

Impact case study (REF3b)

Institution: Liverpool John Moores University
Unit of Assessment: UoA22: Social Work and Social Policy
Title of case study: Interrogating Penal Power and Developing Policy Responses to Deaths in Custody
1. Summary of the impact

This case study reflects on Professor Joe Sim's work, and his public engagement with the academic, political, public and policy debates, around penal policy and deaths in custody. The underpinning aims of Sim's research are to: alleviate the pains and harms associated with deaths in custody for bereaved families; highlight the experiences of those staff committed to humane reform; engage critically with policies around penal reform in order to develop alternatives to custody based on humanity and social justice; and attempt to hold to account those who deliver penal policy. The ultimate aim is to heal the individual offender, reduce victimisation and protect wider society.

2. Underpinning research

Consistent with the Centre for the Study of Crime, Criminalisation and Social Exclusion's (CCSE) aim to represent marginalised voices within the criminal justice process, this case study draws on the underpinning research, activism and published work which Sim has undertaken since 1993. This work itself has developed from his original research interest regarding the delivery of medical care in prison, its impact on prisoners and, more specifically, its contribution to deaths in prison. This research culminated in his book *Medical Power in Prisons* (Sim, 1990), which is recognised as one of the most important histories of the prison ever written, and a Nuffield Research Fellowship in 1999 focussed on researching the delivery of prison health care. This, in turn, led him into the debates around deaths in custody more generally and to his involvement with the charity INQUEST, first as a member of its advisory board and subsequently as a Trustee. Overall, his work has been built on a number of interrelated themes:

- i. Providing critical commentary on penal policy and practice, particularly with regard to the delivery of prison health care and interrogating deaths in custody through a rigorous deconstruction of historical and contemporary state documents;
- ii. Articulating the challenges posed to official/dominant discourses of punishment and penal policy by prisoners' rights organisations thereby providing an alternative account of prison reality from below;
- iii. Confronting the stigmatisation and 'othering' of prisoners and prisoners' families as well as the 'othering' of those prison staff interested in rehabilitation and reform;

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- iv. Suggesting reforms which have sought to impact on the delivery of penal policy, making it more effective and accountable.

Sim's scholarship has developed critical and historically informed theoretical insights concerning imprisonment and, in particular, the central, but contradictory, role of the state in shaping and legitimating penal order. His research demonstrates that underlying prison priorities of order, security, discipline and classification are regimes which are often alienating, harsh and harrowing for many of the confined; that these priorities undermine the efforts of progressive prison staff to engage humanely and empathetically with prisoners and that such regimes have, in some cases, contributed to deaths in custody. A central theme has been the recognition that while popular and academic debates point to the profound political, economic and social changes that have occurred since the 1970s, the justifications mobilised to defend the continuing existence of prisons, the populations it incapacitates and its often detrimental policy interventions, have remained consistent since the late eighteenth century. (See Sim, 2008a, 2008b and 2009).

Sim's work has contributed to, and been instrumental in developing, a more critically engaged and interventionist public criminology through highlighting the experiences of some of society's most vulnerable groups and signposting ways to develop humane policy responses (see Sim, 2009 and Cooper and Sim, 2013). Historically, his engagement with the wider policy community can be seen in a number of different arenas: his invitation to deliver the annual Perrie Lecture in 1994; his membership of the North West Healthy Prisons Task Force in 2001; and his membership of the External Advisory Group for the Cabinet Office's highly regarded report on Reducing Re-Offending by Ex-Prisoners published in 2002.

3. References to the research

- Cooper, V. and Sim, J. (2013) 'Punishing the Detritus and the Damned: Why Prison in Liverpool?' in D. Scott (ed.) *Why Prison?* Cambridge: Cambridge University Press. ISBN 978-1107030749
- Sim, J. (2009) *Prisons and Punishment: Power and the Carceral State*, London: Sage. ISBN 9780761960041
- Sim, J. (2008a) 'An Inconvenient Criminological Truth': Pain, Punishment and Prison Officers', in Bennett, J., Crewe, B. and Wahidin, A. (eds) *Prison Staff*, Cullompton: Willan. ISBN 978-1-84392-274-2.
- Sim, J. (2008b) 'Pain and Punishment: The Real and the Imaginary in Penal Institutions in Carlen, P. (ed) *Imaginary Penalties*, Cullompton: Willan. ISBN 978-1-84392-375-6.
- Sim, J. (1990) *Medical Power in Prisons: the prison medical service in England 1774-1989*, Milton Keynes: Open University Press. ISBN 0-335-15182-5.

4. Details of the impact

Sim's analysis of penalty has attempted to hold to account politicians, policy makers and prison staff through interrogating the impact of their respective roles and responsibilities on the experiences of for prisoners and their families (5a-h). Indeed a representative of the HM Inspectorate of Prisons (5e) has lauded Sim's scholarship as providing 'the kind of concise, articulate and powerful critique of apparent criminological realities, which is necessary to motivate genuine reform and can help to ensure that practitioners and others do not forget the big picture' (Bhui, 2010:94). The Governor of HMP Grendon (5d) notes that the intellectual attention that Sim's work has brought to the issue of deaths in custody has contributed to 'a climate' that has not only enabled significant improvements in the processes for managing prisoners who are at risk of suicide and self-harm, but also raised the public profile of this issue so that it has been necessary for these improvements to take place. For example, HMP Grendon's suicide and self-harm prevention policy is subject to regular review and the institution was described by the HM Chief Inspector of prisons, in 2011, as a 'fundamentally safe prison' which, given the nature of its population, is 'a significant achievement'.

While impact can sometimes be traced directly in terms of a causal link between research conducted and public policy, academic impact on social policy can also be traced through proactive involvement in policy making processes which subsequently feed into the broader policy and popular debates in an area of significant public concern. In Sim's case, there is evidence to suggest that his research has been beneficial through making a distinct and material contribution to INQUEST's campaign activities and, by association, to the policy processes and reforms which have emerged directly as a result of the charity's campaigns (5a,b,c,f).

INQUEST is a small charitable organisation which provides a specialist, comprehensive advice service on contentious deaths and their investigation to a range of key stakeholders. INQUEST provide briefings for Parliamentarians, policy makers, the media, legal representatives and other interested parties including penal reform groups. Thus these stakeholders, alongside bereaved families, comprise the key beneficiaries with respect to the impact of INQUEST's work. INQUEST's recognition of the significance of Sim's research led to him to become involved with the organisation initially as a member of the charity's advisory board and subsequently, via an interview process, as a Trustee of the charity. In this role his research, expertise and critical criminological perspective has contributed directly to INQUEST policy with respect to deaths of children and women in custody while his critiques of penal policy and practice, and his championing of progressive reforms, have enabled him to play a key role in helping to strategically guide INQUEST's highly effective evidence based campaigning alongside families to secure a number of significant policy successes and changes to the legal landscape.

These reforms include the establishment of independent investigation processes following deaths in police custody and in prison and legislative reform including the Corporate Manslaughter and Corporate Homicide Act 2007, enacted in 2011, which lifts crown immunity from the prison service in relation to custodial deaths, and the Coroners and Justice Act 2009 which is notable for successfully saving the post of Chief Coroner. These policy reforms were accomplished at the same time as successfully campaigning to elicit cross party opposition against government proposals to introduce secret inquests: firstly in the Counter Terrorism Bill 2008; secondly in the Coroners and Justice Act 2009 and most recently in the Justice and Security Green Paper 2012.

In addition to his academic expertise on penal policy, Sim provided practical help to support INQUEST's campaigns on these issues (5a, b). For example his attendance at board meetings has ensured his research has helped to formulate and develop INQUEST's policies and approach; he has written briefing papers for the charity (2008); he has commented on INQUEST's briefings to policy makers, practitioners, and the media; and he has offered advice to INQUEST's case workers and Co-Directors via email and telephone discussions.

It has also been a mark of Sim's work that he has attempted to disseminate it to the widest possible practitioner and popular audience. He has had a number of letters published in the Guardian relating to penal and wider criminal justice matters (1 July 2012; 19th July 2011; 14th April 2009, with others). He has utilised other media outlets for dissemination purposes such as: documentaries (See *Punishment: A Failed Social Experiment*, October 2013 which was listed as one of the top 100 documentaries 'inspiring the shift to a sustainable paradigm'); blogs (October 2012); and writing for Criminal Justice Matters, a journal that is concerned with engaging with practitioners (March, 2010; December, 2010; September, 2012; June 2013). It is through his proactive engagement across these diverse areas that Sim's impact can be traced and gauged.

5. Sources to corroborate the impact

- a. Director, INQUEST, <http://www.inquest.org.uk/>
- b. Chair of INQUEST, INQUEST Lawyer's Group. <http://www.inquest.org.uk/>
- c. Former HM Chief Inspector of Prisons, House of Lords.
- d. Governor HM Prison Grendon Underwood, HM Prison Service.
- e. I Team Leader, HM Inspectorate of Prisons.
- f. Former Director National Association for the Care and Resettlement of Offenders, NACRO.
- g. Joint Director of Public Health for NHS Cumbria and Cumbria County, North West Public Health Observatory.
- h. Senior Associate at the Centre for Crime and Justice Studies, Reclaim Justice Network, , <http://downsizingcriminaljustice.wordpress.com/>