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UCD Institute of Criminology Seminar Series 2008/2009

Professor Shadd Maruna
Queen's University Belfast
'Thinking of prisoner reintegration as a rite of passage'

Professor Alison Liebling
University of Cambridge
'Values, moral performance and prison research'

Dr Kimmett Edgar
Prison Reform Trust (UK)
'Responding to discrimination in prison'

Professor Ivo Aertsen
Catholic University Leuven
'Sustaining restorative justice policies'

Dr Nic Groombridge
St Mary's University College, London
'Public criminologists or media tarts?'

Professor Kevin Stenson
University of Kent
'Crime conflict, sovereignty and the struggle for governance from below'

Ms Karyn Kenny
World Bank
'Lessons from Ireland's court poor box system: Rethinking America's alternatives to incarceration reform'

Professor Pieter Spierenburg
Erasmus University Rotterdam
'The criminalisation of homicide: Murder in long-term perspective'

Professor Mike Nellis
University of Strathclyde
'Understanding and explaining the electronic monitoring of offenders'



Working Papers in Law, Criminology & Socio-Legal Studies

UCD School of Law is publishing a new series of Working Papers in Law, Criminology and Socio-Legal Studies. All papers submitted for publication are refereed by at least two members of the School Research Committee. An external referee is consulted where there is insufficient expertise on the Committee in respect of a particular paper. Papers will only be published if their publication would, in the view of Committee members, advance the reputation of the School for research of high quality. Decisions are taken within four weeks of submission.

Papers presented at the 5th Irish Criminology Conference will be considered for publication on SSRN if they are submitted as email attachments to angela.ennis@ucd.ie.

15 June 2009 10:30-11:30		Welcome Opening address	
Ian O'Donnell John Jackson	UCD Institute of Criminology Dean, UCD School of Law		
11:30-13:00 Kieran O'Dwyer Irish Prison Service	Q012 - Prisons and Participation Cormac Behan Feargal Mac Ionnachtaigh Mona Lynch	UCD Institute of Criminology Coláiste Feirste University of California, Irvine	"Still entitled to our say": Prisoners' perspectives on politics "An Ghaeilge faoi Chias": Republican political prisoners and the Irish language- power, resistance and revival Punishment and place: The political narratives about prison sitting over time
11:30-13:00 Paul O'Connor UCD Institute of Criminology	Q013 - Penal Policy Kevin Warner Rachel Kemp Shadd Maruna	University College Dublin Law Reform Commission Queen's University, Belfast	Revisiting the new punitiveness: Penal policy in Denmark, Finland and Norway Current trends in the penal realm: A step backwards in the Eliasean civilising process? "Hit them in the gut": How to change public views on criminal justice issues
11:30-13:00 Graham Ellison Queen's University Belfast	Q014 - Communities and Crime Nataasha Kinloch Elizabeth Aston Liz Campbell	Canterbury Christ Church University University of the West of Scotland University of Aberdeen	Location, location, location: Situational crime prevention on a South London public housing estate Local policing in Scotland: Police-public relations and community expectations Legal reactions to homicides involving firearms in Ireland: Unravelling the theory
11:30-13:00 Brendan Callaghan Department of Justice, Equality and Law Reform	Q015 - Public Criminology Jessica Breen, Nicola Carr, Eoin Healy, Caroline O'Nolan Mary Rogan Ian O'Donnell	Trinity College Dublin Dublin Institute of Technology UCD Institute of Criminology	Public criminology in Ireland How is penal policy made in Ireland: Yes (or no) Minister Is criminology bad for you?
13:00-14:00 Lunch			
14:00-15:30 John Brosnan Garda Síochána Inspectorate	Q012 - Police Accountability Vicky Conway Brian Moss Dermot Walsh	University of Limerick Garda Síochána Ombudsman Commission University of Limerick	The trouble with Morris: Tribunals, accountability and reform of Irish policing "Criminals" and the police complaints process in Ireland The Garda Síochána Act 2005: Tightening the noose of government control
14:00-15:30 Mairéad Seymour Dublin Institute of Technology	Q013 - Re-integration Denis C. Bracken Jane McGrath Jonathan Culliton and Fergus Hogan	University of Manitoba, Canada Waterford Institute of Technology Waterford Institute of Technology	Differing conceptions of risk and need among Irish probation officers Prisoners and fatherhood: An opportunity for personal change? Pathways to re-integration: Researching what works in challenging the cycle of recidivism
14:00-15:30 Ciarán McCullagh University College Cork	Q014 - Methods & Challenges I Deirdre Healy Jessica Breen Mary Louise Corr	UCD Institute of Criminology Trinity College Dublin Trinity College Dublin	Ethics and criminology research: Charting a way forward The use of life history interviews in research on the secondary effects of spatially concentrated imprisonment Using life history interviews to explore young people's offending trajectories
14:00-15:30 Aogán Mulcahy University College Dublin	Q015 - Evidence David O'Dwyer Mark Scamlon Michael Mulqueen	University of Limerick University College Dublin University of Limerick	"If you are innocent therefore you have nothing to hide": DNA profiling, mass screening and the privilege against self-incrimination RAF1: Online acquisition of digital forensic evidence Military force and police accountability: Evaluating the risks of using military personnel to gather surveillance evidence in Ireland.
15:30-16:00 Liam Herrick Irish Penal Reform Trust	Q012 - Contemporary Issues Richard R. E. Kanib Chris Matthews Louise Kennefick	Jacksonville State University, Alabama Northern Ireland Office University College Cork	Piracy and Islamic host states Indeterminate sentences and terrorist related offences Mitigation or expiation: Punishing the mentally disordered offender in Ireland
16:00-17:30 Kate Mulkerrins Office of the Director of Public Prosecutions	Q013 - Practitioners Jennifer Phipps Liam Leonard and Paula Kenny Adele Smith	Canterbury Christ Church University Institute of Technology, Sligo Association for Criminal Justice Research and Development	The role of higher education institutes in developing police specialisation: Initial police training in England and Wales Understanding prison culture in the Republic of Ireland Plea bargaining, pleading guilty and accepting fixed penalties
16:00-17:30 Gerry McNally The Probation Service	Q014 - Resettlement Margaret Fitzgerald Kevin McGrave Clara Geaney	University College Cork Dublin Institute of Technology Dublin Institute of Technology	Law, political expediency and the ex-offender The impact and significance of the Spent Convictions Bill 2007 "That's life": An examination of the direct consequences of life-sentence imprisonment for adult males
16:00-17:30 Maura Butler Association for Criminal Justice Research and Development	Q015 - Women and Crime Faith Gordon Linda Moore Azrini Wahidin	Queen's University, Belfast University of Ulster Queen's University, Belfast	Women, crime and the media: A case study of the media representation of Julie McGinley "To show their power": The ongoing impact of conflict on women's incarceration in Northern Ireland. Out of order: Women's experiences of imprisonment
17:30-19:30	Reception		

16 June 2009		Finbarr McAuley Adrian Hardiman		UCD Institute of Criminology Judge of the Supreme Court		Welcome "They're not brutes enough to go and hang a woman surely are they?!" - Some thoughts on crime and punishment in Ulysses	
10.30-12.00	Phil Scraton Queen's University Belfast	Q012 - Childhood & Transition Siobhán McAlister Deena Hayden	Queen's University, Belfast Queen's University, Belfast Queen's University, Belfast	Contextualising the marginalisation and criminalisation of children and young people Children's and young people's experiences of identity, place and violence The rights of children in conflict with the law			
10.30-12.00	Ivana Bačik Trinity College Dublin	Q013 - Imprisonment Helen Codd Chandrika M. Kelso and Hugh D. Kelso Karen Souza	Lancashire Law School National University, California University of Cambridge	Lost in the shadows: Prisoners' children and the law Exploring the conflicts within cognitive shifts of national and global identities and the impact on crime and criminal justice First-time and recurrent inmates' experiences in prison			
10.30-12.00	Eoin O'Sullivan Trinity College Dublin	Q014 - Governance Eoin Healy Gerry Sadlier Kevin Stenson	Trinity College Dublin Law Reform Commission University of Kent	Governing marginality: Welfare regimes, migration and the criminal justice system Differential regulation: A result of social norms? Crime, conflict, sovereignty and the struggle for governance from below			
10.30-12.00	Tony O'Riordan Public Interest Law Alliance	Q015 - Margins Kevin Moran Caroline O'Nolan Kate Waterhouse	Trinity College Dublin Trinity College Dublin.	Punitive panopticism and the (self)regulation of asylum seekers in the United Kingdom An interpretation of the immigration - crime nexus Immigration, language and the criminal justice system: Limited-English proficient immigrants in Irish Criminal Courts			
12.00-13.00		Lunch					
13.00-14.30	Matt Bowden Dublin Institute of Technology	Q012. Methods & Challenges II Sinead Freeman Chijoke Nwalozie Ursula Kilkelly and Angela Veale	Dublin Institute of Technology University of Manchester University College Cork	Young people in detention: The trials and tribulations of conducting research on remand Doing a criminological fieldwork in a developing country – A personal practical experience Participative action research and the perspectives of girls in youth justice			
13.00-14.30	Nial Osborough University College Dublin	Q013 - History Garry Coventry Paul Knepper John Moore	James Cook University, Queensland University of Sheffield University of the West of England, Bristol	The tyranny of distance: English and Irish convicts in Australian penal colonies and their continued journey to California The global criminal class: Insights from the British empire in the age of imperialism Captain Maconochie's "Mark System": The intellectual origins of reformation and Sir Walter Crofton's Irish system			
13.00-14.30	Jane Mulcahy Criminal Law Codification Project	Q014 - Determinants Siobhán Lucey Anthony Goodman, Jane Healy, Rachel Hurcombe, Sue Goodman	University of St Andrews Middlesex University	Socio-economic determinants of Irish crime "Somehow in Britain, there's, like, a culture of drinking": Exploring the transmission of young people's drinking cultures			
13.00-14.30	Sean Redmond Irish Youth Justice Service	Q015 - Youth Justice Nicola Carr Jonathan Ihan Emer Meehan	Trinity College Dublin UCD Institute of Criminology University College Cork	Youth justice in Ireland: Conflict, contradictions, ambiguity and compromise The biography and biographies of an offending inner-city youth group Sentencing considerations for young offenders: The role of section 96 of the Children Act 2001			
14.30-15.00		Tea & Coffee					
15.00-16.30	Tom O'Malley National University of Ireland, Galway	Q012 - Trial & Sentencing Niamh Maguire Clara Staunton Kenneth Toghner	Waterford Institute of Technology Law Reform Commission National University of Ireland, Galway	Grabbing the headlines consistently: An exploration of inconsistency in Irish sentencing practices Jury nullification: Is such a power desirable in Irish Law? Reform of the criminal jury			
15.00-16.30	Patrick Walsh UCD Institute of Criminology	Q013 - Sexual Violence Marie Keenan and Anne-Marie McAlinden Susan Leahy Kieran McCartan	University College Dublin, Queen's University, Belfast University College Cork University of the West of England, Bristol	Villain, scapegoat or both? The Catholic Church and child sexual abuse? Exploring the current legal approach to intoxicated consent to sexual activity Media constructions of, and reactions to, paedophilia			
16.30		End					

Local policing in Scotland: Police-public relations and community expectations

Elizabeth Aston
University of the West of Scotland

Traditional Scottish policing can arguably be described as ‘community policing’. However, this term can mean a variety of different things (Fielding 1995). Some of the key ingredients of community policing most frequently mentioned in the literature include policing that aims to: focus on problem-solving; consult with communities; promote active citizenship; be visible and accessible to the public; reassure the public; be accountable; and is affixed to geographic units. Michael Banton’s (1964) study is one of the only pieces of research on local policing in Scotland. This paper introduces the ‘Local Policing in Scotland’ study, which aims to investigate local policing in three communities in Scotland in terms of police activity, policing priorities and public expectations. Clearly the police are heavily dependent on the public and this relies on positive police-public relations (McConville and Shepherd 1992). Potential tensions between enforcement and more traditional community policing values will be explored. Police-public consultation exercises and difficulties in ascertaining community expectations will be discussed. It is hoped that there may be value in future collaborative work comparing local policing in Scotland and the Republic of Ireland.

“Still entitled to our say”: Prisoners’ perspectives on politics

Cormac Behan
UCD Institute of Criminology

In 2007, due to a change in the law, Irish prisoners voted for the first time. This paper will outline research conducted in Irish prisons to examine the effect of prisoner enfranchisement on civic engagement and political participation. It will consider voter turnout, party preference, knowledge of current affairs and important political issues among prisoners. The research found that, similar to the electorate outside, Fianna Fail was the most popular political party among those surveyed and the health service was the most important political issue. In contrast to the debates about prisoner enfranchisement in other countries, the legislation to allow prisoners vote passed relatively un-noticed, with little popular or media interest. It was argued, nonetheless, that it was a significant development in penal and political reform. The paper will conclude with an examination of how prisoners’ perceive civic and political institutions and how this change in the law might impact on their civic engagement and political participation.

Differing conceptions of risk and need among Irish probation officers

Denis C. Bracken
University of Manitoba, Canada

The Risk-Need-Responsivity (RNR) approach to working with offenders mandates a focus on the assessment of risk through identification of criminogenic need and subsequent development of a case management plan to address these needs based on the learning capabilities of the offender (responsivity). This approach relies on the availability of criminal justice personnel to administer risk assessment instruments, to integrate the results into case management plans, and to leave aside (or leave to others outside the system) addressing any 'welfare' needs that might be identified. Risk-based case management is perceived to be both more effective in preventing re-offending, and better able than any previous methods to enhance community safety. This paper will explore these issues using data from focus group discussions held with Irish probation officers in the spring of 2007. The discussions were part of a larger project examining education and training for probation practice. Views were expressed concerning the need to balance probation practice between community safety and addressing offender needs (criminogenic and/or traditional welfare needs), and an understanding of risk assessment and its relationship to case management within a context perceived by some participants as emphasizing community safety without rehabilitative considerations.

The use of life history interviews in research on the secondary effects of spatially concentrated imprisonment

Jessica Breen
Trinity College Dublin

Recent quantitative research in the Republic of Ireland has confirmed that, similar to many other western nations, the spatial distribution of imprisonment is highly concentrated (O'Donnell et al. 2007). However, while essential for uncovering varying patterns of imprisonment across different geographical spaces, quantitative methods are not able to capture in an in-depth manner the *processes* involved with imprisonment and re-entry for a given individual in a given place. Based upon ongoing doctoral research into the secondary effects of spatially concentrated imprisonment, this presentation seeks to build upon the foundation of work laid by O'Donnell et al. (2007) while moving beyond the topography generally associated with socio-spatial criminology (Bottoms 2007) and towards an understanding of the role of *place* in imprisonment and re-entry. It will present an overview of the ways in which in-depth qualitative research methods such as life history interviews can transcend broad patterns to reveal insights into the specific processes associated with spatially concentrated incarceration. This is an attempt to demonstrate, through the exploration of meanings attached by individuals to events and to their lives, that the in-depth study of places with high prisoner concentrations is important for augmenting large-scale quantitative research.

Public criminology in Ireland

Jessica Breen, Nicola Carr, Eoin Healy, Caroline O' Nolan
Trinity College Dublin

'Public Criminology' has been variously defined as 'the public face' of criminology (Groombridge, 2007); the intersection of the academy with 'news-making' (Barak, 2001); and the public-policy interface (Chancer and McLaughlin, 2007). Groombridge (2007), amongst others, has called for criminology to move from being a primarily academic pursuit to being more actively engaged with shaping both public opinion and public policy. He has suggested that Irish criminologists have a higher public profile 'than most Brits or Americans'. The idea that there may be something different or unique about the relationship between Irish criminologists and the media inspired us to explore this issue further; particularly given the fact that until relatively recently, criminology has been framed as an 'absentee discipline' (Kilcommins et al, 2004) in Ireland. So, how then does the concept of 'public criminology' apply to the Irish context? This presentation begins to address this question.

Legal reactions to homicides involving firearms in Ireland: Unravelling the theory

Liz Campbell
University of Aberdeen

This paper analyses the extent of homicides involving firearms in Ireland from an empirical, legal, and criminological perspective. It presents collated statistics on such homicides, and then exposes the flaws in the current legal means of dealing with this type of crime in Ireland, which is predicated on a narrow criminological viewpoint. The legal reactions of the Irish State are underpinned by a number of implicit criminological beliefs, invoking a state of emergency which merits extraordinary measures; a rational actor paradigm; and a criminology of the other. Then, drawing on alternative criminological theories, the paper posits what seem to be more convincing aetiological factors and motivations for the commission of homicides involving firearms, such as relative deprivation and the expression of masculinity. These are contrasted with the criminological assumptions of the Irish State, which disregard the context and subculture of the actor, and fail to account for the meaning of the act to the individual, as a means whereby status is enhanced and masculinity is strengthened.

Youth justice in Ireland: Conflict, contradictions, ambiguity and compromise

Nicola Carr
Trinity College Dublin

The system for young offenders in Ireland has recently undergone significant change, with the establishment of the Irish Youth Justice Service, as an executive office of the Department of Justice, Equality and Law Reform. Previously, the state response to young people in conflict with the law in Ireland has been characterised as a ‘failure of reform’, most notably in the legislative arena, (McCullagh 2006). Much of the academic attention paid to this area in recent years has taken place within a legal discourse (see for example, Kilkelly, 2006; Shannon, 2006 and Walsh, 2005). In contrast, there has been limited attention paid to young people who are the subject of the system or their situation within wider discourses. This presentation, seeks to redress this deficit by exploring the manner in which images of deviancy and dependency are operationalised over time to mobilise reforms in the arena of youth justice. Specifically, attention will be paid to the evocation of particular groups or concerns at particular historical points.

Lost in the shadows: Prisoners’ children and the law

Helen Codd
Lancashire Law School

This paper considers a range of current socio-legal and criminological debates around the rights of the children of prisoners. Although we are familiar with the idea of ‘prisoners’ rights’ and ‘children’s rights’ generally, there are a number of thorny questions which arise in relation to balancing rights, parental responsibilities and child protection where a child’s parent is imprisoned. For example, there have been a number of significant cases in England and Wales challenging the separation of imprisoned mothers and toddlers when a child reaches a certain age and these cases have wrestled with balancing the desire to keep mothers and babies together with recognition of the undesirability of children growing up in prisons. There is a great deal of potential for more broad-ranging legal challenges such as whether children have rights to non-closed visits with parents so physical contact is possible. Other questions have barely received academic consideration, such as that of how to reconcile the protection of children from abusive parents with recognition of children’s own competence to influence decisions related to contact with imprisoned parents. This paper brings together research on prisoners’ families, criminal justice policy, human rights and family law to explore and critically analyse the issues.

The trouble with Morris: Tribunals, accountability and reform of Irish policing

Vicky Conway
University of Limerick

The Morris Tribunal completed its examination of allegations of corruption among the Donegal police in October of 2008. It represented the most in-depth examination of the Irish police force, produced eight reports, involved hundreds of witnesses, lasted more than six years and cost more than €50 million. Justice Morris' forthright reports have included unprecedented condemnation of the actions of members and officers involved. Overall, the Tribunal could be viewed as a watershed but this paper will question, however, the extent to which the Tribunal and its findings have had an impact on Irish policing. The extent to which tribunals of inquiry can be used to establish 'the truth' and provide accountability in such scenarios has often been questioned. The limitations attaching to this tribunal will be examined to establish the extent to which this can be applied to this instance as well as considering how its work has been interpreted and responded to. While accepting the importance of the work of the Tribunal, it will be argued that it may even have had a negative impact on the development of an accountable police force which fundamentally respects human rights in Ireland.

Using life history interviews to explore young people's offending trajectories

Mary Louise Corr
Trinity College Dublin

This paper addresses the utility of in-depth life history interviews when exploring the offending trajectories or criminal 'careers' of young offenders. The use of the 'life history' method within criminology is associated with earlier studies of deviance carried out in the Chicago School of Sociology in the 1920s/1930s. More recently, however, survey research has dominated the field of criminology resulting in a diminished role for qualitative methods, including life history interviews, within criminological research. This paper advocates the use of qualitative methods in criminology and, more specifically, the merits of conducting life history interviews with young offenders. It briefly traces and critically assesses the use of life history interviews within criminology and in exploring transitions in the lives of young people. In doing so, it highlights how life history narratives can identify important events or 'turning points' in a young person's life which can explain the onset and history of offending among young people. The paper draws on examples from an ongoing qualitative study of young people aged 12-25 who are involved in offending to illustrate the argument above.

The tyranny of distance: English and Irish convicts in Australian penal colonies and their continued journey to California

**Garry Coventry
James Cook University, Queensland**

This paper outlines part of the saga of the 'Sydney Ducks'. They are among a group of thousands of men, women and children transported to Australia's penal colonies from England, Wales and Ireland, mostly around the 1840s. By 1849-1850, and after serving their transportation sentence, a large number of these folk continued the journey to the goldfields of California – a new state of the Union, following its acquisition from Mexico. In these early days of San Francisco, alleged ex-convicts from the penal colonies were targeted by the Committee of Vigilance, 1851 – an influential and 'elite', mainly business group, driving the fledgling city's economic development. The first four hangings and widespread deportation orders were prominent in the Committee's first actions. Focus on the roles played by women in the early days of the Sydney Ducks, in the formation of early city gangs of the West Coast of the US. Arguably, it is the first early city urban gang recorded. My analysis centers on the social interactions and criminal associations of men and women, alleged to have been transported to the colonies and voyaged on to California.

Pathways to re-integration: Researching what works in challenging the cycle of recidivism.

**Jonathan Culleton and Fergus Hogan
Waterford Institute of Technology**

The recent increased building of prison places in Ireland, together with increasing numbers being imprisoned clearly implies an increasing number of people being released from prison. While release from custody has been shown as a significant occasion of risk for reoffending there is little Irish research that explores what works in helping ex-prisoners challenge or change patterns of recidivism. This paper reports on a two year ethnographic study that followed 200 Irish prisoners from two prisons as they engaged with a new mentoring programme that attempted to reintegrate them into community. This paper presents a profile of the 200 prisoners - and ex-prisoners - who engaged with the You're Equal Project in this EU funded pilot project. Our study is based on the review of 200 case files, the analysis of 200 five page - 31 question surveys, 44 in-depth and semi structured qualitative interviews with 16 participants - 7 prisoners, 9 ex-prisoners, 22 professionals within and outside of the prisons the 5 mentors and the project coordinator. Furthermore, one year on we followed up this study by revisiting the cohort of participants re-interviewing them and their mentors highlighting examples of positive practice and what work in reducing recidivism.

Law, political expediency and the ex-offender

**Margaret Fitzgerald
University College Cork**

In today's changing political climate, the law has become a tool for expounding theories surrounding the advancement of political and social networks. In the context of criminal justice, legal rules and policies reflect the desire to control criminals and focus has shifted to one category in particular: the 'ex' offender. A great many legal and penological policies have in recent years been enacted upon the 'ex' offender, emanating from political and legal spheres concerned primarily with risk minimisation and public protection. That the criminal justice system maintains its grip on offenders long after they have served the penalty for the offence is an undeniable fact. There are various avenues where past criminal convictions can be used, ranging from pre-trial, trial, sentencing and post convictions stages of the justice system. The offender is bound within the 'carceral' system to such an extent that one might wonder whether there really is any such thing as an 'ex' offender. While the use of past convictions is sometimes necessary and justifiable, both in the context of an effective criminal justice system and in terms of public protection, we must consider whether its use is sometimes unfair particularly considering individual rights. Are the rights of the individual unjustly sidelined or impugned when this individual is an 'ex' offender? We must consider especially the concept of proportionality in punishment, as well as the prospects of reintegration and rehabilitation for offenders. These latter concepts, once considered vital in dealing with crime and criminals, have been replaced with punitive and control policies which highlight the struggle between balancing individual rights with the interests of society in general.

Young people in detention: The trials and tribulations of conducting research on remand

**Sinéad Freeman
Dublin Institute of Technology**

Prisons are described as having 'some enigmatic and distinctive features which can make them sources of various combinations of fascination and revulsion, puzzlement and horror' (Sparks et al., 1996:33). This paper focuses on the development of research in Irish prison settings, in particular the under researched domain of custodial remand. It is based on 62 semi-structured interviews conducted with young males and females aged 16 to 21 years on remand in three Irish prisons. The paper argues that particular characteristics of custodial remand including the transience of the remand population, the high level of uncertainty and the right to be presumed innocent until proven guilty, have a number of methodological implications for conducting research on remand. These include access issues, ethical considerations and the selection of appropriate research methods for the remand population. The paper highlights the importance of engaging in reflexive practices in prison based research and provides a unique insight into the personal experiences and impact of the research process on the researcher during the remand study. The paper makes a valuable methodological contribution to the criminological field through the provision of specific guidelines for future custodial remand research.

“That’s life”: An examination of the direct consequences of life-sentence imprisonment for adult males

**Clara Geaney
Dublin Institute of Technology**

Although Ireland compares relatively well in terms of international crime rates, there has been an increase in the number of prisoners serving life-sentences in the Republic. The current system for managing life-sentence prisoners in this jurisdiction means that they are likely to earn their temporary release after having served about fifteen years in prison. There is limited research in Ireland on the effects of imprisonment, and certainly for life-sentence prisoners, criminology in the Republic has failed to examine the issues faced by this group at all. Very little is understood about the coping mechanisms specific to life-sentence prisoners; the challenges they face in terms of their prison experience; nor their resettlement. This paper focuses on the direct consequence of imprisonment - the psycho-sociological impact of the prison sentence itself and how this bears upon resettlement. These issues are examined through the available literature and by interviewing released life-sentence prisoners. The researcher has identified the issues faced by life-sentence prisoners within the prison walls; the varying coping mechanisms employed; and life-sentence prisoners experience of resettlement. Although there are some common themes, the experiences of this group vary enormously. The study concludes that not enough is known about the challenges faced by life-sentence prisoners and considerably more research needs to be carried out.

**“Somehow in Britain, there’s, like, a culture of drinking”:
Exploring the transmission of young people’s drinking cultures**

**Anthony Goodman, Jane Healy, Rachel Hurcombe, Sue Goodman
Middlesex University**

Increased levels of drinking alcohol are often presented as a particular problem for young people. Excessive alcohol consumption is linked to risk-taking behaviour, anti-social behaviour and violent and non-violent crime. Young people are also at a higher risk of being a victim of crime when drunk. Although overall drinking rates among young people have been decreasing in recent years, a minority reportedly binge drink and drink to excess. Traditionally, white British youth have been found to consume more than other ethnic groups but some minority ethnic young people are now drinking more than previous generations. Young people’s drinking habits tend to mirror those of their peers, but there is little research on how drinking habits vary according to socio-demographic characteristics of the peer group. Recent research suggests that the transmission of drinking cultures among peers may follow a process of bi-acculturation; minority ethnic young people being more likely to drink if they associate with ‘white’ peers, and ‘white’ young people less likely to drink if they associate with minority ethnic young people. This paper draws on quantitative and qualitative data to explore the relationship between the composition of the peer group, in terms of ethnicity, gender, and relative age of peers, and reported drinking among 14-15 year olds in London and Berkshire. Preliminary findings indicate that deviant peers, older peers and friends of the opposite sex are associated with an increased likelihood of drinking among the sample, and strong ethnic identity appears to be a protective factor against alcohol consumption.

Women, crime and the media: A case study of the media representation of Julie McGinley

**Faith Gordon
Queen's University Belfast**

This paper examines the media coverage of women prisoners in Northern Ireland, with specific reference to the portrayal of Julie McGinley, who was convicted of the murder of her husband in 2002. Building on previously conducted research as part of the author's earlier Postgraduate studies, the paper summarises literature and key debates on crime, media, gender and public opinion. The paper will argue that given prison is a closed off world, news items consumed by an audience form a large part of their knowledge regarding violence and gender. Thus, common opinion and societal reaction to women prisoners is closely linked to and reinforced by media reporting. It will provide an overview of findings from fourteen interviews with crime journalists, editors, documentary producers, Television and radio presenters and key workers in the human rights sector. Examples of newspaper articles will feature throughout. The findings presented from both the qualitative interviews and content analysis of twelve months media coverage, illustrate how the media in Northern Ireland have stereotyped, negatively portrayed and created sustained coverage of Julie McGinley, making her portrayal consistent with 'high profile' cases internationally. The paper's conclusion will argue that in order to gauge the full impact of negative media coverage, further research should be conducted with women prisoners currently incarcerated and those reintegrating back into society.

The rights of children in conflict with the law

**Deena Haydon
Queen's University Belfast**

This paper draws on a range of recently published work based on researching the experiences of children and young people. It notes the children's rights deficit within communities and, more broadly, institutionally in NI. It reflects children's understanding and expectations regarding rights and considers the relevance of a rights-based perspective to understanding childhood and youth, exploring the contentious principles of 'participation' and 'best interests' in the promotion and protection of children's rights. In particular, it focuses on children in conflict with the law questioning whether structural and institutional determinants of children's marginalisation and criminalisation can be effectively challenged by a critical rights-based agenda.

Ethics and criminological research: Charting a way forward

Deirdre Healy
UCD Institute of Criminology

When researching sensitive topics such as crime, researchers encounter a number of ethical and legal obstacles. At present, there is little guidance available about how to address these issues. The ethical codes produced by criminological societies often provide only limited advice and the generic guidelines espoused by institutional ethics committees are not always appropriate for research on specialised topics. This presentation discusses key ethical issues in criminology, including the difficulties associated with maintaining confidentiality, protecting privacy, obtaining informed consent, managing participant distress and ensuring voluntary participation. Drawing on existing literature and the author's own experience, it outlines strategies that can be used to promote ethical criminological research.

Governing marginality: Welfare regimes, migration and the criminal justice system.

Eoin Healy
Trinity College Dublin

This research aims to end a balkanisation of the study of governance, social control and public policy. While social policy has generally focused on the 'enlightened' and welfare oriented programmes of the state (healthcare, pensions, social security, education, old age, taxation, income redistribution) whose principle objective it could be argued (simplistically) is integration and inclusion, the state remains through the criminal justice system an extraordinary force for exclusion, in the most interventionist sense. For the purposes of this paper I will argue that we can conceptualise circuits of inclusion, circuits of exclusion and the policing of entry points in the governing of modern marginality in developed capitalism as the welfare state, the criminal justice system and the policy of migration status, respectively. I will also show how an assessment of this sort allows for a more complete reappraisal of the social philosophies of our Western democracies and explain how I wish to undertake comparative international research into this phenomenon.

The biography and biographies of an offending inner-city youth group

**Jonathan Ilan
UCD Institute of Criminology**

This paper considers numerous intertwining life narratives. On the one hand, the biographies of eight young men, replete with familial tragedy, instability and abrasive interactions with the institutions of the state. On the other, the story of how these individuals grouped together to mutually insulate against the exclusion and condemnation they experience even in their home community. Based on ethnographic research in Dublin's inner-city, the paper's deliberate espousal of poignancy is an invitation to recall the humanity of the offender and the differential between lived experiences and mediated constructions of youth criminality. The paper's protagonists having arrived in the subject community at a young age, emanating from isolated and dysfunctional families and distrusted by the parents of their wider peers, formed their friendship group out of necessity. Bound together thus, their experiences of poverty, tragedy and instability become the group norm and the offending values they mutually enforce, the antidote to perceptions of inadequacy. The paper reflects on the utility of biographical research methods, noting certain pitfalls and solutions, but above all focuses on the power of biographical narrative to illustrate the bisection of agency, micro and macro social structures.

Piracy and Islamic host states

**Richard R. E. Kania
Jacksonville State University, Alabama**

While piracy on the high seas sounds like something from the 17th and 18th centuries, as a human undertaking it is still thriving. While pirates operate around the globe, there are major concentrations off the shores of several Islamic states. These states appear to be either willing or passive hosts to pirates. What those states have in common and how they differ from each other and from non-Islamic states also hosting pirates is the topic of this paper.

Villain, scapegoat or both? : The Catholic Church and child sexual abuse

Marie Keenan and Anne-Marie McAlinden
University College Dublin and Queen's University Belfast

Over the last few decades there have been a number of high profile cases of child sexual abuse within State and Church organisations, resulting in a number of public inquiries into child sexual abuse and the handling of abuse complaints by Church and State Institutions. This paper adopts an interdisciplinary, internationally comparative perspective and seeks to analyse Church and State responses to child sexual abuse since the 1980s across a number of jurisdictions; the United States, Australia, Germany, Austria, England and Wales and Ireland. The paper in particular seeks to examine the Catholic Church's own set of child protection protocols and infrastructures which it commissioned and instituted in a number of countries; raising inter alia, concerns about due process, legitimacy and accountability. Whilst there is some convergence in approaches to child protection by the Catholic Church across countries and by Church and secular organizations working with children across jurisdictions, the points of divergence are central to the analysis of this paper. This paper argues that differences within the organisational response of the Catholic Church across countries and between Church and secular organisations can be accounted for in a number of ways; public and media discourses of child protection; public discourse of sexual abuse by clergy; the history and position of the Catholic Church and the dominance of retributive or restorative paradigms of justice.

Exploring the conflicts within cognitive shifts of national and global identities and the impact on crime and criminal justice

Chandrika M. Kelso and Hugh D. Kelso
National University, California

Man is a social and reasoning animal, gregarious, associating freely with fellow beings in manifold forms of activity leading to the creation of societal bonds. Passions, honor, vanity and short-term interests often govern national behavior. The human spirit achieves cognition of its personality once it transcends the stage of mere physical sensation, and having awakened to such knowledge of itself as the free Ego, proceeds to assert itself. Thus, it enters into conflicts with other egos manifested in local pride, national vanity and identity. The conduct of man in society is governed by differing types of laws, namely, Theologian, Moralist, Ethicist, and Jurist (another member possibly needing inclusion to this pantheon is Natural Law). The human individual must think of the human family as a single unit. World solidarity is an urgent, practical necessity, with psychological unity and spiritual coherence. The world, unifying as a body, is groping for its soul, requiring the axial change of life and thought – a paradigm shift from national to global identity. This paper will explore the distinct relationship between intellectual recognition and spiritual realization, with support from Plato's vision of irresistible harmony with the deepest reality of the world; it will also explore the impact of such cognitive shifts on crime and criminal justice on a global and national scale.

Current trends in the penal realm: A step backwards in the Eliasean civilising process?

**Rachel Kemp
Law Reform Commission**

The significant relationship between society's sensibilities and how a society punishes has been noted by many. According to Garland; "The question of how sensibilities are structured and how they change over time is important... because it has a direct bearing upon punishment". Particularly where punishment involves the infliction of pain or violence, the prevailing sensitivities of society will dictate to a large extent the distinction between permissible and impermissible violence to be used upon the offender. Central to Elias' concept of the civilising process are the long-term developments which affect human emotions and sensibilities and thus the merits of his work in relation to punishment have been recognised by many. Using Elias' civilising curve as a framework, the "civilising" of punishment in the pre-modern to modern periods will be examined; from the abolition of public executions, to the birth of the prison. The paper will then proceed to concentrate on the perceived current trend of decivilisation in the penal sphere and the extent to which this can be supported by recent developments in contemporary punishment. The effects of a shift away from penal-welfarism towards populist punitiveness within the penal sphere will be analysed. Focus will be on the prison in the Irish context, with an examination of the "civilised" nature of this carceral institution.

Mitigation or exculpation: Punishing the mentally disordered offender in Ireland

**Louise Kennefick
University College Cork**

My paper will explore the nexus between the mitigation and exculpation of the mentally disordered offender within the criminal justice system, with reference to the Irish jurisdiction in particular. As a general rule it is accepted that people who commit offences while mentally disordered should not be dealt with in the same way as other offenders, yet the correct approach to take when convicting and sentencing such individuals remains controversial. Policies and recent legislation, such as the Criminal Law (Insanity) Act 2006, have brought the issue of the responsibility of the mentally disordered offender to the heart of the criminal trial in Ireland. My paper will question the appropriateness of this step, in the context of the principle of proportionality, and put forward an argument which dispenses with the need for diminished responsibility as a partial excuse. In so doing, I will pay particular attention to the doctrine's unique position in relation to a charge of murder and the insanity defence respectively. I will conclude by considering practical measures for reform which facilitate the fair sentencing, punishment and/or treatment of the mentally disordered offender within the Irish criminal justice system.

Socio-economic determinants of Irish crime

**Siobhán Lucey
University of St Andrews**

Over the last four decades, Ireland has experienced a significant increase in crime; for example, both homicide and burglary show a six fold increase, with assault and robbery showing 14 and 13 fold increases respectively. Using multivariate regression analysis for the period 1958-2007, the author examines the relationship between five crime categories (assault, burglary, homicide, larceny and robbery) and a number of determinants including deterrent variables (crime specific detection rates and the imprisonment rate) and a range of demographic and economic indicators (net migration, young males, GDP, consumption, unemployment and alcohol consumption). The key results are as follows. First, the results confirm previous findings of more significant relationships between socio-economic conditions and property crime (larceny and robbery) than for more violent crime (homicide and assault). Specifically, we found that economic factors such as consumption and GDP were relevant for larceny and robbery, whilst young males and net migration were contributing factors to serious assaults and homicides respectively. Second, the deterrent variables have no significant effect on any of the crime categories. Third, there is evidence of criminal hysteresis, indicating that crime rates display persistence over time. Fourth, young males and net migration are relevant factors in violent crime and burglary.

Participative action research and the perspectives of girls in youth justice

**Ursula Kilkelly and Angela Veale
University College Cork**

Participative Action Research uses a methodology that empowers young people by giving them control over the research process. It is an important way to gather the views of young people by engaging them actively in the research allowing them to determine its direction and outputs. This presentation explains and critically evaluates the PAR process used in an IRCHSS funded research project undertaken in Dublin in 2008/2009. The aim of the project was to gather the views and experiences of young people on the youth justice process and to test the participatory methodology in a community setting. Accordingly, the paper discusses the supports needed to engage young people in this kind of research, explores the amalgamation of participatory research and arts methodologies and highlights some of the challenges and risks involved in employing this kind of methodology. The second part of the paper sets out some of the empirical data gathered through the project. In particular, it presents a unique view of the youth justice system from girls' perspectives focusing on their experiences of the police and the interplay with the care system.

Location, location, location: Situational crime prevention on a South London public housing estate

**Natasha Kinloch
Canterbury Christ Church University**

This research study looked at the regeneration of a public housing estate in South London which implemented various situational crime prevention techniques and defensible space principles. Using methods of documentary, statistical and observational analysis alongside interviewing law enforcement professions involved in the estate regeneration, the research concluded situational alterations can prevent crime, yet only when these are made alongside changes to the social opportunities in the environment. The opportunity theory within rational choice, routine activity, and defensible space has been supported, yet with some limitation in its reliance on the availability of situational opportunities needed for criminality to occur.

The “global criminal class”: Insights from the British empire in the age of imperialism

**Paul Knepper
University of Sheffield**

Awareness of globalisation has led to significant commentary in recent years about its impact on crime. One of the prominent narratives concerns how pockets of intense poverty in far away places generate a threat to cities in Europe and North America--terrorist attacks, drug dealing, human trafficking, etc. Looking back at the history of the British Empire in the Age of Imperialism (1881-1914) offers significant insight into current anxieties. The Colonial Office operated what was, in theory, the largest criminal justice system in the world, and administrators in the colonies became the first to identify what they saw as a 'global criminal class'. The policy discussion coincided with a larger cultural anxieties, expressed through the novels of Conan Doyle, Kipling, and others, of 'reverse colonisation'. Failure to develop a coordinated response would allow the transfer of primitive violence to advanced civilisation. Understanding how the current discussion of globalisation and crime repeats, and differs, from the imperial narrative represents an important place for grasping what is new, and what is not, in responding to the internalisation of crime.

Exploring the current legal approach to intoxicated consent to sexual activity

**Susan Leahy
University College Cork**

Since alcohol (and increasingly recreational drugs) play such a large role in social interactions, it is inevitable that a large proportion of allegations of sexual assault involve a complainant who was intoxicated when the alleged attack occurred. This paper explores the problems posed in the investigation and prosecution of these cases and suggests ways in which law and policy might be improved so that adjudications of consent in these cases may be rendered more straightforward. It is argued that the focus of the current law is inappropriately placed on the classic ‘drug-rape’ scenario whereby a drug such as Rohypnol is surreptitiously administered to a complainant against her will. While the law is equipped to deal with this situation, it remains unable to provide adequate guidance in circumstances where the complainant was intoxicated by her own volition, the outcome of such cases being almost totally reliant on the vagaries of the jury. This paper will therefore argue that the law needs to offer greater guidance on the impact of intoxication upon an individual’s ability to consent. More importantly, it is argued that public perceptions of the interplay between intoxication and sexual activity need to be tackled in a bid not only to educate potential jurors but also as a preventative mechanism whereby individuals are encouraged to be more cognisant of the effects which intoxicating substances may have upon their susceptibility to sexual assault or alternatively upon the likelihood of their subjecting others to unwanted sexual contact.

Understanding prison culture in the Republic of Ireland

**Liam Leonard and Paula Kenny
Institute of Technology, Sligo**

This paper will examine prison culture in the Republic of Ireland. Working from the perspectives of two embedded criminologists co-delivering with the Irish Prison Service on the Higher Certificate Custodial Care (HCCC), the authors will develop a critique of the layers of culture surrounding the work of prison officers in relation to age, gender, ethnicity, networks and the custodial environment. These cultural layers will be identified within the contexts of resistance, power and control which underpin the solidarity networks of prison officer culture. This perspective on prison culture has been developed through the authors’ unique position as observers of the solidarity networks within the walls of four Dublin jails; Mountjoy, the Dóchas Women’s prison, Cloverhill and Wheatfield, in addition to the Irish Prison Service Training and Development Centre (IPSTDC) at Beladd House, Portlaoise. The paper will argue that the processes of indoctrination into prison culture stem from both the formal training processes and the informal socialised mentoring processes which occur throughout the prison service.

Punishment and place: The political narratives about prison siting over time

Mona Lynch
University of California, Irvine

In this paper, I draw from a larger research project on late modern penal transformation in America to examine the socio-political contexts of the prison siting process in the state of Arizona. Specifically, this paper illuminates how the decisions around locating new prisons within the state of Arizona over the 20th century reflect the changing ideology about such institutions and their function in the larger social sphere. This work reveals how the relative significance of the various considerations that go into the prison siting decision—economics, convenience, political relations, and penal ideals—shift as the very meaning of the prison is transformed in the social and political realms. In the case of Arizona, we can map the transformation of punishment onto how discussions about placing and building the brick and mortar (or in this case, mainly concrete) institutions take shape. The ultimate decisions about what the facility will be and where it will be located are always the product of a negotiated process—ideals get compromised, finances always constrain, micro-politics invariably play out in not always predictable ways, yet those mediated and negotiated resolutions, taken together as a pattern of connected events, tell a powerful story about the meaning of the prison in a given place over a period of time.

“An Ghaeilge faoi Ghlas” Republican political prisoners and the Irish language: Power, resistance and revival

Feargal Mac Ionnrachtaigh
Coláiste Feirste

This paper will briefly explore Ireland’s cultural colonialization which necessitated the demise of the Irish language as Ireland’s spoken language. The consequences of which, will be seen to have inspired an ideology of decolonialisation and resistance amongst successive generations of republican prisoners who utilised the Irish language as a ‘language of struggle’ while incarcerated. It will also draw on the historical context of political imprisonment in Ireland and its crucial role in influencing the political strategy of various governments while simultaneously shaping resistance movements and their political struggles outside the prison walls. The paper will also specifically focus on the Irish republican prison struggle in Long Kesh in the North of Ireland and how the Irish language became a critical means of resistance which legitimised prisoners’ sense of cultural identity and represented a highly liberating power that transformed the prison and the prisoners, both for themselves and the outside world. Finally, the paper will assess the transformational impact of the republican prison struggle on the language revival in the North of Ireland during the 1980’s and it’s continuing legacy of cultural resistance that defines many regenerative language projects and bottom-up grassroots activist initiatives right up to the present.

Grabbing the headlines consistently: An exploration of inconsistency in Irish sentencing practices.

**Niamh Maguire
Waterford Institute of Technology**

Over the last two decades it has been claimed by a variety of commentators that judicial sentencing practices in Ireland are widely inconsistent. The Law Reform Commission (1993, 1996) has been trenchant in its criticism of the failure to adopt a coherent sentencing policy in Ireland, and it considered the fact that like cases could be treated differently, and justifiably so, as the worst type of inconsistency in sentencing. Inconsistency in sentencing has also been highlighted in the media. Perhaps the most notable example is the *Prime Time* documentary broadcast in 2004 which described sentencing in the District Court as a 'lottery' (Prime Time 2004). Previous research on sentencing in Ireland has found some evidence of inconsistency in sentencing (Walsh and Sexton 1999; Hamilton 2005). However, these studies were not specifically designed to examine the extent of inconsistency in sentencing practices or the reasons for any such inconsistency. This paper reports some of the findings from a qualitative research study specifically designed, using interviews and sentencing vignettes, to examine the extent of and the reasons for inconsistency in Irish sentencing practices. This paper concludes with an examination of the practical, theoretical and policy implications of the findings presented.

“Hit them in the gut”: How to change public views on criminal justice issues

**Shadd Maruna
Queen’s University Belfast**

Activists and reformers frequently seek to sway public views about crime and justice issues on the not unfounded assumption that voters are typically punitive in their views and cynical about decarceration and other progressive reforms. In this paper, I review what is known about public opinion and criminal justice, and discuss two possible routes to changing these attitudes: One is cognitive and the other is emotive. I review the research evidence on both, and discuss the likelihood of either being successful. In doing so, I will draw on my own on-going research on public attitudes in the east of England.

Indeterminate sentences and terrorist-related offences

Chris Matthews
Northern Ireland Office

On 15 May 2008, Northern Ireland introduced public protection sentencing, empowering the courts to hand down sentences which reflected both the crime committed and the future risk posed by the offender. Two types of sentence were created: Indeterminate Custodial Sentences (ICS) – which have no release date and which require an offender to remain in custody until released by the Parole Commissioners. Upon release, offenders are subject to a life licence. Extended Custodial Sentences (ECS) – for which the length of custody is determined by a mid-point review by the Parole Commissioners. Upon release, offenders serve a specified period on licence. Before they can recommend release, the Parole Commissioners must be satisfied in law that the offenders no longer pose a risk to the public. This presentation covers several issues around offenders who have committed acts of terrorism or who have aligned themselves with terrorist organisations. In the first instance, offenders of this type tend not to cooperate with the risk assessment processes which form part of the pre-sentence report (PSR). This makes producing the risk assessment somewhat problematic and necessitates other approaches, such as providing a social history of the person. This is an important issue as the PSR is a critical part of a judge’s thinking in handing down a sentence. Such offenders are equally unlikely to participate in offender treatment and risk reduction programmes. As a consequence, such offenders may find it problematic to demonstrate to the Parole Commissioners that they are safe to be released. Finally, where such offenders have been released from custody, there are also clearly important issues around supervision in the community by probation officers. The nature of the offending and the particular risks presented by the offenders creates significant difficulties for normal community supervision.

Children’s and young people’s experiences of identity, place and violence

Siobhán McAlister
Queen’s University Belfast

Based on recently published in-depth research with children and young people across NI communities this paper considers their experiences of ‘identity’, ‘community’ and ‘exclusion’ in terms of inter-community conflict, but also intra-community divisions. This includes consideration of ‘outsider-insider’ status and internal divisions regarding resource allocation. Given the political debate about community safety and ‘safe neighbourhoods’ the paper addresses issues of inter-personal and institutionalised (formal and informal) violence within communities. It explores the internalisation of ‘acceptable’ or routine levels of violence and its impact on the lives of children and young people, especially when brought into conflict with ‘the law’ and regulation, both formal and informal.

Media constructions of, and reactions to, paedophilia

Kieran McCartan

University of the West of England, Bristol

This paper will look at how the media constructs notions around paedophilia in modern society. This paper is in part based on the existing academic literature, media reporting and empirical qualitative research with a range of professionals working around paedophilia, or in related fields. The paper will start with a discussion of what the media is, its potential impact and influence on society, before discussing whether the media has changed perceptions/attitudes towards paedophiles (particularly in regard to the public, government and professionals). In doing this the paper will focus on the language and ideas that the media use to discuss paedophiles and dangerous child sexual offenders, asking how close to reality these practices are. Thereby allowing for a discussion of the social responsibility of the media, and whether they achieve this in their reporting and presentation of stories about paedophilia. In closing the paper will address how the media can more constructively discuss paedophilia, working to educate the public and to dispel common myths.

The impact and significance of the Spent Convictions Bill 2007

Kevin McCrave

Dublin Institute of Technology

This paper is about the proposed legislation which is the subject of a private members Bill proposed by Deputy Barry Andrews T.D. The legislation proposes that a person who is convicted of a crime will have the opportunity, subject to certain limitations, to have this conviction removed from their record in order that they might progress within the community with special emphasis on rejoining the workforce. The research focused on how effective the legislation that is proposed would be on those people who have offended and now seek to gain employment. The study was a qualitative one based on semi-structured interviews with those within the system who have either first hand knowledge dealing with the people who are trying to regain employment, A District Court Judge, an Executive dealing with ex-offenders, a Probation Officer and a member of the Law Reform Commission. The overall aim of the study was to identify how effective the proposed legislation would be and how if it was deficient might it be amended. Incorporated into this would be the views of those who have been interviewed and would be best placed at assessing how the legislation might be amended. The study also looked at the available literature on the spent convictions and how it is applied in other jurisdictions and how they have introduced a system for removal of previous convictions

Prisoners and fatherhood: An opportunity for personal change?

Jane McGrath
Waterford Institute of Technology

The formation of relationships, including fatherhood, is considered to be one of the key social factors in desistance from crime within a number of criminological theories. While more academic interest has been paid to secondary or 'permanent' desistance, examination of the early stages of desistance can help illuminate the factors which may influence the decision to change (Healy and O'Donnell, 2008). Vaughan (2007, p390) suggests that "desistance can only be grasped through an understanding of the agents ultimate concerns, the commitments that matter most and dictate the means by which he or she lives". This paper will attempt to further understanding of the factors which can influence a prisoner's commitment and involvement as a father, and its role in the desistance process. It will draw on findings from a small scale qualitative study of the experiences and perceptions of prisoners in relation to the roles and responsibilities of fatherhood, carried out in 2006. This study will illustrate the interplay between addiction, co-partner conflict and prisoner's perceptions of fatherhood to illustrate some of the forces which constrain or enable their involvement as fathers, and ultimately influence motivation towards desistance and personal change.

Sentencing considerations for young offenders: The role of section 96 of the Children Act 2001

Emer Meehan
University College Cork

Prior to the enactment of the Children Act 2001 on the 1st March 2007, young people in conflict with the law in Ireland were sanctioned under the Children Act 1908. This regime was widely criticised as being too limited and punitive. The 2001 Act introduced a broad range of new community based options in an attempt to reduce the high levels of young people detained in Ireland. Crucially, section 96 introduced a number of factors which the judge may have regard to when sentencing offenders under the age of 18. In particular, section 96 provides that any sanction imposed on a young person should be the least restrictive measure appropriate and should cause as little interference as possible to their family life and education or employment. Moreover, it states that the court may consider the child's age and maturity as mitigating factors. This paper will examine the obligations which section 96 imposes on the judiciary and will question whether the section in fact, could be viewed as introducing sentencing guidelines?

Captain Maconochie’s “Mark System”: The intellectual origins of reformation and Sir Walter Crofton’s Irish system

John Moore
University of the West of England, Bristol

Whilst scholars have focused on the debates between supporters of the ‘Silent’ and ‘Separate’ systems of imprisonment during the first half of the nineteenth century little attention has been given to the equally significant debate between the respective merits of the English and Irish systems of imprisonment during the 1860s and 1870s. The Irish system implemented from 1854 by Walter Crofton was an innovative experiment in reformatory imprisonment utilising the penal theories of Alexander Maconochie. Maconochie’s theories and Crofton’s Irish system were highly influential in the development of the modern prison. They provided the blueprint for the American reformatory movement, Borstals in Britain and its colonies, Open Prisons, Token Economies, Indeterminate sentences and a range of other important 20th Century developments. This paper sets out the intellectual origins of Maconochie’s ‘Mark System’ and in particular the influences underpinning his theories on the concept of reformation. It highlights in particular the significance of phrenology, political economy and Christianity to Maconochie’s system. The paper also identifies how the practical implementation of this system within the Irish Convict Service has shaped the modern prison.

“To show their power”: The ongoing impact of conflict on women’s incarceration in Northern Ireland

Linda Moore
University of Ulster

Imprisonment for women in Northern Ireland takes place within the context of a society emerging from violent conflict. The conflict left Northern Ireland with a ‘unique’ prison system (McEvoy 1998: 40) in which politically motivated women experienced the ‘gendered organization of punishment’ (Corcoran 2006: xvii). Based on primary interviews conducted by the author and Professor Phil Scraton, with women prisoners in Maghaberry Prison and in Hydebank Wood this paper focuses on the continued impact of the conflict on women’s imprisonment in the north. It considers the relationship between political and ‘ordinary’ imprisonment; the ways in which penal regimes have been shaped by the conflict; and the impact of political resistance on broader prison regimes. The paper places Northern Ireland within a global context, providing a comparative analysis of women’s imprisonment in jurisdictions undergoing and emerging from conflict.

Punitive panopticism and the (self)regulation of asylum seekers in the United Kingdom

Kevin Moran

Since the publication of Michel Foucault's seminal work *Discipline and Punish* surveillance studies and questions of visibility have become perennial topics of criminological investigation. In developing Foucault's signal concept of panoptic power, this paper conducts a qualitative investigation into the effects of mass surveillance of the asylum population in the United Kingdom. The last ten years have witnessed a steady transposition of strict 'contact maintenance' measures from the criminal justice system to the asylum system. Such contact measures have facilitated a dispersal of discretion across a wide range of public agents, and as in Stanley Cohen's classic *Visions of Social Control*, have resulted in the penetration of punitive potential into nearly all aspects of asylum seekers' lives. This paper will demonstrate, via a series of in-depth qualitative interviews with asylum seekers in the Glasgow area, that exposure to regular observation and prohibition within the asylum system has inculcated a form of collective self-regulation. As a result asylum seekers perform acquiescence across a wide range of activities, including, in a key theme of this paper, political activity. This paper seeks to provide an empirical application of Foucault's theory of disciplinary power and will conclude with a consideration of the implications of this analysis for understandings of the Irish asylum system.

"Criminals" and the police complaints process in Ireland

Brian Moss

Garda Síochána Ombudsman Commission

Independent oversight of policing was introduced into the Irish criminal justice polity via the Garda Síochána Act 2005 and the Garda Síochána Ombudsman Commission (GSOC) has carried out the oversight function since its introduction in mid-2007. Despite its newness, GSOC has already been criticised within garda circles as being a platform from which criminals can make trouble for gardaí (police officers). The paper first determines whether there is any empirical basis to the latter assertion. It then proceeds to consider whether the claims are intended to deflect public attention away from how gardaí police high crime areas, wherein the garda-community relationship has tended to be fraught, particularly given the voice GSOC arguably offers such communities in its ombudsman capacity. In so doing the paper seeks to bring Irish evidence to the existing debate on whether such geographic areas submit most/least police complaints by measuring the proportion of complainants living within and without areas coming under the RAPID programme, a national social inclusion initiative. The paper concludes that Sykes and Matza's (1957) concept of blame denial provides a relevant theoretical framework by which to understand both garda resistance to and public recourse to independent oversight of policing in Ireland.

Military force and police accountability: Evaluating the risks of using military personnel to gather surveillance evidence in Ireland

**Michael Mulqueen
University of Limerick**

This paper explores implications for Irish policing and national security policy which arise from provisions contained within the Criminal Justice (Surveillance) Bill 2009 empowering personnel of the Defence Forces to covertly appropriate intelligence admissible as evidence in the Irish courts. Drawing on realist security and socio-psychological theories, the paper claims a link between effective national security and law enforcement located within transparent and accountable frameworks. Increased reliance on military power to conduct high policing operations, including surveillance of transnational terrorist suspects, is evaluated within this theoretical construct. The paper concludes that the bill, as published in April 2009, provides certain tactical benefits to the State in its attempts to disrupt the activities of transnational terrorists both on-island and elsewhere. But it risks a strategic failure in the form of greater public distrust of the Irish law enforcement and security authorities.

Doing criminological fieldwork in a developing country: A personal practical experience

**Chijioke Nwalozie
University of Manchester**

Essentially, fieldwork activity is the core of any natural or social science research. It involves the gathering of primary data, or the collection of 'raw data' from the natural world in order to study a phenomenon. In the social sciences, doing fieldwork implies an inquiry into the socio-cultural environment rather than in a physical science laboratory. Above all, any fieldwork in the social sciences is a practical study of a people's behavioural pattern carried out by a researcher or team of researchers in the field. Criminology as a social science, and indeed the scientific study of crime and criminal behaviour, involves the collection of 'raw data' from the respondents: criminals and non-criminals alike. It can be in the form of qualitative or quantitative data or both. Such data collection regimes tend to validate and make a specific piece of research reliable. This paper is an account of a personal practical experience. It aims to explain the modus operandi in carrying out a criminological fieldwork activity in a developing country. Moreover, it highlights the inherent difficulties in a fieldwork, and finally discloses what happens after a fieldwork experience.

Is criminology bad for you?

Ian O'Donnell
UCD Institute of Criminology

Modern bureaucracies are supposed to function in a spirit of indifference to the moral worth of their task. They are goal-oriented, hierarchically organised, impersonal and governed by formal rules. This, coupled with a division of labour that segments activities into discrete parts, ensures that bureaucracies are the most efficient means of carrying out morally distasteful acts ranging from the denial of benefits to supplicant citizens, to the administration of punishment and the organisation of genocide. Bureaucratization is both an inevitable concomitant of increased complexity in political and economic arrangements as well as acting as a midwife for further differentiation. This paper explores how the character of a country's bureaucracy might colour its criminal justice policy. Where there is wide scope for discretion, a clientelist political system and an underdeveloped knowledge base, the scene is set for fluidity and unpredictability. Where criminological knowledge is institutionalised and discretion largely extinguished, the room for manoeuvre evaporates and a more uniform (punitive) logic can emerge. In this way criminology can have pernicious consequences.

“If you are innocent therefore you have nothing to hide!” DNA profiling, mass screening and the privilege against self-incrimination

David O'Dwyer
University of Limerick

If a particularly heinous murder/rape is committed in a discrete geographical area and the only evidence is the DNA-profile extracted from bodily fluids found on the victim, the Gardaí may decide to conduct an intelligence/mass screen in that area in order to identify the perpetrator or simply narrow the pool of suspects by eliminating much of the population from the investigation. The paper will discuss the concept of DNA request surveillance, where investigators seek to rely on a refusal to consent to a forensic procedure as a sign that the individual has “something to hide”. The revealing of the negative reaction to the request for a sample could be regarded as self-incriminatory as it can support an inference that the individual is guilty of crime. It is clear that DNA request surveillance is a form of compelled rather than voluntary self-incrimination. Recipients of a request can either submit to that request or reveal their fear of that surveillance. While it may be justifiable for the privilege to be limited where a person is suspected of a crime, the concern here is that mass-screening could prompt self-incrimination even by non-suspects. Such compulsion might not constitute a proportionate interference with a person's privilege against self-incrimination.

An interpretation of the immigration-crime nexus

Caroline O’Nolan
Trinity College Dublin

Leading social theories which seek to explain the relationship between immigration and crime share the a priori assumption that immigration is a social force which contributes to crime rates in host societies. This paper seeks to explain why immigration is commonly understood to result in increases in crime. This paper highlights historical community practices such as the ritual expulsion of scapegoats and the shunning and banishment of those who infringe community moral codes, and contends that these practices provide the roots for the view of immigration as a process which increases crime. These informal, community based sanctions, influenced the formal sanctions adopted by criminal justice systems, with the most notable example being the policy of transportation which created large numbers of ‘convict’ immigrants. Certain current criminal justice practices are argued to further perpetuate the immigration-crime nexus. Concern about immigration is shown to be long standing. The public perception that immigration increases crime is shown to be strong and to have strengthened in recent years both internationally and in Ireland. The paper concludes by pointing to the changed nature of the immigration experience in the 21st century, and calls for a re-theorising of the relationship between crime and immigration.

The role of higher education institutes in developing police specialisation: Initial police training in England and Wales

Jennifer Phipps
Canterbury Christ Church University

The aim of this paper is to discuss the extent to which higher education institutions (HEIs) have a role to play in developing specialist areas of knowledge and understanding for new police recruits within initial police training programmes. Recent decades have experienced a considerable shift in relation to the nature of crime and the daily challenges met by the police service, requiring specialist policing responses. This has given rise to deliberations on the best means of combating these challenges. In England and Wales, some police services have recognised the benefits of collaborating with HEIs in delivering initial police training programmes. There are many motivating factors for developing such an approach to police training and encouraging the involvement of HEIs in this process. The primary focus of this paper will be on the benefits in terms of police specialisation. The paper draws upon the experiences of working with in a collaborative arrangement between a university and a police service in England and the involvement in establishing a HE Forum for Learning and Development in Policing in the United Kingdom.

How is penal policy made in Ireland? Yes (or no) Minister

Mary Rogan

Dublin Institute of Technology

This paper examines the formation of penal policy in Ireland. Drawing on criminological scholarship in the area of policy analysis, the paper seeks to investigate the role of Ministers and senior civil servants in the creation of Irish penal policy. To do so, the paper takes a case study approach. During the early 1960s a number of significant events occurred in Irish prison policy. These included the establishment of an Inter-Departmental Committee to investigate, amongst other things, the prison system; the establishment of the Training Unit at Mountjoy and the preparation of a number of radical plans for the future development of prison policy. The role of Charles Haughey, the Minister for Justice between 1961 and 1964 in these changes is assessed in conjunction with an appraisal of the influence of the then Secretary of the Department of Justice, Peter Berry. As well as examining the origins of these developments, the paper uses the relationship between Haughey and Berry as a case study to discuss the importance of Ministers and civil servants in creating penal change.

Differential regulation: A result of social norms?

Gerry Sadlier

Law Reform Commission

In a world where civil measures are increasingly relied upon to enforce legal rules which were once the province of the criminal law, criminology cannot afford to ignore systems of civil regulation. This paper contributes to an understanding of this developing area by analysing the values which underlie it. The regulatory regimes which have developed to control professions, such as solicitors, barristers, doctors and nurses are contrasted with the regulatory system designed to control the misbehaviour of company directors. It is argued that the differences which emerge provide significant insights into the factors which lie behind the development of regulatory regimes and criminal law alike. Each of these differences is discussed. These include the very different type of regulatory body in question in each system; the differing burden of proof applied; the ease with which regulatory action may be taken and the available sanctions. The paper questions whether the professions are characterized by 'white-collar regulation', analogous to the concept of white-collar crime? Building on this analysis, the justifications for regulation, within the civil jurisdiction, as opposed to criminalization of proscribed activities is critiqued. It is argued that just as with criminal law, the shape of civil regulation reflects social values. Thus, factors such as the standing of the group which is being regulated within society are as important as any utilitarian focus on efficiency. This develops the traditional focus on the distinction between "crime in the streets and crime in the suites"; by applying it to the supposedly neutral "culture of enforcement" said to characterize civil regulatory procedures.

RAFT: Online acquisition of digital forensic evidence

**Mark Scanlon
University College Dublin**

Current trends in technology are putting computers with high-bandwidth Internet connections into the hands of regular criminals. As this trend continues, more and more traditional crimes are being aided by computers (i.e. fraud, identity theft etc.). As a result, digital forensic investigators will soon be overwhelmed with the number of cases they have to deal with. Traditional digital forensic investigations are conducted by the investigator leaving his laboratory to visit the crime scene, where he will collect all the relevant evidence, and bring it back to his secure store. This evidence may lay untouched for six months or more while the investigating team deals with the backlog of cases. In this paper, we introduce one solution to reduce the time taken to acquire the necessary evidence. We propose RAFT (Remote Acquisition Forensic Tool), a remote forensic hard drive imaging tool, that is designed to boot off a Linux Live CD or USB memory stick. This tool is designed to equip any law enforcement officer with the ability to easily perform digital evidence acquisition, which would traditionally require the expertise of an on-site forensic investigator. The key focus of RAFT is to ensure that the evidence it gathers is court admissible. This is achieved by ensuring that the image taken using RAFT is verified to be the same as the original evidence.

Contextualising the marginalisation and criminalisation of children and young people

**Phil Scraton
Queen's University Belfast**

Drawing on contemporary debates in political and popular discourse this paper explores the impact of negative images and ideologies on the marginalisation, regulation and criminalisation of children and young people. Definitions of 'antisocial behaviour', the introduction of antisocial behaviour orders and the discriminatory use of 'dispersal zones' in England/Wales jurisdiction have been adopted or are proposed in Northern Ireland. This paper explores these developments in the context of impending devolution of justice and policing to the NI Assembly and, based on in-depth, cross-community research with children, young people and their advocates it considers their experiences of demonization and exclusion in the inter-related contexts of material deprivation and the legacy of conflict.

Plea bargaining, pleading guilty and accepting fixed penalties

Adele Smith

Association for Criminal Justice Research and Development

Plea bargaining is an act of negotiation entered into to secure a lesser conviction or sentence in exchange for a guilty plea and can also be seen in the likes of fixed penalties issued by the Garda Síochána. Some forms of intimidation can be seen in plea bargaining which can include inaccurate or exaggerated ‘threats’ of further proceedings and sanctions. Research is needed in this area to help protect human rights issues arising from pleading guilty; acceptance of guilt through accepting fixed penalties and possible inferences drawn or discounts not received from pleading not guilty. Questions which the research will attempt to answer include: regulation, training and occurrence of plea bargaining and a comparison of the outcomes of cases which have been subject to plea bargaining and those which have not. There are many arguments for and against the process of plea negotiations¹ and it is not the purpose of the proposed research to disrespect the act or the need for appropriate plea bargaining. A balance must be struck with crime control, the public purse and the rights of the accused as well as a fair and transparent system for the public.

First-time and recurrent inmates' experiences in prison

Karen Souza

University of Cambridge

Past prison research has focused largely on the negative facets of prison life and the imported factors that affect how prisoners cope with and adapt to the ‘pains of imprisonment’. The present study focuses on inmates’ experiential realities and how they acclimatize to life in prison. A survey of 310 adult male inmates from three English prisons asked about their daily experiences in prison. While first-time and recurrent inmates did not differ in their involvement in programs and activities, they differed significantly in the amount of time spent engaged in these activities and the types of programs that they participated in. Moreover, first-time inmates felt significantly worse about their situation than recurrent inmates. Insight to the experiences of inmates in prison can aid in risk-needs assessment and has implications for the development of intervention strategies.

Jury nullification: Is such a power desirable in Irish law?

Ciara Staunton
Law Reform Commission

Jury nullification is the power of the jury to decide a case contrary to the law and evidence. Such a power has existed for centuries; however there is little mention of it in Irish case law. Indeed the Juries Act 1976 does not mention this power. The oath that each juror must swear states that they will give a verdict according to the evidence. Despite swearing this oath, a jury may still engage in jury nullification and render a verdict many would deem to be incorrect. Due to jury secrecy, an unaccountable jury, and the practice of fining jurors banished to the history books, the judge is powerless to prevent a jury from nullifying the law. This paper will briefly discuss the historical justifications for jury nullification and whether such a power is necessary in Ireland today. While undoubtedly this political function of the jury was necessary and useful in nineteenth century Ireland, is a political jury necessary? Can the historical justification of ensuring that the “community conscience” determine the guilt or innocence of the defendant stand up when one considers the composition of the jury today? Finally this paper will make some concluding comments on the importance of the jury in light of the nullification debate.

Crime, conflict, sovereignty and the struggle for governance from below

Kevin Stenson
University of Kent

This paper builds on the author's development - with other authors - of governmentality theory in criminology. It does this by moving beyond discourse analysis by drawing a wider range of data and research methods for exploring governance, by emphasising the interaction between governing from above and below and by highlighting the centrality of the struggle for territorial dominance and sovereignty at every spatial level from the local to the global. The paper emphasises confluence between this `realist` version of governmentality theory and some key themes of cultural criminology. The argument is illustrated with a range of empirical examples , including reference tot debates about spatial territorial struggles among young people.

Reform of the criminal jury

Kenneth Togher
National University of Ireland, Galway

This paper proposes a reformed model of jury deliberations in criminal matters. Under this proposal, the trial jury would continue to sit together during the trial, observing the evidence and testimony as a single collective unit. For the purposes of deliberation, however, the jury would be split into two pools, with six jurors in each. These pools would be kept separate during their deliberations, including dining, overnight stays and so on. On completion of their deliberations, the two pools would return their respective votes to the trial judge who would then combine them to come to the jury's overall decision. The purpose of this proposal is to limit the influence of undesirable characteristics of individual jurors to only part of the jury; a rigorous separation of the two pools as proposed would prevent the contamination of both pools by a single "rogue juror". This proposal would significantly reduce the risk of juror bias, prejudice, racism or misconduct affecting the jury's final verdict, giving a more secure and reliable decision. In essence, the proposal allows each pool to act as a check upon the other without any need to breach the veil of secrecy that attaches to jury deliberations. This is particularly relevant given the number of recent cases coming before the courts as a result of alleged juror misconduct. The paper will explain in greater detail the working and benefits of this proposal.

Out of order: Women's experiences of imprisonment

Azrini Wahidin
Queen's University Belfast

This paper is based on preliminary findings from field work conducted at HMP Styal. The paper will offer a reading of the relationship between gender and punishment and in the process destabilize the idea that offending women are out of order by grounding the analysis in the experiences of women who are imprisoned at HMP Styal. The paper will be grounded in their own words and experiences, as well as contemporary feminist theories of agency and identity. By examining women's subjectivity - their motivations and sense of self I will illustrate how they evaluate and negotiate power relations in prison. Their subjectivity, in other words, provides a context in which to understand their actions in penal institutions and with each other. It is by examining how female offenders survive the prison or don't as the case may be that this work will reveal how techniques of penal power / discipline inscribes identities onto the lived body.

The Garda Siochana Act 2005: Tightening the noose of government control

Dermot Walsh
University of Limerick

The Garda Siochana Act 2005 provides for the first major overall of police governance and accountability in the State since the Garda Siochana was first developed in the early 1920s. When proposing the measure in parliament the Minister for Justice, Equality and Law Reform declared that it would provide the legislative basis for policing in this country for at least the first half of the twenty first century. A cardinal feature of the Act is its reform of the police complaints procedure. Not surprisingly, this aspect has attracted considerable public attention and, presumably, has boosted an impression that the Act as a whole is a welcome and much needed reforming measure that will strengthen accountability and transparency. What is less well appreciated is that some aspects of the Act actually strengthen the control of central government even beyond that which has been a characteristic feature of Irish policing since the early 19th century. This paper will identify the mechanisms provided by the Act to strengthen government control over the Garda and policing at the expense of accountability, transparency and consensus policing values. It will argue that aspects of the Act make a significant contribution to pushing Ireland in the direction of a police state, and that these are not sufficiently offset by the complaints procedure reforms.

Resisting the new punitiveness: Penal policy in Denmark, Finland and Norway.

Kevin Warner
University College Dublin

This paper reports on research into penal policy of Denmark, Finland and Norway. It examines whether the rise in punitiveness in relation to imprisonment that has taken place in the USA, Britain and Ireland in recent times can be found in these Nordic countries, and it seeks to establish the reasons for the outcomes. Penal punitiveness can be summarised in three features: greatly increased incarceration, more restrictive regimes, and representation of the person in prison in negative and one-dimensional terms. Using quantitative and qualitative methods, but especially interviews with key actors, prison visits and analysis of documentation, the research sought to determine where these Nordic countries stand in relation to such criteria of punitiveness. It was found that they do not follow the pattern Garland (2001) describes, but rather restrain both the scale and the depth of imprisonment, and exhibit in particular an inclusive view of prisoners in relation to the rest of society. Factors restraining punitiveness include primarily the universal welfare state, but also less confrontational politics, less fear of crime, restrained media and, critically, the attitudes of key 'experts' in the administration. One might ask about the possibility of Ireland following Nordic, rather than Anglo-American, penal policy.

Immigration, language and the criminal justice system: Limited-English proficient immigrants in Irish Criminal Courts

**Kate Waterhouse
Trinity College Dublin**

Communication constitutes a vital part of the criminal process, but the language of the legal system is not always accessible; its technical ‘jargon’ can pose challenges even for the average defendant, which are multiplied in the case of a defendant who is not a native speaker of the language used in court. In Ireland, debate on interpreting in Irish courts centred until recently on the implications of Article 8 of the Constitution for Irish-speakers before the courts. The issue has become more complex in recent years however; increasing immigration has led to greater numbers of limited-English proficient individuals in the justice system; from only €103,000 in 2000, court spending on translating and interpreting has increased steadily to over €2.5m. This paper proposes to examine briefly the role of language and interpreting in the criminal process as a basis from which to consider how the Irish justice system has risen to the linguistic challenges posed by recent diverse immigration. Specifically it will consider the results of two EU surveys on legal interpreting, and some select case law that can contribute to an understanding of judicial attitudes towards foreign language interpreting.

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