

# **Out of the shadows – the children and families of prisoners**

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I remember visiting a prison in southern Italy in spring 2008, almost ten years ago today. As part of a project about child friendly prison visits done together with a local NGO, they had painted the walls of the visiting area in bright colors with images of Donald Duck and other characters from comics and children's books. When you come as a visitor to a prison in a foreign country for a couple of hours there is much you don't know and a number of things were a bit unclear to me, for example how much the visiting area was actually used. After all, it is very difficult to establish exactly what is going on when you engage in what has been termed "prison tourism" – a discipline that stretches back at least to the 18<sup>th</sup> century where Christian philanthropists began visiting prisons in order to improve conditions. At the same time there is no doubt that such visits can be very inspirational and, under the right circumstances and with the right kind of follow up, have the potential to spark reform in prison systems in the involved countries.

Under all circumstances, seeing the colorful visiting area in the Italian institution was a striking experience for me and the first time I had seen such images and so many colors inside a prison. A completely natural thing, on the one hand, painting an area where children visit in such a way. Think of a public library or a playing area in a shopping mall, for example. On the other hand, this was a prison. An institution where such a thing had been completely unthinkable for centuries. At the time, I was working intensively on a research project about the children of imprisoned parents in Denmark, so I had full focus on questions concerning families, children, visiting, contact, and so on. Some changes had begun in Denmark around that time as well, and a few prisons were experimenting with liberal and child-friendly visiting procedures. However, these practices were isolated cases of local progressive initiatives. Incredibly, in a relatively short time span, historically speaking, we were able to turn these things around in Denmark and reform the entire prison system based on a children's rights perspective - a story that I will return to towards the end of this article. But we didn't know anything about that ten years ago, and the images on the Italian prison walls stood in stark contrast to the lack of attention the families and children of prisoners had experienced throughout the long and troublesome history of the prison.

## **Prison research and the families of prisoners – a brief history**

Historians normally agree that prisons have existed since the sixteenth century as institutions specifically established to incarcerate a significant number of people for prolonged periods of time. For much of this time and especially in the last 200 years, these institutions have been discussed intensively. But while research has generally focused on the effects of imprisonment on the individual prisoner (individual deterrence and rehabilitation) and the possible preventive effect on society at large (general deterrence) the question of the fate and experience of the families of the incarcerated did not surface proper until late in the 20<sup>th</sup> century. Apart from Pauline Morris path-breaking study “Prisoners and their Families”, published in 1965, very little happened the first four hundred years of the history of prison. As recently as 2005 two internationally leading criminologists, Alison Liebling and Shadd Maruna, agreed that the families and children of prisoners was still a neglected area of research in great need of attention. When my colleague Janne Jakobsen and I in 2007 began a large-scale study in Denmark on the children of imprisoned parents and their human rights, the only previous Danish research we could identify was a small-scale interview study from 1999.

As a result, all the researchers and practitioners I know from Europe, North America and elsewhere, who began working in this field more than ten years ago, had the same sense of being pioneers within this field. We might have had prisons for centuries but it was not until now that we were finally going to do something about the way these institutions affected the families and children of the incarcerated – that, I think, was how many of us felt. Indeed, we could all agree that for the previous couple of hundred years this issue had generally been neglected and apparently simply forgotten. There were few signs that policy makers, researchers and practitioners had paid serious attention to the way the use of imprisonment affects these people, although these family members far outnumber the prisoners themselves. Given that the prison as an institution of punishment stretches more than 400 years back in time and that imprisonment has been a key sanction in Western penal practice in the last two centuries, this fact is simply astounding. Within the sociology of law, Norwegian Professor Thomas Mathiesen distinguish between how, on the one hand, the law and its institutions influence and shape society, while, on the other hand, the law and its institutions are themselves also heavily influenced and shaped by society. Following that model we can certainly conclude, that while the plight and fate of prisoners families has been heavily

influenced by the legal and penal system especially during the last couple of centuries, their experience of being caught up in the turmoil of these institutions has until recently had minimal influence the other way around.

However, surveying the situation today, from the vantage point of 2018, and not from a position ten years earlier, we fortunately have to say that this the situation is changing. As far as research goes, a dramatic development has set in. During the last ten years or so, a remarkable and quickly expanding wave of new research has been produced internationally focusing on the families and children of prisoners and numerous publications have appeared especially in Europe, Australia and North-America. A review done in 2012 by Elizabeth Johnson and Beth Easterling counted 187 articles on the children of prisoners published between 1987 and 2011, three of which appeared in the 1980s, 40 during the 1990s, and 144 during the 2000s. A more recent search for literature I did myself revealed that more than 260 new publications on prisoners' families, including parental incarceration and children of imprisoned parents, appeared between 2012 and September 2016. In terms of research, the families and children of prisoners are in other words no longer forgotten or neglected. As a result, we now know the numerous ways in which families and children are often affected when a parent, partner etc. is imprisoned.

### **The effects of imprisonment on families and children**

When looking broadly at the impressive amount of research, which has been done in recent years, it has found extensive effects of imprisonment on families and children in different jurisdictions. Some effects can be positive for partners and children, for example, when violent and abusive family members are incarcerated, but much more often, they are not. Many families and children are affected negatively in important and very substantial ways. It is impossible to go through all this research and all these findings here but I will attempt to provide an overview by categorizing the different kinds of effects, which have been discussed. These include:

- 1) Economic/material effects (financial hardship, employment, homelessness etc.)
- 2) Changes in family relationships and quality (changes in family structure, lack of contact, the effects on parenting etc.)
- 3) Health problems (mental health, physical health, infant mortality etc.)
- 4) Behavioral changes among the children (antisocial and risk/criminal behavior etc.)

- 5) Effects in relation to schooling and education (prisoners' children)
- 6) Social exclusion, inequality and citizenship (broader social effects and questions of democracy, rights and legitimacy)

Many issues can exacerbate or alleviate the above effects (often called moderators) - and are sometimes in themselves very important co-producers of these effects (often called mediators). Some important mediators which, to a greater or lesser extent, have been discussed in research are: A) Stigma, guilt and shame (including secrecy, lies, ambivalent emotions etc.); B) Type of offence (the reason for the incarceration); C) Police practices (during arrests and pre-trial detention); D) Prison regimes, programs and prison culture/conditions (including travel distances); E) The duration of imprisonment. As far as moderators go, some of the obvious issues are: I) Family and individual resilience (family situation, economic/social status, networks/support); II) Gender, ethnicity and age; III) Welfare policies and social services; IV) The work of NGOs (support from civil society).

It is obvious that state actors can work with several of these issues from a legal point of view and in terms of practice and culture in the relevant institutions. Questions concerning stigma, prison regimes, the duration of imprisonment, police practices, welfare policies etc., are good examples. Indeed, much of the research describing the above effects, mediators and moderators contain suggestions for policy changes and good practice.

But how then, do we translate all this knowledge into reforms and concrete practice? As I argued in 2014, in the final paragraph in a book about the children of imprisoned parents, the basic challenge we face today “is that we need to reform our systems of justice and punishment in order to take innocent children’s needs, situations and rights into account. Although we have had prisons and prisoners’ children for centuries, this is still a novel and daunting challenge considering the way imprisonment is practiced in most nations today”.

### **From research to practice**

Based on my own experience working with these issues in Europe and on visiting prisons in different European countries, I would say that when it comes to reform especially the prison and probation services in a number of countries have, to a greater or lesser extent, begun to accept the challenge of changing their practices and cultures in this area. We see this especially in terms of how a number of prisons begin to introduce more child friendly policies

and practices surrounding visits and other forms of contact. Often though, it is local initiatives and there is still a long way to go. Furthermore, the degree to which the police and social services are becoming more aware of their role and responsibilities with regard to prisoners families seems uncertain. Similarly, there are few signs that national laws are generally being aligned more towards the needs and rights of prisoners' families although very significant ground has been made with regard to human rights standards in this particular area. The latter is a very interesting story in itself, which gained significant momentum when the UN Committee on the Rights of the Child in 2011 held a landmark Day of General Discussion on the rights of the children of imprisoned parents with contributors from all over the world. Afterwards the Committee produced a detailed set of recommendations and urged, "that States parties ensure that the rights of children with a parent in prison are taken into account from the moment of the arrest of their parent(s) and by all actors involved in the process and at all its stages, including law enforcement, prison service professionals, and the judiciary". There are many ways of going about this of course and reforms are needed on many levels involving diverse actors such as lawmakers, prisons, police, and social services.

Finally, let me briefly mention a concrete project, which hopefully can inspire politicians, prison services, NGO's and researchers in other parts of the world. Based on the research my colleague Janne Jakobsen and I did in Denmark 2007-2010 we drew up a new project and received funding from Ole Kirk's Foundation (i.e. the toy maker Lego). The idea was to implement children's rights in cooperation with the Danish Prison and Probation Service by training selected prison staff as *children's officers* who worked in their respective institutions to firmly anchor the child's perspective in the individual prisons. The project ran for two years (2010–2011) in four prisons. We focused on introducing simple and reliable measures to improve children's contact with their parents as well as their experience when visiting in prison. Activities included, among other things, improving visiting facilities and procedures, running study groups for imprisoned parents and arranging child-friendly events. The project was a success and in November 2012, the Danish government and parliament decided to implement the children's officers' scheme on a national basis. As a result, all Danish prisons (remand and sentenced) now have children's officers and visiting conditions are improving and becoming much more child friendly all over the Danish prison estate. As the visiting area in the Italian prison we visited in 2008 helped me understand, such reforms are possible even in century old institutions such as prisons. As the recent research on the families and children of prisoners has documented, these reforms are not only possible, they are also necessary.

## **Bio**

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## **More information**

You can read more about the above in Peter's latest book on the families and children of prisoners "When the Innocent are Punished. The Children of Imprisoned Parents", Palgrave 2014. See also the forthcoming collection, edited by Rachel Condry and Peter Scharff Smith "Prisons, Punishment and Families. Towards a New Sociology of Punishment?", which will be out on Oxford University Press in September 2018.