe of 2006 and Laura said that she would have to see how that emerged as the rights of women now were not being safe guarded. She explained that although these principles had been accepted it would be interesting to see how this had been put into practice.

Stephen Pitts questioned the training for staff and Laura said that there had been a very 'soviet view' transported, for example there was a lot of 'camp' jargon. All of those who worked in the prison wore uniforms and had military training.

Re-settlement of Ethnic Minority Offenders: 'Lost in Transition' - The case of the Muslim former prisoner in the UK

Dr Gabriele Marranci, University of Aberdeen

Gabriele had undertaken anthropological research with Muslim prisoners and summed up what he found as 'fear, faith and ideology'. His research showed that those Muslims coming out of prison felt fear and that they had no information or support. He said that there is a strong media interest in Muslims in the UK and there is tendency to portray them as radical and as dangerous to society. He argued that there is a need to see prisoners in a holistic sense, that is their life before, during and after prison and to move away from stereotypes. Gabriele reflected that the Muslim population in the UK are very young with 33.8% under 15 years old and that they live in the most deprived areas in the UK and Europe, with a high rate of unemployment, poor health and a low level of education.

It was explained that those who were in prison were often there for drugs use or alcohol and therefore they had often been rejected by their families and their own local community which made it very difficult for them to ever re-settle. Gabriele explained that Muslims often turn to religion as they want to repent and 'make good' but this is often seen to be interpreted by the prison as a leaning towards radicalism. Only a very small minority of Muslims are actually in prison for terrorist acts but this small number are now used to label all Muslim prisoners.

Gabriele spoke about the importance of family ties to be maintained whilst someone is in prison. He said that the reality of prison visits was that they were not the ideal way for families to stay in touch, for example Muslim women often didn't visit because of their dress and they did not want to attract attention to themselves. Moreover, Muslims who are in prison can be rejected by their families and this affects their transition from the prison to community.

Overall Gabriele said that there was no strategic way of working with Muslim prisoners currently in place and it was perceived that they had a real lack of support, particularly for those serving short sentences. Muslim prisoners felt that they were not accepted in the mainstream nor were they accepted by their Muslim peers and family anymore and Gabriele reflected that this vulnerable position made them more likely to join allegiance with those also isolated such as radical groups. He stated that there were only two options for those ostracised, that is to go back to a life of crime or to reinforce identity and go to a more radical faction.

Gabriele found that former prisoners who were Muslim perceived that they had less support than other prisoners and faced a lack of trust, were unprepared for the outside and also found it difficult to cope when they were out of prison. Muslim prisoners felt anger towards the state and felt that they were victims of a persecutory system and he said that there was now a globalisation of this frustration and that prison was a microcosm of something that was felt within wider society.

Gabriele said that there were some good examples of support such as a befriending service and he praised this as it was able to show that prison could be a place where democracy can happen. In HMP Leeds in 2005 there was a Community Chaplain Project whereby the Chaplain worked as a liaison officer between the prison and the wider community which was seen to work well. In general though there was not enough support on the outside.

Questions from delegates

The Prison Inspectorate said that they found evidence in prison surveys that Muslim prisoners felt alienated and that the prison service didn't see the chaplaincy as a way forward and that instead it was an added extra. There was a perceived security issue and that there was a problem with the radicalisation and he condemned this.

Gabriele felt that there was a need to address issues on a case by case basis. He also said that there was a need to engage with the Muslim community and that this could even mean speaking in mosques and also to ensure that it wasn't always the Muslim probation officer speaking with the Muslim prisoner.

Alcohol was also an important consideration, he raised that for many Muslims who had an issue with alcohol this would often not be admitted to and meant that they did not access the help that was on offer to them in the prison.

Leo Tigges reported that in the Netherlands there was a real difficulty in engaging Moroccan youths who were Muslim and it was found that some of them did not want to interact with the probation officer. An added problem is the fact that Moroccan youths tend to deny having committed a criminal offence, even when they are caught red-handed. Gabriele said that this was something that was also difficult in Italy. There was also a lack of information related by the prisoner and again this was also something that was reported as being particularly problematic in engaging Muslim prisoners. Gabriel explained that culturally the way in which information is elicited in the Muslim tradition is not by interrogation but from negotiation and empowerment and this is something that should possibly be adopted as a way of engaging with this population.

Workshops

D. Re-settlement of Political Prisoners in Northern Ireland

Mike Ritchie, Committee on the Administration of Justice, Northern Ireland

Mike presented that there were 25,000 prisoners in Northern Ireland over the thirty year conflict; 15,000 were republican prisoners from the IRA and INLA and 10,000 (UVF and UDA). Under the Good Friday agreement 450 prisoners were released in Northern Ireland and 100 prisoners were released in the Republic of Ireland. Mike spoke about the legislative background in Northern Ireland with Emergency Powers used throughout the conflict under which people were convicted. The prisoners saw themselves as political prisoners whereas the government sought to classify them as offenders and criminals.

Mike said that there were neighbourhoods in Northern Ireland where 10% of the adult population in West Belfast had been imprisoned. This is an indication that the republican movement was not a criminal conspiracy but actually became a people's movement.

The Legislation for early release after the Good Friday Agreement was the Sentences (NI) Act 1998. It established a Sentence Review Commission and prisoners seeking to benefit applied individually. The Commission then ruled whether they met the criteria and could be released.

Mike discussed the support structures in place for political ex-prisoners and in particular referred to the self help groups that had been set up by the IRA such as Tar Anall and in the loyalist areas EPIC. The UDA did not have the same support structures in place and Mike explained that this may have been because of the internal feuds that took place within this faction. On the republican side, the self help groups were funded by the EU Peace Programme with 95 people employed showing the investment to help those in Northern Ireland who suffered in relation to the troubles.

Mike said that the counselling aspect had been slow to begin with and this was because political prisoners tended not to talk about their past. He said that family problems in particular were not discussed but that over time the take up is now larger. Mike revealed that one of the turning points for the access to help was actually having prisoner's children write how they felt about the impact that prison had had on them. It made their fathers acknowledge that there were problems and in Mike's views then face up to them. As the conflict has receded Mike has seen a change with more people taking up the services on offer.

The Probation Service in Northern Ireland had to be quite innovative in their practices as there was a tendency particularly for IRA prisoners and their families to keep them at 'arms length'. However, the Probation Service had been able to achieve ways of working with these communities and in particular had been able to do some good work to help support the self help groups. However, in connecting offenders then onto statutory support this was often not achieved.

In Belfast training for employment was set up through these self help groups and it was found that 87% of political ex-prisoners had been long term unemployed. Mike explained that the high unemployment was also largely due to the criminal record disclosure system which failed to recognise political prisoners and this still goes on today. The disclosure system also meant that political prisoners were not able to adopt children and in short could not move away from their past.

Political education has also been helpful in helping people to look to the government now and look to a different future. There is also a lot of promotion in networking and in giving people the chance to discuss the way forward. Mike pointed out 'It is always easy to think that you are right if you only talk to yourself' and dialogue with others can lead to change.

The re-settlement of prisoners very much depended on the communities that they were going back to and whereas the republican prisoners were welcomed as role models, the loyalist prisoners were less accepted, particularly as many were involved in drug-dealing and criminality. Mike was optimistic about the future for Northern Ireland.

Questions from delegates

There were some questions with regards to punishment beatings and Mike spoke about restorative justice projects in loyalist and republican areas led by political ex-prisoners.

A question raised by one of the probation staff in Northern Ireland was how the relationships and trust that had been built up between ex-prisoners from different factions affect their identity and was it another blow to the futility of the conflict. Mike explained that for Republican prisoners there was a feeling that things could have been a lot worse if Sinn Fein hadn't done so well. Mike said that in general Republicans had been able to construct a positive narrative and he felt that it was important for loyalists to have the same; he felt that this was difficult particularly due to the demonising of loyalists.

E. Resettlement of Foreign National Prisoners

Femke Hofstee-van der Meulen, PrisonWatch, The Netherlands

Hindpal Bhui, HM Inspectorate of Prison, England and Wales

Over the last few decades, prison populations have grown and their profiles have changed in Europe and also in the rest of the world. Whereas prison populations used to be rather homogenous, nowadays they have been transformed into more diverse populations. At this moment there are more than 110,000 foreign national prisoners in European countries. Their numbers vary greatly per country, but the average percentage of foreigners in the total prison population is around 20%.

Why are foreigner nationals over-represented in European prison populations? Who are they and on what grounds are they held in detention? Are foreign national prisoners more vulnerable due to language difficulties, cultural differences and their distance from relatives? Are they being socially excluded? Is their treatment and legal position different from other prisoners? Do they have the same opportunities for resettlement?

In this workshop the findings of an EU study into the situation of foreign prisoners in 25 EU countries were presented. The study was initiated by Professor Anton van Kalmthout (Tilburg University) and Femke Hofstee (PrisonWatch) and received co-financing from the European Commission.

There are more foreign nationals in prisons around the world than ever before. Why is that? Compared to 50 years ago the world has become 'smaller' due to more and quicker transportation methods, improvements in communication, access to news and need to travel for business, tourism and for the search of a better life. The increase in the level of crime committed by foreigners can be explained by the fact that there are more foreigners but also because they are more likely to be arrested and detained because of a lack of language skills, confusion about differences in law, their 'visibility' and no permanent home address.

The EU member states with the highest percentage of foreign national prisoners are Luxembourg (73%), Cyprus (48%), Greece (44%), Austria (43%) and Belgium (41%). The countries with a prison population of less than 1% foreign national prisoners are Romania, Poland and Latvia. The highest total number of foreign national prisoners can be found in Spain (23,588), Germany (19,544) and Italy (15,877). The lowest total number can be found in Latvia (59), Lithuania (80) and Slovenia (140).

On the basis of the findings of the EU study foreign national prisoners can be regarded as a 'vulnerable' group. At the heart of their 'vulnerability' lies the fact that many foreign national prisoners have linguistic problems and the fact that they are far away from their relatives. Other issues, often linked to the lack of language skills, identified as problematic are the following: Many foreign national prisoners are not aware of the prison (house) rules, their rights and obligations as prisoners and the legal proceedings of their case. Legal assistance is, due to language difficulties and the complexity of the 'foreign' cases, often of low quality and not free of charge. Although most foreign national prisoners are allowed to contact their Embassy, consular assistance is hardly being provided. In most prisons the opportunities for prisoners to be engaged in work, training and education are limited and foreign national prisoners tend to be excluded from participation. They also have limited access to medical and psychiatric care. In general prison staff is not bi-lingual and diversity' training is not in their basic training scheme. It is therefore hard for prisoners to communicate with prison staff, and with fellow prisoners. The feeling of isolation is aggravated by the fact that they have, due to distance, less opportunities to maintain contact with relatives at home. Some prison authorities grant flexible visiting times and odd hours to make a phone call in order to facilitate contact with families. Preparation for release is extremely difficult for foreign national prisoners because they are hardly transferred to open prison with more relaxed regimes with opportunities for early or conditional release. The fact that they might or will return to their home country and have no secure permanent address in the country of detention make that foreign national prisoners are in general excluded from resettlement activities.

A thematic review conducted by interviewing 170 foreign national prisoners and 85 staff across ten prisons, and an analysis of Inspectorate survey results from almost 6,000 prisoners identified three primary problems: family contact, immigration and language. It was found that these issues were generally linked to many other difficulties, including resettlement, which was particularly closely linked to immigration uncertainties. It was concluded that if the three primary concerns were addressed effectively, within a coherent foreign national strategy, it would go a long way towards dealing with the other associated problems and towards providing equality of treatment for this group.

Specialist resettlement staff said that foreign nationals were less likely to be given assistance with education, training, housing and employment advice, because limited resources were targeted on those who were certain to be resettling in the UK. There was also a reluctance to obtain housing or employment opportunities for foreign nationals who might be informed of deportation proceedings on or near their day of expected release, detained and therefore not be able to take up any provision organised for them. Furthermore due to language problems many foreign national prisoners were not able to access programmes, or understand legal advice or rights and few had contact with the probation service which in short meant that end to end management was fairly meaningless to this group. A further study in 2006 also found that self harm or thoughts of self harm were far more prevalent and this is a trend that has been confirmed by the rise in foreign national suicides by foreign national prisoners during the last year. Hindpal criticised the lack of standards for the general care and management of this group, but has generally been told there is no case for a policy, or for seeing foreign nationals as a distinct group.

Hindpal presented findings on the inspection of the first entirely foreign national prison in Canterbury. It was found that underlying everything was the lack of certainty about immigration status, which affected the prison's ability to provide effective resettlement planning and provision, and deterred external agencies from becoming involved. The overall approach to resettlement in Canterbury was said to lack coherence and clarity and was not able to respond to the complex needs of the population they were dealing with. There had been no guidance or support from NOMS, and there had been no internal resettlement needs analysis to help inform and drive progress. There was a lack of certainty about where resources should be allocated and probation staff were reluctant to engage with prisoners until immigration status was confirmed and so had little or no contact with them.

The report recommended that NOMS should take responsibility for providing a clear strategic lead on offender management for foreign nationals, and that defensible decisions on whether or not to proceed to deportation or removal should be made and relayed as early as possible in sentence. Better links with other countries were also said to be needed to improve information flow.

Although there has been much work in this area, progress had been slow, but Hindpal outlined some of the good practices in relation to the re-settlement of foreign national prisoners. For example, the Latin American support organisation *Vamos Juntos* is addressing the disadvantages for foreign prisoners by providing secure shelters and dormitories to make prison leave possible.

Hindpal concluded that the only way the many issues that foreign national prisoners present can be addressed is by clear thinking and policy directed by evidence.

F. When Things Go Wrong - Dealing with Serious incidents on Parole

Andrew Bridges, HM Inspectorate on Probation, England and Wales

Andrew opened by saying that the Inspectorate aimed to provide fair comment and felt that it was important to acknowledge that when supervising an offender in the community risk cannot be eliminated. Andrew commented that the twin-track approach whereby serious offenders would be imprisoned but the system would not be clogged up with other offenders was difficult to implement in practice. He spoke about the impossibility of trying to 'predict' risk in individual cases when there are so many degrees of seriousness and when frequency is relatively low.

Hence, both in theory and in practice, Andrew said that because risk cannot be eliminated, and because serious further offences will always sometimes happen, the Inspectorate would not criticise people for failing to achieve the impossible.

Instead Andrew said that it was expected that the authorities evidence that they “did all they could” and by all this that meant that they took all reasonable action to keep to a minimum the particular offender’s *Risk of Harm to others*.

Because every case is different, and hence unique, this assessment cannot be carried out by using a checklist approach – it requires a series of qualitative judgments – the subject of a separate talk on its own.

Prison without Bars (Supporting Prisoners’ Families)

Dr Nancy Loucks, Acting Director of Families Outside, Scotland

The title of the presentation had been taken from a quote by a woman who had been visiting her husband in prison and felt as though her life revolved around the prison. Nancy explained that Families Outside is the only National Organisation in Scotland set up to help offender’s families and to raise awareness of their needs. The service has a helpline set up for offenders and their families which can be a useful resource for practical matters such as how to get to prison or if they simply want to speak to someone. Last year the service received 2,000 calls. The service also produces leaflets and materials such as information on home detention curfews and visits and so forth. Families Outside also sits on the National Advisory Board as well as family strategy groups and help train prison officers about the issues in relation to families.

Having families involved in the offenders life has been shown to reduce the risk of offending by six times (Holt and Miller 1972). As well as this it can also improve the behaviour of the prisoner during the sentence as well as their mental health and family breakdown has been shown to be a risk factor for suicide in custody. Helping families to maintain contact in the prison is also vital to help successful reunification and re-settlement of offenders and is one of the nine offender outcomes stated to be a priority for the Scottish Prison Service.

The impact of prison on families can be that they feel that they are often secondary or forgotten victims and they can take on the characteristics of a single parent and often experience a loss of income, loss of access to benefits and in some cases a loss of housing. Children can often become distressed and display antisocial behaviour which is seen to be linked to this in many instances. Families of offenders often experience shame and as a result do not access help. As well as this families have to spend a substantial amount of time and money to get to visits. For example research conducted by Families Outside (Higgenbotham 2007) showed that a fifth of female prisoners in Cornton Vale, which is Scotland’s only female prison are about 100 miles away from their family. Nancy also said that although the open prison is supposed to have good access, this is not actually the case.

It is estimated that there are 13,500 children affected by prison in Scotland (Marshall, 2008). In a study in California it was said that children of offenders are 5-6 times more likely than their peers to enter into offending. Children have also been found to present regressive behaviour such as bed wetting and mental health problems as a result of their parent being in prison. For many offenders the dilemma of what to tell their children also causes distress and many parents choose not to tell their children and as a result they can often find out from peers at school.

Nancy said that there are key pressure points in the life of offender’s families, for example she said that when the offender is sentenced this can be a period of shock and

apprehension families often feel powerless and bewildered. Prison visits can also be a cause of stress and when offenders are about to be released this can cause apprehension. Very few partners are actually involved in the reintegration process or pre-release planning and after release it can often be found that things are not good between them.

Nancy said that families are sometimes pressurised to provide an address for those offenders who are able to be released on an electronic monitoring system. Families can also sometimes feel victimised by people in their local community and in England in 2006 Mr John and Joan Stirland were murdered as a reprisal attack against their son who had been sentenced to murder.

There is a need to help families and to recognise their position, and Nancy said that financial and emotional support is imperative. Families Outside is a vital source of support and EUROCHIPS which is an umbrella organisation, as well as Hope, the Lighthouse Project in Kilmarnock and Kids VIP. Family Contact Officers (FCOs) are also now in each prison and they can help offenders maintain links with their families. Nancy spoke about another service called SMILE whereby a counsellor was able to help families. There are also three Visitor Centres in Scotland and this building is separate to the prison and run by organisations outside of the prison establishment and families report that this is important as it feels independent. The Centres have been regarded as a good way for families to have a more relaxed visit and to get information about services that are available to them.

In Scotland Private Family Visits do not take place and Nancy said that she thinks this would help improve family relationships. She said that ideally visits could take place over three days and this would mean that it is not focused on the sexual element but rather allows the family to interact as a family. She said that this could be used as an incentive to good behaviour and in the UK this was currently not taking place. Arguments against these visits are that there is an emphasis on sex and also that it is felt that there is no support for this from the public.

The Council of Europe in 1987 stated that "The preparation of prisoners for release should begin as soon as possible after reception in a penal institution. Thus, the treatment of prisoners should emphasize not their exclusion from the community but their continuing part in it." Human Rights Watch 1998 has also stated that "It is critical... that the prison system does not further exacerbate prisoners' isolation beyond that which is inherent to incarceration. Instead of creating impediments to prisoners' contacts with outsiders, the burden is on the prison system to facilitate such contacts." Nancy also drew attention to the UN convention on the Rights of the Child, Article 3.1 whereby it is stated that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

The barriers for families are that there is lack of acknowledgement that they are a distinct group and have distinctive needs and that they often do not access help. Nancy added that they need better preparation for the release of their family member and that there could be much more done to help offender's families. She spoke about a project in Oregon whereby the government appointed an advocate for children at the point at which their parent was arrested. This example shows how the right of the child is actually being invoked in a practical way. Nancy also referred to work of HOPE which is based in Glasgow and which work in and out of prison to help families become more involved in the prison process and particularly in relation to suicide prevention. Nancy said that the prisoner and the wider public often doesn't see that the family need support too and that prison is a family experience and that there are clear benefits to maintaining family ties.

Questions from delegates

Bas Vogelvang questioned whether there have been any restorative justice projects with families. Nancy spoke about a Positive Relationships Program which is being piloted in Barlinnie Prison which is being jointly hosted by Relate Scotland, the Scottish Prison Service, Families Outside, the Wise Group and the Scottish Government. She spoke about the counseling pilot as being a way of preparing partners and the prisoner for their release; she said that as part of the planning they had considered the importance of continuity of care and therefore all participants are offered the opportunity of taking up counseling in the community.

Nancy spoke about some of the problems in relation to offenders who were English in Scottish prisons and she described the way in which they were not able to be eligible for early release as they did not have a Scottish address. She said that there was no legislation in place for some sort of cross border transfer however the Scottish Government are currently working on legislation and guidance to make this a reality.

Mary Ann McFarlane spoke about the work of PACT which are a court based advice service and said that there was a 'First night in custody' information service that was being run by volunteers and has proven very successful. Nancy said that she was in discussion with Victim Support about making this type of service a reality in Scotland.

Bas also asked about what happens when the family is a negative influence and also when they don't want to maintain ties, how is a balance struck between what the client wants and also what their family wants. Nancy said that there is no easy answer and that this needs to be carefully considered on a case by case basis.

Mike felt that the CEP should make contact with EUROCHIPS, which the umbrella organization and Leo Tigges felt that this was an excellent suggestion.

Bas also said that in the Netherlands, mothers acted as volunteers for women who were being liberated and they had produced training materials and so forth to help the women. Bas said that the contact with other mothers helped the women to build agency and capacity as parents. Nancy said that EUROCHIPS also had produced some very commendable materials.

Eddie Flynn raised the issue that much of the research and calls for change were directed towards women whereas there was much to be discussed in relation to how men were also not able to see their children and how this impacted upon them and their family. Nancy agreed with this and she also drew attention to the reality that many young offenders have children and she said that in Scotland this is 20%. The UNCHR raised some interesting questions particularly when both the parent and the child were technically children and the question was raised as to whose rights took precedence.

Imprisonment, Alternatives to Prison and Resettlement - Their future in Europe

Professor Andrew Coyle, Lecturer

Andrew opened by pointing out that the use of prison as a direct punishment of the court was a relatively modern phenomenon, dating from the 19th and 20th Century. He noted that its expansion was due to social development and change and that the reality of prison in different jurisdictions are shaped by history.

There are over nine million men and women and children in prison throughout the world and half of these prisoners are in the USA, China and Russia. More than 1 in every 100 American adults is behind bars. Over the past number of years there has been a year on year increase in most countries and Scotland has now reached a milestone with 8,000 people in prison. There are a wide variety of variables to explain these differences but differences in the rates of crime is not one of them. He spoke of the example of Finland, a country broadly similar to Scotland in many ways but with half its rate of imprisonment. He referred to the work of Dr. Tappio Lappi-Seppala Director of the National Legal Policy Research Institute in Helsinki. Change in Finland had been achieved by adopting a multi-agency approach to challenge the punitive drift and in particular the forming of strong partnerships between the academic community, the government, prison service and the media. Andrew drew on the lessons from this particular project and said that it showed that the fear of crime that had often been generated by the media was a major source of the punitive trend that had been allowed to be manifested.

The research done by Lappi-Seppala indicated a correlation between inequality in society and rates of imprisonment. For example, Sweden and Denmark, which spend a high proportion of GDP on welfare, have relatively low imprisonment rates, while the obverse is the case with the United Kingdom, Portugal and Spain.

Andrew said that in a number of jurisdictions the criminal justice system had now expanded into areas where it had not traditionally operated. He gave the example of the increasing number of people in prison who had mental health problems. He said that the criminal justice system is not well equipped to deal with an individual's underlying mental health problems, with the consequence that on release from prison such a person is likely to go on to commit future offences and to harm more victims.

He went on to talk about the revised European Prison Rules which had been approved by the Committee of Ministers in 2006 and recommended to all 47 member states of the Council of Europe. He emphasised the importance of the first nine Rules, which constituted a set of basic principles to be observed in all cases:

1. All persons deprived of their liberty shall be treated with respect for their human rights.
2. Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody.
3. Restrictions placed on persons deprived of their liberty shall be the minimum necessary and proportionate to the legitimate objective for which they are imposed.
4. Prison conditions that infringe prisoners' human rights are not justified by lack of resources.
5. Life in prison shall approximate as closely as possible the positive aspects of life in the community.
6. All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty.
7. Co-operation with outside social services and the involvement of civil society in the prison shall be encouraged.
8. Prison staff carry out an important public service and shall be recruited and trained and have conditions of work that enable them to maintain high standards in their care

of prisoners.

9. All prisons shall be subject to regular governmental inspection and independent monitoring.

Andrew then spoke of the importance of distinguishing between alternatives to prison, that is the replacement of a prison sentence with an alternative penalty, and non-custodial sentences, which are used when a prison sentence would not be appropriate. He also said that the creation of alternatives can sometimes mean an uptarriffing of offences and net widening and at present this merely means bringing more people into the criminal justice system.

Andrew identified a number of key elements if alternatives to prison were to be successful. They included, close involvement of the judiciary, an understanding of the nature of alternative sentences, proper targeting, effective implementation, communication with the public and proper monitoring

Andrew felt that it was important to acknowledge that prison was primarily a place for punishment. However, it is important to provide all possible opportunities for rehabilitation. He said that to have any chance of having a law abiding life on release offenders needed to have accommodation, employment and support or supervision. The process to ensure that these elements were in place was often a complicated one and the probation officer could act as a bridge to community based resources. This was the thinking which underpinned the Kilbrandon report of 1963 and the Social Work (Scotland) Act 1968. This is also the principle underlying the 'import model' used in some Scandinavian countries.

He ended by endorsing the work which the CEP does in emphasising the need to focus on the inherent humanity of offenders and to regard them as worthwhile human beings rather than solely as offenders

Questions from delegates

It was felt that it was too late for offenders by the time that 'throughcare' and re-settlement was being thought about. Andrew responded to say that politicians had to engage with the moral seriousness of sending offenders to prison and that there was a need to inculcate them into the community. He said that the work of Eurochips for example was important in attempting to ensure this.

Laura posed the question-who is listening? She said that there was concern but why were numbers continuing to rise and what could be done about it. Andrew said that the reality is that things can't go on as they are and therefore they must listen. He was optimistic about the Prisons Commission set up in Scotland. He related that ironically the Thatcher era was possibly the most optimistic period in relation to criminal justice as there was a strong impetus to reduce public expenditure and also the political will to make it happen. Andrew felt that if the political will was there then there could be real change.

Andrew also felt that the set up of NOMS was focused on the offender and not the human being. The idea of managing the offender rather than working with the offender was difficult to get away from and this was concerning. However Andrew related that Scotland had resisted and that it had taken a somewhat different route in comparison to England. Andrew recalled what had been stated by Cabinet Secretary Kenny MacAskill that the Scottish public are not stupid and they do not want this expensive overtly punitive trend to continue.

Summing Up

Dr Fergus McNeil, University of Glasgow

Fergus drew out the main themes of the event and focused on the clear message that exclusion and inequality were seen to be clearly interlinked with offending behaviour. It had also been felt by delegates that prison was a form of exclusion but also that it exasperated the situation and provoked the commissioning of crime. The type of exclusion that offenders experience is multi-faceted and the community have to be prepared for the return of offenders as well. There should be a better account of the role of business and what they want and need and there should be better support for offenders to help them to integrate back into society and fulfil the demands of business.

In the process of transition there is much to be drawn upon but Fergus reflected that there is still a lot to do. The process is subjective and this demands a specific response for each offender. Fergus discussed the idea of mentors as had been mentioned in the RooP Project and felt that this was a very credible bridge to helping offenders to become integrated into the community as well as linking them up to services.

Fergus also reflected on the need to capitalise on the offenders strengths and social networks and referred to 'Circles' of support and accountability and how this showed that change could happen and that the community were an extremely important factor in helping to the offender.

Fergus spoke of the need for families to have access to services in their own right. He recalled how Dr Nancy Loucks had spoken of the family as sometimes being a site for conflict and also questioned what we can expect from families.

Fergus recalled the work of Gabriele Marranci whereby religion, cultural and social lives of minorities are potentially discriminatory and dangerous. Fergus said that we treat offenders and homogenize them as opposed to treat them as individuals and that this was dangerous.

Fergus pointed out that things can go wrong and that the pre-occupation with risk reinforces exclusion and that the 'risk bearer', that is the offender must suffer the injustice of this reaction. Fergus felt that the systems would eventually have to change as they would become counter productive. He was optimistic that change was going to be made and that this was an exciting time in criminal justice.

Closing Remarks

Professor Mike Nellis, University of Strathclyde

Mike thanked all of the delegates and speakers for their input and said that the questions and so forth had been able to reflect the level of enthusiasm which had been generated. He thanked Fieke den Hollander, the Executive officer of the CEP, Lisa Sage and Tim McBride from the Glasgow School of Social Work as well as all the staff at Glasgow University. He thanked Briege Nugent for being the Rapporteur for the event and also Sharon Giant from the Scottish Government who without whom the event would not have been able to happen. Mike felt that the conference had been able to provide an opportunity for the academic, political and practical communities to come together and discuss and add to the knowledge base. He said that there was a need to face the challenges that this area presented and that those who worked on the frontline were facing these issues and could make the difference. Mike echoed the work of Andrew Coyle to say that he felt that it took political will to change the trend that currently was taking place and to end this punitive drive. He added that this area of work was demanding intellectually and also that it was hard work for all.

Mike remarked that this CEP event had been well attended by younger academics and practitioners and for Mike this was encouraging as it marked that there were very eager people to drive this forward. He said that taking this issue and subject forward did not give a political guarantee and this is something that this area would have to struggle against. Mike thanked Leo Tigges for all his help and support throughout the event. Mike ended by saying 'If not now when?' as questioned by Primo Levy who was a holocaust survivor.

Closing of the Conference

Leo Tigges, Secretary General, CEP

Leo said that it had had been a very balanced conference in both the very many subjects that were covered as well as the audience participation. Leo thanked Mike for his excellent choice of speakers and also for the way in which he had chaired the event. He felt that Mike had been able to give the holistic integral view and this was because of his membership on many groups, he also said that the event demanded this type of overview and thanked him for his intellectual and emotional support.

Leo felt that the event had been dominated by UK representatives and that more jurisdictions should be involved and he wanted to be able to distinguish what was going on in each country and felt that mainland Europe was falling behind the UK in the work that was being undertaken in resettlement. He said that he strongly felt that he wanted to build on the event and promote better balance in the work that was being undertaken. He felt that there was a need to take up the challenge to promote better learning across Europe and particularly in relation to re-settlement. He would like to draw up an agenda for the different jurisdictions to develop specific aspects in resettlement. European funding could help to achieve this. He announced a special CEP conference on European funding and the partnerships that should be developed in applying for European funds. He also said that he felt that there were three areas of discussion which will return regularly in CEP events, firstly 'What works?', secondly resettlement, and lastly supervision and the role of electronic monitoring in it. Leo also thanked Mike and the Scottish Government and the Scottish Universities for all their hard work in making the event a reality. He thanked all attendees and wished everyone well.

References

- Barry, M. (2006) *Youth offending in transition: The search for social recognition*. Abingdon: Routledge
- Boyle, J. (1985) *The Pain of Confinement: Prison Diaries*, London: Pan Books
- Cavadino M. and Dignan J. (2006). *Penal systems: A comparative approach*, London Sage
- Canton R. (2007) Probation and the Tragedy of Punishment
The Howard Journal of Criminal Justice Volume 46 Issue 3 Page 236-254, July 2007, p. 236–254
- Higgenbotham, M. (2007) Do Not Pass Go...Travel Links to Scottish Prisons, Families Outside Research Report, June 2007, Edinburgh
- Holt, N. & Miller, D. (1972), Explorations in Inmate Family Relationships, Research Division, Department of Corrections, State of California, Research Report, No. 46
- Home Office (2001) The Halliday Report - 'Making Punishments Work: A Review of the Sentencing Framework for England & Wales', Retrieved May 2008 from <http://www.homeoffice.gov.uk/documents/halliday-report-sppu/>
- Marshall, K. (2008) Not seen. Not Heard. Not Guilty. The Rights and Status of the Children of Prisoners of Scotland, Scotland's Commissioner for Children and Young People, February 2008.
- Saunders, R. and Wilson. C. (2003) Circles of Support and Accountability in the Thames Valley, Interim Report November 2003, Retrieved May 2008 from [://www.quaker.org.uk/shared_asp_files/uploadedfiles/ED6B935A-69D4-46CC-AD3D-9FB7CCB58859_2003_circles_interim_report1](http://www.quaker.org.uk/shared_asp_files/uploadedfiles/ED6B935A-69D4-46CC-AD3D-9FB7CCB58859_2003_circles_interim_report1).
- Social Exclusion Unit (2002) *Reducing Re-offending by Ex-prisoners*, Crown Copyright, July 2002
- Webster, C., MacDonald, R. and Simpson, M. (2006) 'Predicting Criminality: Risk Factors, Neighbourhood Influence and Desistance', *Youth Justice*, 6(1): 7-22.
- Uggen, C. Manza, J. and Thompson, M. (2006) , Democracy, and the Civic Reintegration of Criminal, *The Annals of the American Dream*