

# Interrupted Life:

## The criminal justice system as a disruptive force on the lives of young offenders

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*Waiting for 14 month to be sentenced has totally wrecked mine and my family's life up. I don't think sending me to jail for 5 weeks is appropriate. I had a good job and go to college.*

(Comment from a young man serving a first custodial sentence).

There is a sustained and widely-held belief that almost all young people who come into the criminal justice have experienced disrupted education and schooling, travelling a predictable route from truancy and exclusion to offending behaviour.<sup>1</sup> Running alongside this belief is the concern that, as a result of this disruption, most young offenders have disproportionately low levels of literacy<sup>2</sup>. Educational disengagement and its consequences are thus seen as influential and negative forces on the life chances of these young people.

Little attention is paid, however, to the disruptive force of the criminal justice system itself. Numerous court appearances, relocation to other prisons, and the restrictions of licence conditions, for example, all contribute to the curtailment of progress before, during, and beyond prison. Equally, scant attention is paid to the significant numbers of young people in the criminal justice system — such as the one quoted above — who do not fall within the stereotypical parameters of academic exclusion and low ability, and who were attending college, completing apprenticeships, working, or undertaking University-level study prior to incarceration

The argument here is not, however, to diminish the sometime ameliorative capacity of prison to offer many young people a chance to resume education, discover new talent, or gain accreditation. But these opportunities have to be set against the limitations that

prison education departments operate under, such as the number of people who are able to access prison education and a mandated policy that prioritises basic skills, and which are exacerbated by further disruptions generated by the system itself, such as prison churn and early release schemes. What I am suggesting is that the criminal justice system itself plays a significant and often obstructive role.

This discussion builds on sustained ethnographies in various prisons, but rests primarily on a current 14 month project with young men at one establishment, and the interruptions they have encountered. The research set out with a title of 'Interrupted Education', but comments from young prisoners necessitated a change to what they more fully describe as 'Interrupted Life'.

### Setting the scene

From a global perspective, interrupted education is known to have a negative impact on future engagement with learning in particular, and life chances in general<sup>3,4,5</sup>. Most Western governments take the view that academic support for children and young people is crucial. National policies, such as *Every Child Matters*, are testament to a current emphasis on the 'de-marginalising' and 'inclusifying' of certain groups — groups to which a number of young people in the criminal justice system already belong. There is no doubt that a proportion of young people in prison have experienced educational discontinuity or negative school experiences prior to incarceration<sup>6</sup>, and this often results in a claim of causality between exclusion, low levels of literacy and offending.<sup>7</sup> But there are two emerging counter-arguments. In the first, Houchin, for example, suggests that educational disengagement cannot be considered merely as an inevitable precursor to offending, but as part of a malaise

1. Social Exclusion Unit (2002). *Reducing re-offending by ex-prisoners*. London: Office of the Deputy Prime Minister.
2. 'The problems and needs of newly sentenced prisoners: Results from a national survey'. Ministry of Justice Research Series 16/08, Stewart, D. (2008).
3. Scottish Prison Service (2004) 7th Prison Survey Executive Summary. Pub SPS.
4. Meng Z, & R.G. Gregory (2000) Exploring the Impact of interrupted education on earnings: the cost of the Chinese revolution.
5. Brown J. & J. Miller, (2006) Interrupted schooling and the acquisition of literacy: The experiences of Sudanese refugees in secondary schools. *Australian Journal of Language and Literacy*. Vol 29 No. 2.
6. Hurry J. L. Brazier. K. Snapes, A Wilson (2005) Improving the literacy and numeracy of disaffected young people in custody and in the community NRDC.
7. Stephenson M (2007) *Young People and Offending: Education, Youth Justice and Social Inclusion*, pub Willan, UK.

of 'general deprivation'<sup>8</sup>. Berridge et al also note that not all excluded pupils go on to offend<sup>9</sup>, while Hurry et al propose that lack of legitimate means of getting money, or living in a poor community where unemployment and crime are high, may also be influential factors<sup>10</sup>. The second counter-argument refutes the claims of offender illiteracy. Morgan, for example, found that some Irish prisoners '*have rather good literacy skills and seem able to cope with even complex materials*'<sup>11</sup>, while Wheldall and Watkins found that literacy levels of Australian young offenders are, in fact, not dissimilar to those of their non-offending peers from the same socio-economic background<sup>12</sup>. Neither position, however, takes into account the contribution of the criminal justice system itself as an exacerbating or ameliorative force on the progress of these young people.

### Why focus on adolescents?

Adolescents are at an age and stage where they are beginning to take their place in the world, distancing themselves from established childhood patterns and striking out to make their own way in the world.<sup>13</sup> Some have already taken on personal financial commitments, and young men in this study stated that they had '*bills to pay*', or '*a house and a mortgage*'. Others are on the point of completing apprenticeships, beginning academic careers, or — like almost one third of the young men who contributed to this research — moving into employment. Adolescence is also a time to review family dynamics, shifting away from merely being someone else's child, and taking on the role of parents themselves. Thirteen young men in this study noted that they would miss the birth of their first child due to incarceration.

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However, within the criminal justice system, 18–21 year olds frequently find themselves caught between the policies and practices of youth justice and those of the adult criminal justice system. For example, while efforts have been made to reduce the delay in bringing young offenders aged below 18 to court,<sup>14</sup> this does not apply to those aged 18 — 21. Equally, while some work has been done on the economic pros and cons of prison,<sup>15</sup> and the cost to the economy overall through the incarceration of young adults,<sup>16</sup>

little attention is given to the fiscal and personal price paid by young people whose often protracted entry into the criminal justice system may have interrupted a first 'proper' job, a college place or an apprenticeship. The point to be made is that the criminal justice system is a contributing force to continued exclusion and 're-marginalisation'.

### This study and the young men in it

As a prison ethnographer, I lead a charmed if tenuous life, supported by far-sighted and accommodating Governors, allowed to spend considerable amounts of time in specific establishments, and with considerable access. This access has often been hard-won and the complaint of Wacquant<sup>17</sup> as to the current paucity of prison ethnography must be countered by recognising and respecting the understandable wish of the Prison Service to be protective towards those who live and work within its walls, and to be selective about the researchers it chooses to sanction. The rewards, on both sides, have been considerable and my work has been applied in practical ways to raise staff awareness<sup>18</sup>, to exhibit prisoners' art-work<sup>19</sup>, and to recognise the

8. Houchin R, (2005) Social Exclusion and Imprisonment I Scotland: A Report. pub Glasgow Caledonian University.
9. Berridge D., I. Brodie, J. Pitts, D. Porteus, R. Tarling (2001) The independent effects of permanent exclusion from school on the offending careers of young people RDS Occasional paper No. 71 Pub Home Office.
10. Hurry et al Op Cit.
11. Morgan M. (2003) The prison adult literacy survey: Results and implications Pub/ Stationery Office, Dublin.
12. Wheldall, K. and Watkins, R. (2004a). Literacy levels of male juvenile justice detainees. *Educational Review*, 53.
13. A New Start: Young Adults in the Criminal Justice System (2009) T4A.
14. Her Majesty's Crown Prosecution Service Inspectorate (2002) A Report on the Joint follow up Inspection of the Progress made in Reducing Delay in the Youth Justice System pub. MCSI.
15. Matrix Knowledge Group (2007) The economic case for and against prison MKG.
16. The Prince's Trust (2007) The cost of exclusion: Counting the cost of youth disadvantage in the UK.
17. Wacquant, L (2002) The curious eclipse of prison ethnography in the age of mass incarceration *Ethnography* Vol 3 (4).
18. Wilson A (2000) Understanding and working with women in custody HM Prison Service.
19. 'Don't talk to me about prison — in here I'm an artist' Exhibition Doncaster Museum and Art Gallery (2009).

skills of operational staff<sup>20</sup>, as well as to more academic work on what it is to survive prison time.

The current study emerges from instances of 'interruption' noted during previous prison ethnographies. In 2000, I wrote in my research journal that '*despite being on the verge of completing college courses [girls] have been sent down*'. In 2005, I recorded that '*today I met someone remanded into the jail who had just started his first term at University (he was later released without charge)*', and in 2006, I noted that '*in the current group of 5 lads I am working with, one is at college, one is in the Army, and two have paid jobs to go back to — only one is currently unemployed*'.

This project also builds on a previous two year project at the same prison, and continues to rely on the support and encouragement of the prison Governor, senior management team, prison staff, and every member of the Education Department. It also rests on my being accepted by prisoners as '*sound*', and a willingness on my part to continue to move to the rhythms of incarcerative time rather than to impose unacceptable and inappropriate time-frames<sup>21</sup>. It takes a mixed methods approach, offsetting the prevalence of purely quantitative prison studies with the richness of intimate 'real-time' narratives.

A large dataset has been generated over 9 months through a co-constructed questionnaire, filled by 618 young men in one to one interviews with IAG personnel, together with a 'snap-shot' questionnaire taken on one day with 78 students in the Education department. A further 40 in-depth focussed conversations with selected individual prisoners have also taken place, together with months of protracted observation and 'sociability' time within the prison. This 'real-time' data is also enriched by a large dataset generated by Hurry et al<sup>22</sup> on the literacy and numeracy needs of disaffected young people.

Data collection has been successful for a number of reasons. Engaging young prisoners in the creation of the questionnaire has helped to redress the balance of

power between those on the inside and those from the out. (It received the accolade of being '*boring but easy n' short*' from the 6 young men in the pilot group!) Additionally, placing the voice of the young people at the heart of this study, helped, as Chidlaw suggests<sup>23</sup>, to '*understand the subjective meaning of lived experience*' and offered the opportunity for young people to '*tell it like it is*' — something I continually aspire to facilitate.<sup>24</sup>

## Interruptions

In conversation, the Governor and I made an initial assumption that the profiles of 'first custodials' (288 young men) and 'repeats' (328 young men) and the interruptions they encountered would be fundamentally different. However, it became apparent that while this differentiation was useful, it was overly simplistic. The data showed two sets of first-custodials — those who had already experienced a number of minor 'interruptions', through a variety of community orders, and others who had '*never been in trouble before*' (as one young man put it). Neither could the repeats simply be categorised as continuing recidivists, as it appeared that some had turned their lives, and gained employment or college places in the intervening time between

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committing their last offence and coming to prison. Moreover, a number had breached existing orders rather than commit additional offences.

Interruptions brought about by entry into the criminal justice system, however, impacted on both groups.

Moreover, as Wheldall and Watkins suggest, assumptions about low levels of literacy also seemed to have been overplayed. Forty six percent of first timers and 38 per cent of repeat offenders in this study had already achieved Level 1 or 2 in literacy tests taken on entry into the jail. Significantly, less than 20 per cent overall tested at below E3 literacy, and of those, 11 first-timers and 14 repeats had held down paid employment prior to coming into custody. The criminal

20. Wilson A (forthcoming) Reading the Signs: Prison Officers' mindful diagnosis of potential self-harm and suicide in Ethnographies of Diagnostic. Work Dimensions of Transformative Practice. eds M. Büscher, D. Goodwin, J. Mesman. Pub. Palgrave Macmillan, UK.

21. Wilson A. (2004) Speed, Whizz and the addictive rush of contemporary research. Ethnography in Education Conference October 2004. Oxford University, England.

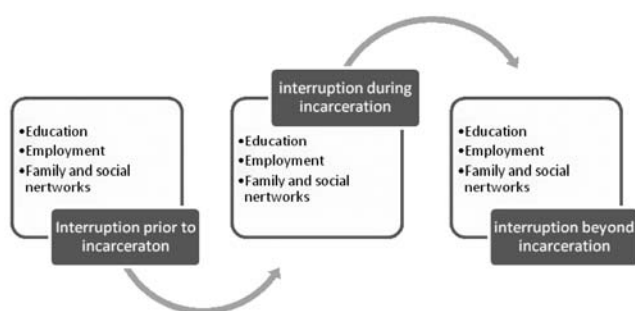
22. Hurry et al Op Cit.

23. Chidlaw R. (2005) Young people discussing life- challenges and troubles: hearing the voices of young people University of Sheffield.

24. Lyon J., C. Dennison, A.Wilson (2000) Tell them so they listen: *Messages from Young People in Custody* Home Office Research Study 201, Her Majesty's Stationery Office .

justice system, then, appears to be an interruptive force on the educational progress, employment and employability of many young offenders, regardless of their criminal status or skills levels.

Using numeric data from the questionnaires together with the qualitative comments written and spoken by the young men in the study, it appears that interruption occurs at three points — before, during, and after incarceration — and that it impacts on three areas — education, employment, and what I am terming family and social networks. They are, of course, inter-related.



### Interruption prior to incarceration

The slow pace at which the criminal justice system moves had a profound effect on how the lives of these young people as they prepared themselves for a possible prison sentence. Generally speaking, most young people have at least one appearance in the Magistrates court, plus additional appearances at Crown court, combined with visits to the police to answer bail and to probation officers for pre-sentence reports, and so the system potentially imposes at least four ‘interruptions’ on each young person prior to incarceration. And while it is, of course, important that sufficient time is allocated for due process, nevertheless, protracted interruptions for court appearances, and postponements due to incomplete paperwork, had an incremental impact on the work, study, and mental stability of these young people. Sixty-two first-time offenders in this study, for example, had waited 12 months or more for sentence to be passed.

This waiting had a profound effect on their educational progress. Those at university had tried to keep up with their studies prior to their court appearances and trials. (One young man had completed his coursework during his trial and still managed to gain full credits). Others had persisted in attending college but had had attendance disrupted multiple court appearances and by the actions and demands of the system. For some, the interruptions came in a more physical way and accounts were given about police arrests occurring at places of learning. These actions were felt by the young people to have a long-term residual affect, levels of embarrassment were strongly felt, and opinions were expressed that matters could have been handled by the police in a more sensitive way.

In terms of employment, some felt that they simply could not apply for jobs when the court case was hanging over their head, saying ‘*Who’s going to employ me when they know I’m on bail*’. Those with jobs — 35 per cent of first-timers and 20 per cent of repeats — felt these interruptions particularly keenly. Someone else said that ‘*every day spent at court was a day when I was not at work*’, going on to note that his employer subsequently ‘*had to let me go*’. For another young man, working away from home, attending court for one day meant that he had to take a whole week off work.

In terms of social and family networks, young people reported that during the time between offence and sentence, they had often kept things away from family members, especially younger siblings. They had lied about their whereabouts (in a number of cases this had continued when they had come to prison, telling young children that they were ‘*away on holiday*’ or ‘*working away*’ to save any worry or embarrassment). Equally, waiting for court dates and the threat of a prison sentence ‘*hanging over your head*’ had affected positive family relationships, and in some cases was felt to have brought shame on the family. Importantly, the message from the conversations was that having a sentence ‘*hanging over your head*’ did little for a person’s mental health. More than one young man said that the wait had made them feel suicidal while others had been on medication for depression.

### Interruption during incarceration

There is no question that prisons do try to support the learning and employability of young people in their care. During the last nine months, for example, this prison has offered education to 898 new students, awarded over 200 basic skills certificates, and over 1400 certificates overall — a remarkable achievement given the fast turn-over and short stay of the majority of prisoners it receives. It also has in place a number of ameliorative and supportive actions related to future employment and education, including attending a virtual Job-club, accessing employment databases, undertaking training in interview skills, and requesting support from third sector agencies in order to gain college and job placements after release. However, the system continues to ‘self-interrupt’ by moving prisoners between prisons, often at short notice, and often in what appears to be a very arbitrary way. This interruption causes considerable frustration as described in one comment from the questionnaires ‘*I was halfway through a referees course in [another prison] and they moved me a day before the exam. I was not happy*’.

Furthermore, each prison is only able to offer certain jobs, and only to certain people. For example, in order to undertake any work for the prison such as cleaning or serving food, a prisoner must hold a relevant certificate.



If this already exists, proof has to be found, and can take time, and if no certificate can be shown, a place has to be found on a course before employment can commence. Nor can the prison necessarily provide a continuation of the work that many young offenders have held in their outside worlds. The young people in this study had worked in construction, roofing, joinery, electrical engineering, car production, and IT, and while some short courses are available, their aim and mandate is to upskill under-qualified young people rather than give further access to those already working as qualified tradesmen in the outside world. It was noted during a number of conversations, that young people were proud of the fact they had already achieved certain levels — that they had *'done two years and got my qualifications'* — and had not been working in an unskilled capacity. However, while a small number of young people reported that *'my boss is keeping my job open'*, or that they were intending to *'go back to my old job'*, nevertheless in a competing employment arena, others were all too aware of the additional handicap of a prison record in trying to gain employment upon release.

It appears then, that there are a significant number of young people in prison whose educational development is being curtailed and whose employment needs are not being met. Ironically, some are almost doubly punished by not being of a sufficiently low standard to qualify for educational interventions. For one young man, keen to continue with his university studies, the advice from his university was to *'just continue reading'*, but with no understanding that access to such 'reading' was almost impossible. His books were at home and strict and lengthy protocols (along with the generosity and good will of staff) had to be met in order for specialised reading materials to be allowed into the jail. Another young man — also at university before incarceration — drifted between various prison jobs, various prison courses, and various states of mind as he sought to find some way of alleviating the stresses caused by the interruptions to his intellectual as well as his physical life.

These young people also recorded that prison not only interrupts their education and employment, but also the social networks that link them to the outside world. Comments about the disruption to family and social networks considerably exceeded those relating to either employment or education, with young men feeling particularly keenly about the fact that they had *'missed the birth of my child'* or *'missed my daughter's birthday'*.

Others noted the disruption of moving prisons, saying *'[this prison] is too far for my Mum to come and she works full-time'*. Lack of contact with family was felt particularly keenly.

Overall, then, the system puts into play a number of interruptions that have a significant effect on the lives and development of young people while they are in custody. Moreover, while it is understandable that most young people wish to be released from prison as soon as possible, early release schemes also impact on whether a young person can complete a course, pass an exam, or receive a certificate, and shortens the timeframe required to ensure that this course of study can be continued after a return to the outside world.

### Interruption beyond custody

It appears then, that there are a significant number of young people in prison whose educational development is being curtailed and whose employment needs are not being met.

Talking to young people in this study, it became increasingly apparent to me that there were two issues that occupied their minds. One is how the experience of imprisonment will impact on their success in terms of employment and education, and the other is on their success in picking up the threads of their social lives. Although the impact on family and social networks after release is beyond the remit of this study, it is well-documented that positive relationships with family and friends can be a significant factor in influencing the

resettlement of offenders.

Certainly, it would seem that the criminal justice has a detrimental effect on future employment and educational development. Of those 169 young people who had been in employment prior to custody, only 81 felt they would be able to return to their old jobs, the others were hoping for a new job, a college place or were simply 'not sure' what their future would hold. In conversation, first custodials were particularly worried about the impact of their criminal record and were concerned as to what they should disclose. The general consensus was that if they failed to disclose a criminal record they ran the risk of losing their job if their employer became aware that they had been in prison. On the other hand, they were critically aware that disclosure reduced their chance of being hired at all. While there are guidelines as to when disclosure is required, young people still felt that they would be discriminated against.

Pathways back into education appeared to be similarly curtailed. For some young people, exclusion orders and relocation mean that certain colleges were

either 'off-limits' or unfamiliar to them. Moving to a new area — or re-joining family who had moved in the interim period — meant that new academic networks needed to be built. Equally, the inflexibility of the academic year could not accommodate young people's various dates of release. While prisons have taken steps to offer many of their courses on a 'roll on roll off' basis, colleges and universities have failed to follow suit. This inflexibility often invoked a despairing exclamation of '*you mean I'll have to wait til next September!*' from young people keen to continue immediately with their educational progress. Leaving the jail in February or March, for example, meant that many could fall by the wayside in the intervening time between release and re-connection to study. Returning to study is not simple. One prisoner recounted that, on release, he was to be given the chance to take his end of year exams along with those students at his University who were doing re-sits. While he recognised that he had been given a 'second chance' opportunity, he nevertheless felt strongly that he was going to be '*lumped in with the failures*' as he put it.

Young people also had concerns about how to pick up their interrupted outside lives. Some recorded that coming to prison had resulted in losing hard-won accommodation or missing scheduled job interviews. Most comments, however, revolved around missing out on family events such as birthdays and the birth of their children, and concerns about how they would 'make up for lost time'. One particularly poignant story was told by one young man, who had missed the birth of his child while in prison and had given considerable thought as to how he was going to orchestrate their first bonding. Looking at my research journal I find an entry which says '*Later, I remember that {David} tells me that he had talked to his baby before she was born — that he spoke to her in her mother's belly before he left for court — that when he gets home he wants a 'quiet five minutes' with her to talk to her on his own and introduce himself — not just to 'go in and hold her for a minute'*' (research journal 08/12/08). Having a child, and positive family relationships are seen by young offenders as significant protective factors against further offending<sup>25</sup>.

### Collective and concluding thoughts

Evidence from this study suggests quite convincingly that the criminal justice system plays a significant and complex role in interrupting the progress of young

offenders. As an exacerbating force, young people are required to take time out of education for a court appearances or reports. Others go to prison during exam periods or college term time, liberation rarely coincides with appropriate points in the academic calendar, and the demands of parole and exclusion orders can restrict access to a return to study. As for ameliorative potential, there is no doubt that some young people benefit from education in prison, 'catching up', or gaining new qualifications. But pre-custodial attendance at college or University appears to be virtually ignored during the sentencing process and prisons are mandated to focus primarily on prisoner students with basic literacy needs and on programs that are capped at a certain level of attainment, rather than accommodating those students who wish to progress further than Level 2. Furthermore, the 'self-interruptions' instigated by the young people themselves in terms of truancy and exclusion, and the ensuing low levels of literacy appear to have been somewhat overlapped.

Most importantly, however, the narratives gleaned during this study suggest that the issues are far more complex, that interruptions by the system impact not only on education but also on employment and social and family networks, and that these interruptions occur before, during and beyond incarceration. I am leaving it to the young men to articulate the point more forcefully than I ever could that the system does indeed act as an exacerbating, disruptive, and primarily ignored force on their education, employment and personal progress

*I came out of college and work when I could have done community service or HDC when I am out there. Wasting more money to keep me in here ... interrupted college, life, interrupted work and a potential place at university ... I was on a college course studying mechanics so going to prison has interrupted this and reduced my chances of finding work in the future ... I had to leave my job which I don't know for sure that I'm going to be able to go back to. I had to leave my partner and my two kids which will confuse them because my children always see me every day ... I currently hold a mortgage which will be affected through my time in prison ... no matter what, I will not get a good respectable job — I will bear the shame for the rest of my life. My life is over ... It's ruined my life ...*

25. Farrant, F. (2006). Out for Good: resettlement needs of young men in prison. London: Howard League for Penal Reform.