



In brief...

The costs of imprisonment for families and communities

By Dr Cara Jardine

Key Points

- Imprisonment affects a wide range of relationships. We must therefore look beyond the nuclear family and recognise anyone with whom people regularly do 'family things' (such as eating meals or sharing hobbies) as family. Continuing these 'family things', despite imprisonment, will support relationships.
- Many families who participated in this research were already living in poverty. Imprisonment entrenches this social marginalisation through the disruption caused to family life and the resources required to support a person in custody.
- Imprisonment often brings families into regular contact with criminal justice professionals. The quality of these interactions can influence perceptions of how fair the criminal justice system is.
- Families who feel the justice system is unfair may perceive themselves as less than full citizens. They may feel that criminal justice authorities are not 'on their side' and therefore be less motivated to comply with their demands.

Background

The purpose of this In Brief is to provide a short summary of the key arguments made in the book, *Families, Imprisonment and Legitimacy: the cost of custodial penalties*, published by Routledge in autumn 2019.

The book draws on a project carried out in Scotland from 2011 - 2015. The aim of this research was to understand better both who is affected when a prison sentence is given and the wider social implications of this. To address these questions, I spent a number of months observing in a prison visitors' centre and carried out interviews with 19 people from 14 families; 10 men and 4 women serving prison sentences; and 12 criminal justice professionals.

Contents

- [Key Points](#)
- [Background](#)
- [Family is what family does](#)
- [The impact of imprisonment on families](#)
- [Conclusion and policy recommendations](#)
- [References](#)

Findings

Family is what family does

A key aim of this project was to attempt to answer the question, “who are families affected by imprisonment?” This was important because much of the research with families affected by imprisonment tends to focus on a fairly traditional understanding of family life, prioritising the stories of partners and children. Yet, when asking people in custody who was most important to them, they talked about a broad range of relationships, including children, nieces and nephews, parents and kinship carers, aunts and uncles, grandparents, friends, and even pets. They also described how many of these relationships had changed over time.

Given this diversity, it is important to think about family broadly. Families are not a narrow set of pre-determined relationships; rather they are something which are ‘done’ or ‘made’ through ongoing displays of care and commitment. These are seemingly unremarkable or everyday activities such as cooking meals, discussing sports, watching box-sets, and reading stories. Consequently, families highly valued opportunities to continue these everyday activities, whether through regular visits and telephone calls, or by taking advantage of family days or Children’s Visits.

“The phone calls are like gold”
(Mother of a prisoner)

“The bonding visits are much better, I prefer bonding visits. I wish all visits were like bonding visits!” (Partner of a prisoner)

The impact of imprisonment on families

Disrupting family life

The imprisonment of a family member can provoke a range of conflicting and difficult emotions; however, these were not always shared within the family. Those interviewed whilst in custody described hiding their feelings as a way of surviving their sentence and protecting their family from the worst aspects of prison life. Similarly, families very much wanted visits to be ‘good’ experiences and therefore often did not share their worries and difficulties.

Practical aspects of the prison regime can also limit the extent to which the person in custody can play a full and active role in family life. For instance, visiting times may clash with other family commitments, or the person in custody may not be able to access (or afford to use) the telephone to the extent they might wish. As ‘family is what family does’, these findings raise important questions as to how high-quality family contact, which will support reciprocal family relationships, might be provided.

“It is breaking me on the outside, but I dinnae wantto show him.” (Partner of a prisoner)

Entrenching poverty

Many families who participated in this project already faced numerous challenges in their lives, including (but not limited to) poverty, poor mental health, long-term illness, learning difficulties, exclusion from employment, poor experiences of education, histories of addiction, and unstable or low-quality housing.

The imprisonment of a family member made these problems worse, and often considerably so. Participants reported new difficulties with their home lives and childcare, being forced to give up work to resolve these, losing their home, disruptions to their benefits entitlements, marked declines in their mental health, and even being victimised in their communities. Families also dedicated considerable financial resource to travelling to the prison, paying for phone calls, and providing the person in prison with clothing or other personal property.

That the families who participated in this research experienced often acute levels of poverty is not surprising, as the prison population in Scotland is disproportionately drawn from poor communities (Scottish Prisons Commission 2008). However, that imprisonment itself can function to compound family poverty should be a matter of considerable concern.

“It’s the hardest thing I could actually ever imagine...because everything is so expensive these days.” (Partner of a prisoner)

Heightening gendered inequality

These additional pressures are particularly acutely felt by women. While a large number of different people and relationships are affected when a prison sentence is given, it is generally women in the family – often a partner or mother – who take on a key caring role for both the person in custody and the rest of the family. This can severely curtail the time women have to devote to their own interests and wellbeing. Thus, imprisonment can deepen not only material poverty but also social marginalisation, leaving these women with few avenues for meaningful social participation.

That imprisonment can reinforce this gendered caring dynamic is not only to the detriment of families in the community. That women are expected to play a key caring role in families also disadvantages women in custody, who may not have a person in their lives who is willing and able to support them in this way. Consequently, women in custody may find it extremely difficult to maintain contact with their children.

“It’s made a big difference to my life him being in, we used to be together all the time. His mum tried to take an overdose and he’s her next of kin, so he used to do loads for her, but I do that now.” (Partner of a prisoner)

“My weans are heartbroken, and so am I. If I could get to see my weans every week, then I would be more than happy, and so would any woman in that hall.” (Mother in custody)

Eroding legitimacy

This research found that, where families felt that criminal justice professionals acted fairly, they also felt supported and respected. Conversely, when families felt professionals acted in ways which were illegitimate – for example, refusing entry to a visit without a clear explanation – they felt angry, frustrated, and were more likely to question the authority of the given professional or decision.

This resonates with a large body of research into penal legitimacy, which shows that when power and authority are used in ways which are fair and just, citizens are more likely to comply with the police (Tyler 1990), and prisons become safer and more orderly (Crewe et al. 2014). Thus, repeated difficult interactions between families and professionals risks creating a perception that the criminal justice system does not fully recognise or protect families as citizens, and therefore its authority can be disregarded.

This is not to suggest that both prisons and individual officers do not make considerable efforts to welcome families, as I observed many examples of this. Rather, what these findings suggest is that engaging with families is extremely skilled and challenging work. Officers are routinely asked to balance the multiple and at times conflicting demands of their role (Crawley 2004) while also meeting the needs of the very diverse group of families who visit the prison.

Indeed, families expressed a desire for both flexibility from officers (for instance, allowing a visit if they were five minutes late) but also consistency (being treated in the same way as other visitors). Achieving both can be very challenging, and some officers expressed concern that it was often less experienced officers who filled ‘family facing’ roles, such as staffing the prison reception. Yet, if we recognise that poor interactions with criminal justice professionals can undermine both motivations to comply with their demands, and also feelings of citizenship, getting these interactions ‘right’ becomes of utmost importance.

“It kind of depends on who’s on because... they all tell you different things.” (Partner of a prisoner)

“They shouldn’t make me feel like that – they shouldn’t manage to get me that angry, that is not the way that I want to be.” (Partner of a prisoner)

“It’s just some of them are a wee bit like arrogant. They’ll like stick up their nose at you because they work here and you’re coming up to visit.” (Partner of a prisoner)

Conclusions and policy recommendations

The research summarised here was a qualitative study with a group of families who are often marginalised in policy debates. Further research to test and develop these findings would undoubtedly be welcome, and a number of other academics are making important contributions here (Condry and Scharff Smith 2018).

However, given the frequency with which families commented that they too are being punished by the imprisonment, both in this project and in the wider literature, any organisation engaging with these families will inevitably have to consider issues of fairness and justice. The findings of this project suggest four particularly important areas for policy and practice development:

1. Maximising opportunities to do family things.

It is the quality of family contact and the extent to which it allows families to do 'family things' (such as playing, sharing food, giving cuddles, doing homework, and celebrating significant events) that will help to sustain relationships. Even small measures such as allowing family photographs to be taken, or for gifts to be made and sent to families from the prison, are likely to support relationships.

2. Relieving the burdens on families.

This requires offering high-quality supports as early in the criminal justice process as possible, preferably before sentencing, especially when a parent or carer is convicted. To relieve financial burdens, consideration could be given to reducing the cost of phone calls; greater use of video contact; raising prison wages; extending support for travel costs for prison visits; and ensuring universal provision of Visitors' Centres (with places to wait and affordable cafes). Many of these would also benefit women in prison, who may find it particularly difficult to maintain contact with their children.

3. Providing opportunities for positive interactions between families and professionals.

This could be achieved in a range of ways, for instance improving the provision of prison specific information, reviewing training materials, or by continuing or extending more structured activities and 'family days' which allow families and criminal justice professionals to interact in less formal settings. Recognising the importance of 'everyday' interactions is a key step towards maintaining a criminal justice system that is seen as credible, fair, and just by Scotland's most marginalised communities.

4. Working towards penal reductionism.

This research found that imprisonment has the power to separate families, deepen (gendered) social inequality, and undermine feelings of citizenship and trust in the criminal justice system. Consequently, it is essential that we begin to consider the impact of imprisonment on families as harmful on a societal, rather than simply individual, level. While supporting families is important, the most effective way to limit these harms is to reduce our reliance on imprisonment as a form of punishment.

References

- Crawley, E. M. (2004) *Doing Prison Work: The Public and Private Lives of Prison Officers*, Devon: Willan Publishing.
- Crewe, B., Liebling, A., and Hulle, S. (2014) *Heavy-light, absent-present: Re-thinking the 'weight' of imprisonment*, *British Journal of Sociology* 65(3), 387-410.
- Condry, R. and Smith, P. S. (eds) (2018) *Prisons, Punishment and the Family: Towards a New Sociology of Punishment*. Oxford: Oxford University Press, 1-26.
- Scottish Prisons Commission (2008) *Scotland's Choice: Report of the Scottish Prison Commission*, Edinburgh: Scottish Prisons Commission.
- Tyler, T. R. (1990) *Why People Obey the Law*. New Haven: Yale University Press.

Families Outside is the only national charity that works solely to support the families of people affected by imprisonment in Scotland. Our purpose is to improve outcomes for children and families affected by imprisonment so they can live lives free from stigma and disadvantage.

For information and support:

Freephone 0800 254 0088

Text FAMOUT followed by your message to 60777

Email support@familiesoutside.org.uk

Visit www.familiesoutside.org.uk



Scottish Government
Riaghaltas na h-Alba
gov.scot