

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...

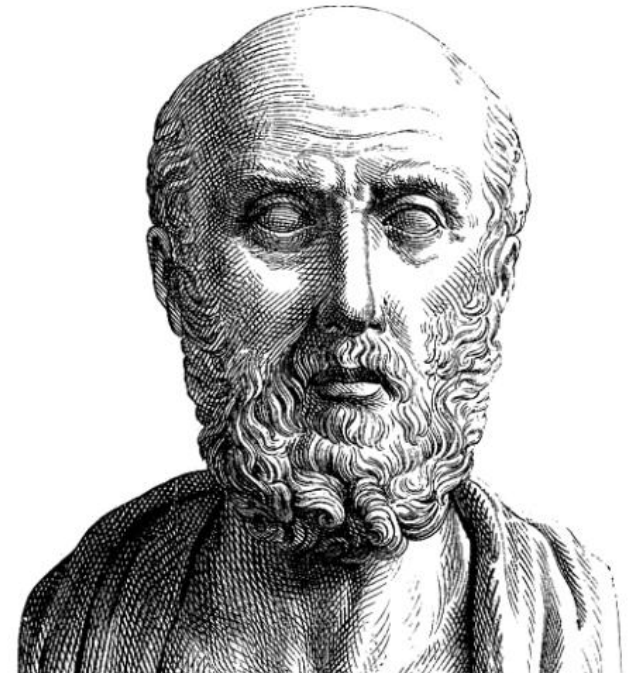


Reality Check?

- 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

And...

- 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...

Relationships

- 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



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
- Data sharing and data linkage
- Lead professionals

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