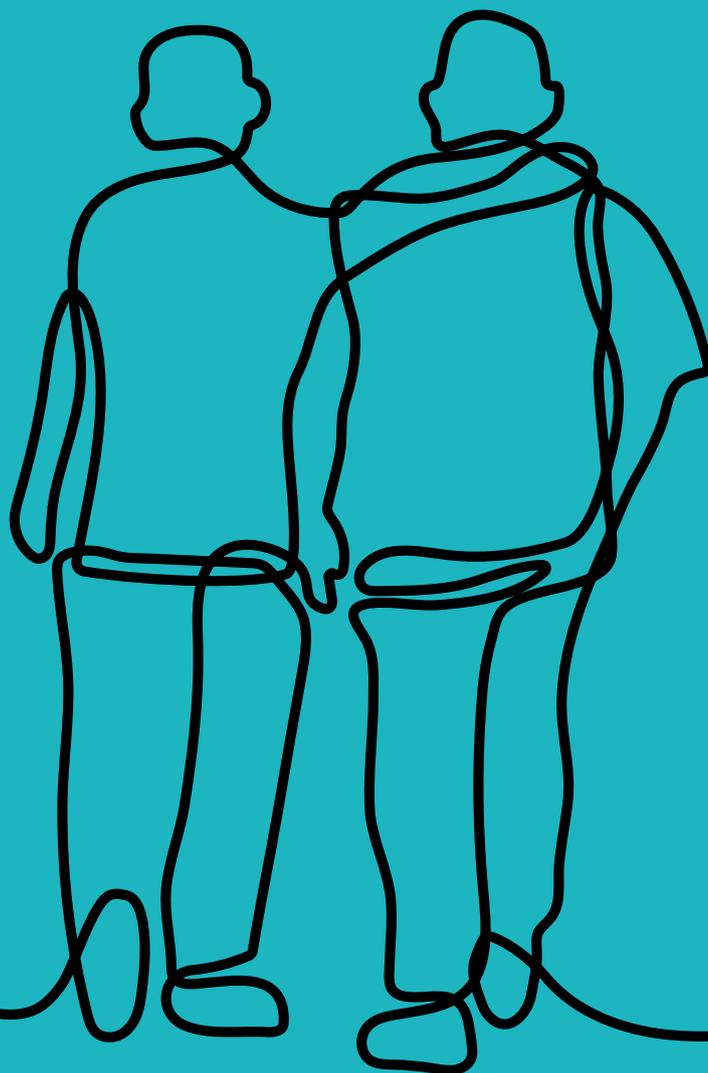


Imprisoned Families:
Young people's experiences
of simultaneous family
imprisonment

A Scottish Justice
Fellowship
Briefing Paper

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Introduction

This research briefing outlines the experiences of young people in Scotland who have a family member in prison (a parent or sibling) while they are also serving a prison sentence themselves.

Research has shown that children whose father has served a prison sentence are more likely to go on to prison themselves, and that there are links between a sibling's delinquency and the likelihood of their own (Farrington et al, 1996; Farrington et al, 2001; Murray and Farrington, 2005). These findings should not be taken as implying an inevitability about these relationships but they do highlight the possibility of family members serving concurrent sentences. Despite this, research, policy and practice have failed to consider the potential impact of simultaneous imprisonment on family relationships.

Children and young people experiencing parental imprisonment are increasingly becoming the focus of government policy, and their needs recognised and responded to by third and public sector organisations. There has, however, been no recognition of those experiencing either parental or sibling imprisonment while also within the prison system themselves.

While the difficulties in maintaining a relationship with a family member in prison are recognised, this is generally in respect of those who are outside of the prison themselves. For young people who are also serving a prison sentence the restrictions and difficulties in maintaining a relationship with a sibling or parent in prison are compounded. In Scotland, visits and access for children to their imprisoned parent is a right of the child rather than a privilege for the person in prison. However, where that child may be resident within a Young Offenders Institution (YOI), or even secure accommodation, they do not have the same rights of access to their family member as would be expected for a young person who was not imprisoned.

Key Findings

- No research attention is paid to young people's experiences of parental or sibling imprisonment where they are also within a prison themselves.
- There is a lack of clarity in current Scottish policy and rules around the level and frequency of telephone calls and visits allowed between an imprisoned child and their also imprisoned parent.
- There can be both 'positive' and 'negative' aspects to the concurrent imprisonment of siblings within the same Young Offenders Institution.
- More work needs to be done to understand young people's experiences of inter- and intra-prison family relationships.

Who are Children/ Young People ?

For the purposes of prison visits children are defined as being under the age of eighteen. Children and young people aged under eighteen can be sentenced to a period of imprisonment within a Young Offenders Institution or held within secure accommodation (a form of residential care for children under the age of eighteen) for either offending or care grounds. Therefore some of the population within these institutions could be eligible for visits to an imprisoned parent under their right as a child.

Only two of the young people spoken to whose experiences this briefing paper is based upon fill this criterion (both were aged seventeen). The other young people were aged twenty at the time of their interviews. While this means they are not legally defined as children, recent discussions around extending adolescence to the mid-twenties and the definition of 'young offenders' suggests their inclusion as young people and consideration of their experiences is still valid.

Background to the Research

This report is based on research carried out as part of a PhD looking at young people's experiences of having a family member in prison. The research involved two different groups of participants: the first consisted of eight young people who were outside of prison themselves and the second were currently serving a sentence within a Young Offenders Institution (YOI) and who had, previously or presently, a family member in prison. This report is based exclusively on data from the interviews with the second group of participants, and specifically from those who experienced serving a sentence simultaneously with their parent or sibling. In this case the parents were always fathers or step-fathers and the siblings were brothers or step-brothers. Of the ten young people I spoke to who were resident within a YOI at the time, six had experienced having one or more family members serving a period of imprisonment at the same time as they were serving their own sentence. Three were serving their sentence at the same time as their male parent (father or step-father) was in another prison and five had served a sentence along with their brother or step-brother – four in the same YOI and one whose older brother was in an adult prison. Two of the young people experienced simultaneous imprisonment where a parent and a sibling were both in prison at the same time as they were.



Findings

A Forgotten Group

Young people experiencing imprisonment concurrently with a parent or sibling are a forgotten group. They do not feature in academic research and neither are they recognised in policy and practice for families affected by imprisonment.

The Scottish Prison Service Family Strategy (2017) states that “individuals have many ways of defining what constitutes family” (p.5). Implicitly, however, ‘family’ is often understood as a partner and young children, resident outside of the prison walls. By widening out who we recognise as the families of prisoners this allows us to see those relationships which take place entirely within the prison estate. This could be within the same establishment (for example with siblings) or within different prisons where the young person is within a YOI and the parent, or older sibling, is within an adult prison. It does not have to be an either/or, it is possible to be a member of both groups: that of ‘prisoners’ and ‘prisoners’ families’.

The current focus on desistance theory within the prison service, which encourages family contact to reduce reoffending, can see families categorised as ‘good’ or ‘bad’ where the former fall into what would be classified as ‘pro-social’ bonds. However, such classifications can exclude certain families or young people from discussions and work around maintaining and encouraging family relationships while someone is in prison.

A narrow focus on desistance theory can also lead to assumptions that only family members with non-offending backgrounds can provide positive, constructive relationships with a positive influence on the young person. Where we focus on families, or young people in their own right, rather than as a resource or asset to support someone else’s journey towards stopping reoffending, we start to label and treat them differently.

“Individuals have many ways of defining what constitutes family”

Key Findings

- Young people serving a prison sentence simultaneously with a parent or sibling are absent from familial imprisonment research, policy and practice.
- Young people aged under the age of eighteen have a right to contact with their parent in prison – even while within secure accommodation or a YOI.
- A narrow focus on desistance or reducing reoffending can cause a categorization of family members as ‘good’ or ‘bad’, leading to an assumption that family members who offend cannot constitute “pro-social” bonds, and this can result in the exclusion of some families.

Maintaining Relationships

The difficulties for young people in maintaining relationships with imprisoned family members, along with the benefits of this taking place, have been recognised. Increasingly, work is being done to try and mitigate the harm caused to children and young people through a parent's imprisonment. The focus of this, however, is solely on young people who are resident outside of the prison system themselves. Where the young person is within a YOI, or secure accommodation, the further layer of restrictions placed upon them can compound the difficulties faced in maintaining family relationships. From a rights based perspective, young people in prison have the same rights to a family life, and to opportunities to maintain family relationships, as their non-imprisoned counterparts, should they wish to do so.

Intra-Prison Relationships

Four of the young men I spoke to had experienced the imprisonment of a sibling (or step-sibling) at the same time as they were also serving a prison sentence within the same institution. The step-siblings had not had a relationship outside of the prison, though were aware of their connection and that they were both within the same YOI. This section will therefore focus on the experiences of the two young men who spoke of serving a sentence at the same time, and within the same location, as a sibling with whom they had had a prior relationship. These siblings had been located within separate areas of the YOI. In one relationship, one brother was over and one under the age of eighteen, and

in the other, one was on remand and one was sentenced, and therefore they were held in separate areas. This did not mean that the young people did not express a wish to be housed together. Chris spoke of his wish to be housed along with his younger brother to enable him to provide more of a caring role. Something he may not have seen his 17 year old brother needing outside of prison but which he now saw as being required:

“Aye, I would've preferred to be there, you know what I mean, so I could support him and he would be there for me and stuff like that, you know what I mean, so I knew he was alright.” (Chris¹)

John also spoke of how his relationship with his brother changed when they were both within the YOI:

“I'm a lot more protective of him now. So he's shorter than me, skinnier than me, but outside I wouldn't really care and now that we're in here it's – Make sure he's alright.” (John)



¹ All names are pseudonyms.

The co-location of the siblings within the same YOI had both 'positive' and 'negative' aspects for the young people and, they appreciated, the staff within the YOI.

"It's a bit, like, the first time he came in obviously my stomach dropped, but you just, every time he comes out, just drops basically." (John)

"So, again, they, they would take him doon to my hall and I'd speak to him, sitting in this wee office room, and then, I think that was, like, the only time that I got, like, to sit doon and have a chat wae him but, other than that it was just me and him and ma parents and that. [...] And they try and make you not see him as much as they can, just because they know that you'll back each other up, more fights, all that." (John)

The focus of the prison primarily on safety and security resulted in John feeling that siblings were kept separate to reduce the potential for fights where brothers would 'back each other up'. This may be a behaviour which, outside of prison, would be expected within families and represents a level of closeness, though would not necessarily take the form of physical violence as suggested here. It is also likely that the consequences of this behaviour outside of prison compared to inside would also be different – with prisoners liable to lose privileges or find themselves in segregation if this 'backing up' resulted in violence. Both of the brothers, however, spoke of their need to do this, despite this not being the way their relationship would have been expressed previously.

The heightened feeling of danger within the prison environment and the reduction in people they felt they could trust resulted in this change in how 'care' was expressed in these sibling relationships.

"...I was just, know what I mean, I was glad to see him, know what I mean, 'cause I'd just come in [...] It was kinda like a homely feeling when I seen him, know what I mean, 'cause I know I've got somebody in here that I kin trust, you know what I mean. 'Cause there's no many people in here you can trust, know what I mean..." (Chris)

Chris' choice of the word "homely" to describe how it felt to serve a sentence along with his brother suggests that the impact between the institutions of prison and family is not simply one-way. Prison can impact on families but families can also impact on the prison.

Both of the young men spoke of prison officers assisting them in maintaining a relationship with their siblings. As the siblings were housed in different halls, and were on remand and sentenced, logistically, visit times were different for each of them. This would mean that when their parents came to visit they had to visit at different times, and visit them separately rather than having the chance to have a 'family' visit. Arrangements to allow the brothers to have visits together appeared to be at the discretion of individual prison officers. The arrangement however, was beneficial both for the maintenance of the family as a unit and also tackling the well-known issues around visits for families of both time and costs, something which would be doubled where the siblings could not be visited together.

Key Findings

- How you care for family when you are located together in a prison changes – the relationship and behaviour changes.
- Prison is seen as dangerous and lacking trust – this is stressful for young people to deal with and can be compounded when they have a family member in the same environment.
- Prison staff can view co-located siblings in a YOI as risky – do they also recognize these relationships can provide comfort, stress or responsibility for the young person?
- Young people's ability to maintain a relationship with co-located siblings, and visiting family members as a family unit, is dictated by individual staff members.

Inter-Prison Relationships

Inter-prison family visits are mentioned within The Prisons and Young Offenders Institutions (SCOTLAND) Rules 2011 in Section 63(8). It states that a prisoner is entitled to receive a visit from a person who is a prisoner detained at another prison only in exceptional circumstances and that the Governors of the two prisons must give consent. There is no reference to inter-prison telephone calls.

Four of the young people spoke of experiencing inter-prison relationships with a family member – three with a male parent (father or step-father) and one with a brother. Their methods for keeping in contact and attempting to maintain a relationship during the period of simultaneous imprisonment varied. Three had had inter-prison telephone calls with their family member, but their levels of contact through these means differed, and they were unclear as to how often they were permitted to access these calls.

“...you get a phone call, well you can put in for one every two week but sometimes when you put in for one you don't get it [...] You don't always, no, 'cause sometimes, like, they can, they can say, you've had it too much and that, know what I mean, you only get it, it's like once every fortnight. Sometimes, like, the way it works you don't get it for, like, every three week and that.” (Darren)

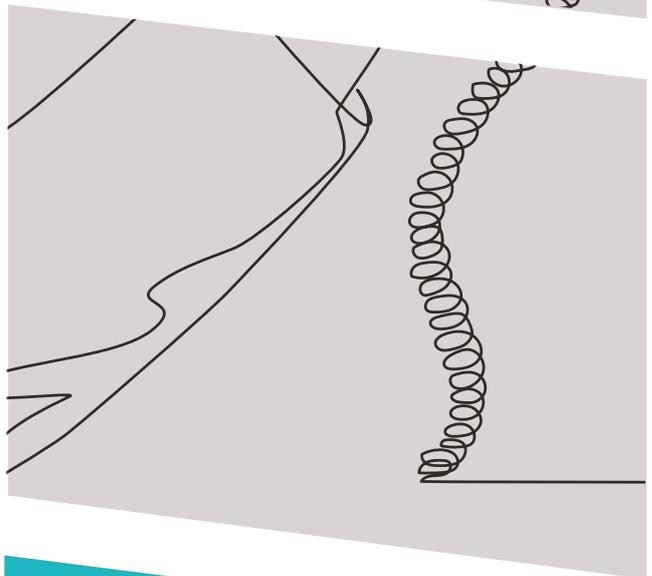
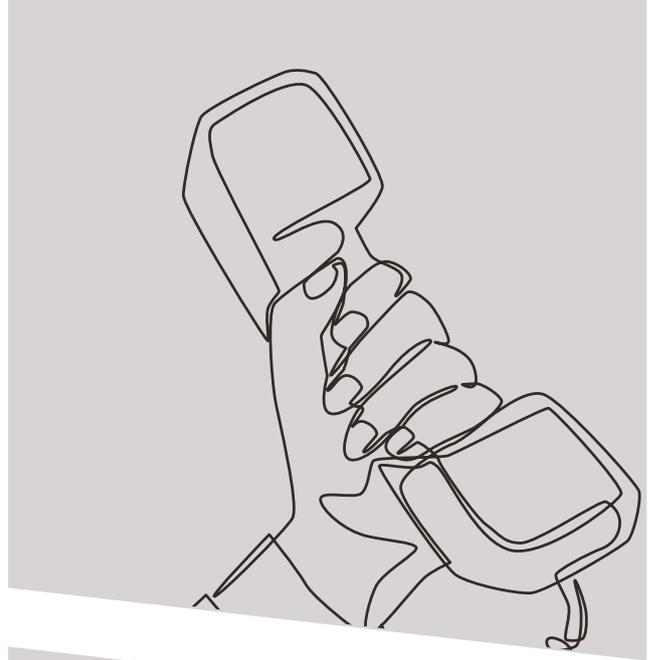
“...my last one was when I first come in, three months ago. So then it's, like, it's, it's time wise, say it's, cos if, if I phoned him [his brother] today and then wanted another phone call with him in, like, two days' time they'd be wondering why, know what I mean. (Scott)

“I tried to get them the noo but-, his [his step-father] wee boy's in doon the stair fae me-, so he's got them wae him so I don't know if they're gonna accept two fae [the same prison], you know what I mean...” (Grant)

When I asked the young people currently getting inter-prison telephone calls with a family member whether they were also aware of the possibility of having inter-prison visits, there were mixed responses. Grant did not know anything about this but Scott was aware of the possibility of visits but had not had any:

“...we can order visits to see each other-, But, like, you’d be in handcuffs, it’s, all the way to the visit, and then when you got there you’d get took out and soon as you left the visit you get put back in handcuffs.”

Only one of the young people had had an inter-prison visit with their imprisoned parent. His dad had been brought to the YOI from another prison. The young person explained his understanding of the rules around these visits – that they were allowed every six months as long as both prisoners had been sentenced to longer than six months and had more than six months of their sentence left to serve. When he spoke of the visits he had had there had been a number of issues around transportation and timing.



Key Findings

- The restrictions already faced by young people outside of prison who are trying to maintain a relationship with their imprisoned family member are compounded when they are also serving a prison sentence.
- There is a lack of clarity over the type and frequency of contact young people are allowed with a parent or sibling held in a different, or the same, prison.



Conclusion

Current policy and practice with families affected by imprisonment overlooks the reality that young people with a family member in prison can also be resident within a prison themselves. If we want to understand young people's experiences of having a family member in prison we have to acknowledge differently situated young people's experiences and include; those who are inside and outside of the prison. We also need to recognise and reflect in policy that families come in different configurations.

Where we advocate for the maintenance of family relationships, we should do so on the basis of family as important and beneficial in its own right rather than as a support for reducing reoffending and with the recognition that "pro-social" bonds are not only with those who do not have an offending history. Where the young person in prison is under the age of eighteen they should also be treated as a child, someone who therefore has a right to contact with their parent. Currently, the provision and facilitation of this type of contact is not consistent across the prison estate.

Where family members are co-located in the same establishment, this can be anticipated by prison staff in terms of a risk that needs to be managed. The young people's experiences instead show that their co-location can have positive and negative elements – both for them and the institution. This is something which is not currently well understood and there needs to be a greater understanding of this experience. Firstly, so that prison staff are able to manage the co-location of family members but more importantly so we can understand and fully support the young people experiencing this.

This Briefing Paper is based on research conducted with a small number of participants. While the experiences of these young people may not be generalizable to a wider population, their experiences nonetheless illuminate some of the challenges encountered by this group, which would benefit from further investigation.

With the prison population rising in Scotland and continuing to be drawn from a population concentrated in specific geographic areas these inter- and intra-prison relationships will continue to exist and their number potentially grow. Where we continue to imprison children we need to consider their rights in respect of contact with family members (if desired) and how these can be met. When they become prisoners we should not forget that they are also still children. Almost no research has been carried out with this population of children and young people and there appears to be little recognition and understanding of this group by the prison service or by service providers who work with families of prisoners. This needs to change.

What next.....

- Further research needs to be carried out looking at inter- and intra-prison family relationships.
- Further research also needs to take place looking at prison staff's responses to these relationships.
- There needs to be greater clarity around the provision of inter-prison telephone calls and visits – particularly for those defined as a child within a prison or secure accommodation.
- How do we support young people in prison who also have a family member serving a prison sentence – whether in the same or a different establishment?

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The full research thesis from which this briefing derives is freely available online: <http://theses.gla.ac.uk/75052/>

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