Summing Up

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A thought on process?

• Maybe in complex deliberative processes, a diverse mix of people and experiences tends to produce a leveling up towards principles and resolutions and away from concrete prescriptions.

• Women’s voices are powerful, even among those who have heard them before and often.

• Do we need a second sort of workshop/symposium involving women with convictions and frontline staff, to help with the next steps?

• And do we need a third sort that engages more in the public sphere?
It’s as simple as changing…

• The physical estate
  – The way we imagine custody
• Institutional culture
• Regimes
• Services and supports
• Staff training, etc.
• Partnerships
• The whole CJS…
• And so on…
Age and maturation

Social bond, ties, identities, narratives

How can imprisonment impede or support desistance?

Situational aspects

Identities and narratives
Reality Check?

• Imprisonment involves forms of legitimated violence
  – Symbolic
  – Immanent

• It is inherently incapacitating. It deprives people of...
  – Liberty, privacy, autonomy, etc.

• In imprisoning people, we may intend harm, but imprisonment does much more harm than we intend
Remember Hippocrates?

- First do no harm
- The **twin traps** of ‘overtreatment’ and ‘therapeutic nihilism’
- **If** you must do harm, take all possible steps to minimise it, to mitigate it and, wherever illegitimate harm remains, to compensate it.
- That requires a continuing **commitment** to study and reflect upon the good **and** the harms that we do
Paradox and principle

- Imprisonment responds to harm with harm, and then seeks to reduce both harms.
- We should harm only as much as is absolutely necessary*, and then seek to repair as much as possible, but...
  - For those we choose to harm, their engagement with processes of repair cannot be compulsory. Rejection is a reasonable response to being harmed.
Paradox and principle

• It cannot ever be right that in order to receive help people must submit to more harm (and more control) than their actions deserve
  – that models an abusive relationship, not a trusting, legitimate one

• Therefore, equal help must be available inside and out, and also outwith the context of mandate/sanction
Implementing sentences?

• Let’s allow for (‘gender neutral’) retributive sentencing, bounded by proportionality and parsimony but then…

• Might we create a variant of problem solving justice where a JAP (or sentence implementation judge) oversees how a prison sentence is served…

• Might that judge have a legal duty to mitigate the unintended harms (e.g. child impact assessment) and a strong form of gender equality duty…
Locating support/help

• Locating the support/help within the prison estate may be
  – Inefficient, since it requires duplication of services
  – Ineffective, since community based interventions tend to produce better outcomes
  – Unjust (in its net-widening effects)
  – (Most often) unnecessary, since public safety rarely relies on the spatial segregation of women inside prison, even if justice requires that…

• But for a few people, it will probably be necessary
• If women can come out for work, childcare/family, support and help, then, yes, it begs questions about why a custodial sentence is required...
  – Except that retribution might be seen as requiring it, irrespective of the low risk of harm...
• It is indeed all about relationships…
  – Social relations
  – Working relationships

• But, more fundamentally…
  – It is about rebuilding trust and reciprocity in the troubling contexts of people doing and then repairing harms.
  – It is also about the relationships between values/principles and evidence and pragmatism.
A common (populist?) purpose?

• Pro bono publico…
  – Public goods…
  – It cannot (often) be in the public interest to respond to women’s offending in ways that exacerbate their situations and frustrate their change efforts.
  – It must be all of our jobs to make the public case that we owe duties to ‘them’ as much as (or more than) ‘they’ owe duties to ‘us’.
Civic engagement

- Enhancing public dialogue and democratic deliberation
  - An effective, affective dialogue
  - Involving the women themselves (obviously!)
  - Learning from engagement (cf the Fire Station)

- Building civic virtues and civil consensus
  - Women with lived experience, professionals, policymakers, media, VCS, faith communities, artists…
  - Learning from the indyref?
  - A consensus for social justice?
Civic engagement

• Representations of women with convictions (not ‘female offenders’)
  – Challenging them
  – Offering alternative representations

• Confronting the harms and costs of imprisonment
  – For the women
  – For their loved ones
  – For their communities
  – For our civic wellbeing
Advice

**Parsimony**
- Judiciary
- Alternatives to custody/Custody as alternative
- Rethinking custody
- Whole systems approaches

**Individualisation**
- Assessment/engagement
- Needs, risks, harms, strengths
- Holistic services (heterogeneity)
- Before, during, after (and instead of) custody

**Continuity**
- Avoiding repetition and re-traumatising
- Date sharing and data linkage
- Lead professionals
Advice

**Equality**
- Women first
- GED in the implementation of sentences
- Child impact assessment?

**Evidence-based**
- Data sharing (for learning)
- Forms of evidence-based practice
- Reflection, monitoring and evaluation

**Human**
- The right people, trained in the right way and subject to appropriate appraisal, etc.
- What skill-set? Gender balance

**Publically Engaged**
- Engaging bravely
- Anti-stigma work
- Challenging and changing (mis-)representations