

## A childhood cut short

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# **A CHILDHOOD CUT SHORT: CHILD DEATHS IN PENAL CUSTODY & THE PAINS OF CHILD IMPRISONMENT**

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*Abstract: The death of a child in penal custody is an infrequent but particularly tragic event. In seeking to explain such events, the tendency has been to focus on individual pathology or vulnerability. This article begins from the premise that in order to better understand child deaths in penal custody, it is necessary to move beyond such explanations and consider the wider systematic, cultural, operational and policy issues. It contributes to the debate by exploring the specific 'pains of child imprisonment' as narrated by teenage boys (aged 15-17 years old) in an English young offender institution. It is argued that, trapped in 'kidulthood,' the dual status of child prisoners poses experiential, conceptual and practical complexities, but it also produces pains, losses and burdens that are unique to childhood.*

**Key Words:** children, custody, death, pains of imprisonment

## **Introduction**

Imprisonment in childhood is never a neutral experience. It risks exposing children to very real damage and harm, even fatal harm, during their formative years. Tragically, since 1990, 34 children aged 10-17 years old have died in penal custody. The deaths of children in the care of the State are, as the Parliamentary Joint Committee on Human Rights note (2004 p.25), 'especially distressing' and warrant special attention. Not only have such children experienced difficult childhoods typically marked by loss, trauma and abuse, but they are often failed by the very services tasked with providing appropriate care and support (see, for example, Prison Reform Trust 2012; Barrow Cadbury Trust 2015). Unlike adult prisoners, self-harm and suicide by children is far less likely to be symptomatic of an underlying psychiatric illness and far more likely to represent a response to the existential problems of life inside (Liebling 1992). Their youthful age, inexperience and immaturity, coupled with multiple and complex welfare needs, mean that children are often ill equipped for life inside.

In a one-week period in January 2012, two children committed suicide - Jake Hardy (aged 17) and Alex Kelly (aged 15) – reigniting the debate regarding the need for a public inquiry into child deaths in custody. Successive Governments have, however, remained resolutely opposed to the idea. In July 2015, Lord Harris’ independent review of young adult (18-24 years old) deaths in custody was published, but when setting out the terms of reference, the then Secretary of State for Justice, Chris Grayling, specifically excluded child deaths in custody from its remit, contenting himself that a ‘lessons learnt’ report published by the Youth Justice Board (YJB) would suffice (Hansard 6 February 2014: Column 36WS). The subsequently released report (see Youth Justice Board 2014) provides a useful overview of progress made but, unfortunately, does not engage with the real substance of the wider policy and practical concerns or provide the kind of independent, objective scrutiny permitted by a public inquiry. Yet, it is this wider, objective and comprehensive review, which is absolutely necessary.

Rather than analysing specific case studies of children who have died in penal custody or comparing children who attempt suicide or self-injury with those who do not, this article focuses on the ‘pains of *child* imprisonment’ as narrated by child prisoners in an English young offender institution (YOI). To date, the available literature has largely focused on adult prisoners, leaving the specific pains of child imprisonment largely unexplored (see Halsey 2007 and Cox 2011 for notable exceptions). This is a notable gap. Child prisoners are in a critical stage of maturation, development and, crucially, transition - from childhood, to adolescence, to adulthood. The extent to which this combination of youthfulness, immaturity and transitional life-stage gives rise to experiential and conceptual differences needs to be better understood, as does the way in which the treatment of children serves to mitigate or exacerbate the ‘pains’ of imprisonment.

This article argues that entry to a YOI is seen to mark a transitional point where children are catapulted into premature adulthood and fear that their ‘childhood’ has been irrevocably lost and the trajectory of their lives permanently altered. Trapped in ‘kidulthood,’ the ‘loss of childhood’ is reinforced by the cultural, structural and relational climate of the YOI. Clearly, for those children who die in penal custody, it is their very lives, not just their childhood, that has so prematurely come to an end.

But even those children who survive a custodial sentence experience a series of irrevocable ‘endings’ in youth custody. Death and loss must be confronted in myriad ways. The difficulties associated with achieving a child-centred approach within a YOI has a direct bearing on perceptions of safety, fairness and legitimacy and, consequently, feelings of distress and anxiety. Children may attempt self-harm or suicide, or indeed witness their peers doing the same, causing them to once again confront pain, death and loss. Death in youth custody cannot be properly understood without considering the experiences of those children who do not attempt suicide or self-harm or those who do so but, for whatever reason, are unsuccessful. Explanations of child deaths in penal custody need to move beyond a focus on ‘poor coping’ or ‘vulnerability’ to consider the ways in which the range of individual, situational, cultural, environmental, moral, social and age-related factors intersect.

### **The Pains of Imprisonment**

Prison life is painful and burdensome. In his seminal text *The Society of Captives*, Gresham Sykes (1958) argues that the prison was not intended to be painful, but that certain deprivations are an intrinsic and unavoidable feature of imprisonment. These ‘pains of imprisonment’ – including the loss of liberty, autonomy, sexual fulfilment, security and material goods – were psychological in nature but, as Sykes emphasised, no less damaging than physical affliction. Sykes was not alone in this observation. His contemporary, Erving Goffman (1961), similarly argued that entry to the ‘total institution’ marked a ‘civil death’ and subjected the new inmate to a series of abasements, degradations and humiliations. It is this ‘assault on self’ that is particularly profound.

In the decades since, a rich body of literature has served to expand our understanding of the pains of imprisonment, taking into account its historical (Crewe 2011), spatial (Hancock and Jewkes 2011) and gendered dimensions (Bosworth 1999; Ugelvik 2014), as well as the extent to which long-term and indeterminate detention poses additional strains and frustrations (Cohen and Taylor 1977; Crewe 2011). Recent research illustrates how the ‘reconfiguration of penal power’ in the late modern prison has also produced new burdens and frustrations, with the effect that the carceral experience is now ‘lighter’ – less brutal, oppressive and dehumanising - but ‘tighter’ – ‘gripping’ rather than weighing down on the prisoner (Crewe 2011).

Whilst certain ‘pains of imprisonment’ are a universal feature of imprisonment, prisons differ in their moral quality and performance, and crucially, how painful they are perceived to be (Liebling 2011). As Liebling observes ‘some prisons are more survivable than others’ (Liebling 2011 p.532). To explain this difference, Liebling points to variations in staff-prisoner relationships, the use of authority and the manner in which prisoners are treated. Prisons are ‘more punishing and painful when staff are indifferent, punitive or lazy in the use of authority’ (Liebling 2011 p.534). These differences matter. The moral, social and emotional climate of a prison has a direct bearing on prisoner wellbeing and levels of distress. As yet, prison research has predominantly focused on adult prisoners, leaving the experiences of child prisoners in an English YOI relatively little explored (although see Gooch 2015). This article revisits the discussion to consider the specific pains of child imprisonment.

### **Ethnographic Research with Child Prisoners**

This article draws on empirical research conducted in a YOI accommodating sentenced and remanded teenage boys aged 15-18 years old in July - August 2008. The YOI was visited at different times of the day and week. Time was spent in all areas of the prison, including education, healthcare, segregation unit, residential units, and observing different aspects of prison life, such as adjudications and sentence planning meetings. This allowed the researcher to observe how and when incidents of self-harm, cell damage and violence occurred and how both staff and children responded. Many hours were spent engaging in informal dialogue with children and staff alike, including those children who were identified as most ‘vulnerable’ and who were, in some cases, located in the segregation unit for their own protection or the healthcare unit for treatment, care and support. The time spent observing prison life, ‘hanging around’ and engaging in conversation enabled a rapport to be established, assisting the interview process. Semi-structured interviews were completed with 21 children and 11 staff members. The interviews discussed key themes identified through the observations of prison life and included themes such as the ‘pains of imprisonment,’ relationships, self-harm, cell destruction and prison violence. Interviews were conducted in a private room and digitally recorded. Pseudonyms are used throughout this article. The focus on teenage boys reflects the profile of children

who have died in penal custody, who were all male and in all but two cases, were held in a YOI. The use of the term 'child' or 'children' throughout this article is a deliberate one, reinforcing the point that even as teenagers, these prisoners were still legally children (Children Act 1989 and 2004).

### **'Prison's a lot': The Pains of Child Imprisonment**

#### *The Deprivation of Liberty*

It seems somewhat trite to say that the loss of liberty is the most painful loss but the significance of coercive confinement and the physical limitations this imposed should not be underestimated. All of the young people interviewed commented on the lack of freedom and their strong dislike of being '*banged up*.' For example, Tyrone explained: '*nothing is good about prison but, nothing at all, all I think about is freedom.*' Sykes (1958) comments that the deprivation of liberty not only involves confinement to an institution but also confinement within the institution and it was these restrictions on physical space and mobility that were, in and of themselves, painful and frustrating. Generally, young people are unlocked for up to eight hours a day, but this could be far less if a young person was subject to disciplinary sanctions or refused to leave their cell out of fear. Long periods of cellular confinement represented a stark contrast to the self-directed, unstructured time enjoyed in the community:

*Kyle:*

*I do get frustrated that I'm in here, I just want to be free like, have my own space, go to sleep when I want, like I'm never, I'm the kind of person, I hate being in the same place for too long, can't stay in somewhere for too long... People get frustrated and they can't take jail so they take the easy way out.*

The range of in-cell activities was limited and children quickly grew restless. Even when opportunities to leave their cell arose, this meant confinement in a different area, further exacerbating the problem. Children frequently believed that cellular confinement had an impact on their emotional and mental health, typically describing feelings of depression, anxiety and anger:

*Shane:*

*Fucking seeing the four walls all the time, you just go mad. Start smashing up [his cell].*

*Risze:*

*It's hectic when you are in a pad, if you are in a single cell, you get really depressed at times like that and makes, you've got a lot left to think, because you've got so long to think, you're have all these different options in your head*

Feelings of depression were frequently expressed during the interviews and children often described prison 'getting to your head' or 'doing your head in.' It was in these periods of isolation and confinement that previously suppressed or unresolved feelings about the past, present or future re-surfaced. Physical constraints could do little to contain the negative thoughts of guilt, remorse, loss and hopelessness.

### *The Loss of Childhood*

Although Sykes' (1958) original catalogue of the 'pains of imprisonment' did not specifically reference the loss of time, 'time' is a perennial problem. Time has to be served but this task is challenging and arduous (Cohen and Taylor 1972; Serge 1970). The highly structured prison regime, limited range of activities and infrequent variations are such that time feels distorted, 'unreal' and 'heavy hanging' (Goffman 1961; Serge 1970). There is no doubt that the loss of 'free' time is painful. Prison time is experienced as 'wasted time,' as something stolen from their lives never to be recovered. Prison time frequently lacked purpose and value - it simply had to be endured (also see Halsey 2007). The loss of time was not simply related to a numerical period of weeks, months or years, but, critically, the loss of a specific phase in normal lifecourse – their very childhood.

This 'loss of childhood' was experienced in three key ways. First, young people perceived that a period of their lives where they could enjoy just '*being a kid*' had been foreshortened and irrevocably lost. Childhood was perceived to be a period where leisure and recreation time could be enjoyed free from the demands of work or family. It was seen as a time to spend with peers where young people had a degree of dependence and autonomy to govern their own lives before facing the demands of adulthood. It was the little details that reminded them of this loss. For example, Darren explained:

*... but like summer day, you look out your window and makes you think and that, makes me feel depressed and that, because I just want to be out. That's why, when I'm in my cell, I close my curtains. Do you know what I mean?*

Closing the curtains served as a futile attempt to deny the outside world. Jewkes notes how prisoners at Alcatraz most feared being placed in the punishment cell where they could witness people enjoying themselves along San Francisco Bay: 'To be exposed constantly to a place that they could not go and to witness scenes of enjoyment in which they could not participate served only to heighten the inmates' sense of separation, and was seen as the severest kind of punishment' (2002, p.91). Viewing the outside world from the confines of a locked prison cell confirmed that it was not just their lives, but the joys of youth, that were passing away.

Secondly, the sense of a 'missed life' during adolescence confronted children with the reality that would be released as a '*bloke*.' They were catapulted into premature adulthood, forgoing the pleasures of youth. This problem was particularly pronounced for those serving long sentences and/or those who were likely to be transferred at the age of eighteen to another (adult) establishment. Risze commented:

*when you realise you are going to get a good six year, seven year, you realise that you ...from when you've been a kid, being a teenager, it's all gone. Being a young man, it's all gone. I'm going to get out and be a bloke, so you think to yourself, fucking hell - I could have a wife and kids by then. So you think you've ruined it all.*

It was not only the loss of childhood which was significant but also the need to 'grow up' inside, ready to face an adult prison environment and the demands of 'manhood' on release. This, in turn, produced additional anxieties regarding their capacity to survive and 'do your time' in a prison environment, which they perceived as threatening and where the risks were largely unknown. For example, Risze continued:

*... I know as much as I start getting my head down now, there's all the years that pop up, when you're in prison, there's always going to be problems isn't there? I'm worried how do I get parole.*

It is not only the challenges of doing time over a long period that generates concern, but also the need to actively demonstrate compliance over many years. Whilst they might be able to constrain themselves for a short period, this state of continually suppressing frustrations or avoiding violent confrontation seemed difficult to maintain. Crewe (2011) argues the reconfiguration of penal power has generated new 'pains of uncertainty and indeterminacy.' It is both the unpredictability and inconsistency of discretionary styles of prison governance as well as the lack of



clarity regarding the 'route map to freedom,' which generates anxieties. For children, it was also the uncertainty of the challenges or risks that lay ahead in the adult prison environment and their own insecurities about their ability to navigate these dangers without jeopardising the possibility of release that generated anxiety.

Third, children perceived that normal lifecourse had been irrevocably disrupted and interrupted. Jewkes uses the concept of disrupted lifecourse to describe the 'seismic' impact of a life sentence on an adult prisoner. The notion of 'lifecourse' is used to describe the 'ideal' transition from one life stage to the next, where significant events - such as marriage, parenthood, retirement - occur at the 'right time' (2005, p.367). For adult prisoners serving a life sentence, confinement generates fears about strained relationships, the loss of a life partner, loss of contact with children, uncertainty about release, physical and mental deterioration and the possibility of dying in prison (Cohen and Taylor 1977; Jewkes 2005; Crawley and Sparks 2005) . Anticipated lifecourse and future expectations are altered, generating a profound sense of loss and posing a 'serious and intractable' challenge to an individual's sense of self-worth and identity (Jewkes 2005).

The notion of disrupted lifecourse is distinctly different for children serving short- and long-term sentences. Children must come to terms with the fact that they have a lost period of their childhood and, consequently, will never experience, or will have a delayed experience of, certain formative events and rites of passage. Such events include: learning to drive, leaving school, entry to the workforce, independent living, finding a partner, having children and 'landmark' birthdays. Although some such events might be experienced prematurely, such as leaving school, many landmarks are missed or temporarily suspended, something which child prisoners were keenly aware of. Whilst the losses associated with child imprisonment may not be of the same magnitude or severity as the lost opportunity for parenthood or the loss of a life partner, the loss of these formative events could assume a disproportionate significance. Kyle, for example, was particularly concerned about the possibility of spending his eighteenth birthday inside should his request for early release be denied. He commented:

*... But I'm trying, but I really do want to come out for my birthday, that's one of the main things, because if I don't yeah, I don't reckon, I don't reckon I can hold it in, I don't reckon I can be good any more.*

To Kyle, the inability to celebrate his eighteenth birthday and the denial of this 'rite of passage' was the final loss that could be taken away from him. On one hand, fixating on the prospect of early release generated hope, allowing Kyle to focus on the point at which he can return to his life. However, Kyle was not optimistic about his ability to 'hold it in' and maintain a composed, compliant front should his fears be realised. The limited control over lifecourse and future expectations was challenging and painful, reminding teenagers of the ways in which individual autonomy had been lost and their very lives appropriated.

Generally, all child prisoners can expect release at some point. It is not the fear of dying in prison that generates anxiety (cf. Jewkes 2005; Crawley and Sparks 2005) but the fear that the trajectory of their lives has been permanently and irrevocably altered. Children are typically described as having 'their whole lives in front of them,' but for those in custody, their future life prospects appear severely limited. Children fear they have thrown their whole life away - '*my days are gone*' (Risze) - and experience on-going difficulties coming to terms with the implications of serving a custodial sentence:

*Scott:*

*It's ridiculous because now I'm going to have a shit job because of my criminal record n'it but it's too late now, it's all done.*

*Interviewer:*

*Do you feel disappointed?*

*Scott:*

*A little bit but it's part of growing up, everyone ain't the same man.*

The pains associated with a 'lost future' are exacerbated by the realisation that should they fail to secure their own rehabilitation, future spells of imprisonment are inevitable. Such a prospect was unappealing to Darren:

*Shit I want to get out of here, I don't want to start getting old, start going up the system. At the moment this jail's easy, there's harder jails do you know what I mean? ... I don't want to start going jail and that when I'm older. At the moment I'm young, I can change my life around and they can see yeah he did it when he was younger.*

In this account, progression to an adult prison establishment was not perceived to be praiseworthy conduct. However, Darren relied on the fact that he was, at age 15, serving a short eight-month detention and training order and ‘*still young*’ to reinforce the belief that he still had the capacity to change his life and avoid graduating to the adult prison estate. Children are unable to rely on proof of a ‘respectable past’ to assert their ability to live a law-abiding life, but instead, gain hope from the possibility of a respectable future. In this respect, one’s childhood is seen as a resource and a means to negotiating and resisting the social rejection, stigma and ‘spoiled identity’ (Goffman 1963) associated with imprisonment. This was important ‘identity work’ but demonstrates the tensions inherent in their own self-narratives and the complex relationship with ‘childhood.’

The loss of childhood created an impossible dilemma: children eagerly anticipated release and desired the swift passage of time whilst simultaneously seeking to retain what remained of their youth. Thus, child prisoners live life on two trajectories (also see Jewkes 2005). Tyrone commented:

*... even though you want to stay young, you need your time to go, you need your time to go ... I had to grow up real quick n’it, I’ve grown up fast but I don’t really want to grow up fast. I want to stay as a kid, just enjoying myself...*

The transition from childhood to adulthood was complex, fluid and insecure. Whilst children sought to rely on their capacity to change as a justification for their future hopes, the hyper-masculine and toxic culture of violence and victimisation reinforced the need to ‘grow up’ and perform as a ‘man’ capable of surviving in the very adult prison world.

### *Bullying and Victimisation*

The threat of bullying and victimisation can make prison life unbearable and can prove fatal. Homicide is rare but not unheard of. Victimisation is far more common in YOIs than adult prisons (Ministry of Justice 2015a) and, despite a reduction in the size of the youth custody population (Ministry of Justice 2015b), staff in YOIs are still struggling to control violence and bullying’, with fights and assaults a daily reality in all establishments (Her Majesty’s Chief Inspector of Prisons 2014, p.14). Moreover, the rate of violence in the juvenile secure estate has increased, rather than

decreased, in line with a more general increase in levels of prison violence (Ministry of Justice 2015a, 2015b).

Unsurprisingly, a significant proportion of children feel considerably unsafe in the ‘*terror zone*’ (Tyrone) of the prison environment (also see Prime 2014). The ‘survival of the fittest’ mentality is such that children ‘test’ one another to identify those who are most vulnerable to influence, intimidation and extortion. This reinforces the need to present a tough, ‘manly’ persona. Those who appear weak, small or vulnerable are more likely to be tormented by others, compounding the difficulties experienced adjusting to life inside. Not only are young people exposed to verbal, physical, property and psychological victimisation, but the violence and bullying can adopt sinister overtones. For example, Terror bragged:

*... there’s a boy called Michael and he gets bullied. He acts like a hard man but he’s on access [an initiative to protect victims of bullying] ... everyone always says to him, put your pillowcase on your head. Sing “Ba Ba black sheep.” Just bullying him because they know he won’t do it but they know he will shut up, he’ll stop making noise and everything.*

Those who succumb to demands to sing nursery rhymes are publicly exposed as weak, inferior and inadequate. Verbal abuse may be accompanied with demands to attempt suicide or self-injury and/or threats of physical harm. The psychological harm associated with such behaviour should not be underestimated:

*Tom:*  
*He admitted being gay and everyone used to take the piss out of him and he tried to kill himself and he slit all his wrists open.*

The very public dimension of such behaviour and the involvement of more than one aggressor can make the situation appear desperate and overwhelming. The inability to find respite or solicit the support of staff, action which would invariably be seen as ‘grassing’ and invite further victimisation, may cause children to be ‘disruptive,’ injure themselves or damage their cells, either as a ‘cry for help’ or to discharge emotion. Thus, staff have to be alert to the signs and symptoms of distress and victimisation, such as cell destruction, social isolation and withdrawal from the regime (also see Gooch and Treadwell, 2015). Missing such opportunities to intervene can have profound consequences.

Bullying has been a factor in nearly all deaths of young adults and children in custody (Prisons and Probations Ombudsman 2013a) and in all such cases, staff were often aware of such behaviour or suspected it was occurring. In the hours before his death, Liam McManus was told to ‘string up’ (tie a ligature around his neck) by his peers who were also threatening to ‘bang him out.’ This bullying was thought to trigger his death just a few hours later (Prisons and Probation Ombudsman (PPO) 2009). Jake Hardy reported being bullied at Hindley YOI but ‘no one acted to protect him’ (PPO 2013c) and when he smashed his television and self-harmed out of frustration, he was subject to disciplinary charges. These tragic cases illustrate that abuse, taunting and threats may occur over a very short period, even just a few hours, and yet still have a profound impact on the individual. The culture of violence and abuse is particularly pernicious in that children may feel unsafe without necessarily being directly targeted.

### *Family Separation*

For a number of young people, time spent in custody represents the first significant separation from family and, understandably, this separation was an enduring difficulty. However, prior experiences of separation through previous spells of incarceration or local authority care did not mitigate the pains associated with the loss of contact. Children strongly desired familial support, even when familial relationships had been characterised by rejection, separation, discord, inconsistency or a lack of warmth. Children who were a long distance from home frequently felt ‘set adrift’ in a corner of the country they knew little about. Few had partners and it was the comfort and support of their mothers that was longed for, reflecting something of their status as children. Darren summarised the dilemma: *‘It’s the one place you really need your mum.’* Despite the expressed need for emotional fortitude, lost familial contact was the only subject for which ‘leakages’ (Crewe *et al* 2014) and lapses in emotional restraint were deemed permissible and understandable. Kyle commented: *‘Can’t really be with your family, that’s one of the main things people start crying and that.’* However, emotional discharge still had to be managed and contained within certain limits to avoid being identified as a ‘meek’ or ‘fraggle.’

The separation from loved ones compounded the pains associated with the deprivation of liberty. Children were concerned about missing key family events, such

as birthdays and Christmases, and feared that grandparents may fall ill or pass away during their absence. When describing the worst thing about being in custody, Mark commented:

*I never missed Christmas with my Nan and now I've missed two. It's just stupid. It's just one of those things n'it, I shouldn't have been so stupid. [...] Missing when my Nan went into hospital and that. It sort of came out here on a visit, "Oh by the way you're Nan's been in hospital." "What?" "Oh, she's alright now."*

Grandparents often fulfilled a significant child caring and rearing role, especially if parents had been absent. The death of a grandparent would, for many (although certainly not all), constitute the first bereavement experienced and the thought that this could occur during their confinement caused anxiety and regret.

Paradoxically, sustained familial contact could also feel burdensome. The absence of letter and telephone contact contributed to feelings of depression and anxiety, but such contact also reminded them of the extent of their loss. Family visits were both comforting and burdensome, with children feeling under pressure to have something meaningful to say. Familial contact was not always forthcoming or consistent, which often provoked pre-existing feelings of rejection and abandonment. Tyrone, who had spent a year in local authority care, spoke about his relationship with his mother:

*It is, it is, very hard for her. Three of her kids are in jail. In a way I do understand why she ran away and that, I do. In a way I don't n'it, because I expect her to be there for me. ... With my parole, I'm thinking ahead, what if my family does try and come back to me and then they heard I've been bad, they might just run away again...*

Children frequently tied good behaviour in prison and subsequent desistance from crime to the project of rebuilding family relationships. In some cases, parents would use the threat of severed contact as a way to compel their children to mend their illegal ways, generating further anxiety. Children frequently experienced fears and doubts about their ability to desist from criminal behaviour. The possibility that parental care and support could be lost '*for good*' (Scott) was just one of many ways in which children had lost control over their lives. It also served to remind children that they had '*grown up*' and needed to fend for themselves.

### **Kidulthood: Care or Control?**

All but two of child deaths in penal custody occurred in YOIs, establishments that adopt a different nomenclature but replicate many of the features of an adult prison, such as physical environment, disciplinary measures, regime and governance. Modifications have been made to reflect the young age of these prisoners. Children are not, for example, subject to the same Incentives and Earned Privileges Scheme, which has proved so controversial for adult prisoners. The unique status of child prisoners as children also requires staff within YOIs to adopt a child-centred approach (Her Majesty's Prison Service 2012). Prison Service guidance reinforces the need to give due recognition to the welfare needs of the child and achieve the 'right balance between care and control' (2012 p.5). How the dual aims of 'care' and 'control' can, or should, be realised in practice is by no means clear or straightforward. Whilst it is possible to maintain operational grip and adopt a caring approach, it is too easy for care to become a secondary function. The extent to which officers drifted towards more punitive and authoritarian approaches and the quality of the relationships between staff and children has a discernible effect on the perceived 'pains of imprisonment.'

Social relations between officers and young people were heavily 'power laden' (Crewe 2009 p.61). Children were keenly aware of their relative powerlessness and highly sensitive to instances of 'disrespect' and 'unfairness.' Maintaining congenial relationships with officers was less a question of choice and more a question of necessity. It was widely recognised that officers could easily make the prison experience more painful and punishing:

*John:*

*They can make your sentence as hard like as they want it to be but they can make it easy as well.*

*Risze:*

*... They will treat you with respect but if they take something personal against you, they'll make your life hell, they don't care ... Sometimes, like I said they get a bit power happy, that's when it makes it difficult for you.*

Children often became preoccupied with what they considered to be instances of disrespect or 'violations,' describing it as '*playing on your mind*' and citing such instances as reasons for self-injury and cell destruction:

*Chris:*

*They were doing my head in so I decided to set my cell on fire and just trashed it. All of them are just, they were just doing my head in, they just think they're all big 'cause they've got keys and that. Reckon they're the top dog, reckon they can say this and it goes but obviously it does in here but on the out they probably wouldn't say any of that to me.*

It was often the little details that mattered most, such as failing to answer a cell bell or ignoring requests. It was also clear that children, such as Rize, felt that staff were indifferent to the impact of their behaviour - *'they don't care.'* Such behaviour was seen to be outside the scope of legitimate power - staff were getting *'power happy.'* However, children wanted a certain amount of practical and emotional support. Officers who were willing to converse with children and listen to their views were described as 'good' officers. Jason suggested that the ability to access support from an officer meant that *'you know someone cares.'* That said, the expressed need for emotional support was not without its limits and children often believed they could not trust others and should *'keep things to yourself'* (Kyle). This reflected the need to *'do your own time,'* but also the stoicism inherent in the construction of hegemonic masculinity within the YOI.

For officers, caring and supporting children was complicated by the perceived need to maintain social distance and vigilance against potential threats to order. Officers had their own reservations about their abilities to adequately support children, preferring to deal with violent children rather than the *'criers'* (Mike, prison officer). In part, this stemmed from a lack of confidence and training, with officers believing that they were ill-equipped to advise and support vulnerable children and preferring to hand over such responsibility to those who appeared more competent, such as healthcare staff. Prison officers may undertake a short, one-week course of additional basic training to work with juveniles. However, this training is regarded as inadequate by the YJB, the Prison Officers Association, the Magistrates Association and Her Majesty's Chief Inspector of Prisons and is set at a level far below that which would be expected to work with children in other institutional settings (House of Commons Justice Committee 2009). Moreover, the low staff-child ratio in YOIs impacts upon the kind of individual, consistent care that can be given, but it is this holistic care that is absolutely necessary.



The dual status of the child prisoner posed difficulties for officers who were torn between parenting and disciplining children. The assumption of a parenting role was exhibited in a number of actions, including teaching young people manners and ‘no means no.’ However, such approaches were often indicative of an authoritarian attitude. Alison (prison officer) commented: *‘I put my foot down quite a lot and just say no, and they don’t like that.’* Some officers enforced their authority simply for its own sake. This was frustrating for children, particularly when such decisions were not explained and when their views went unheard. Generally, staff believed that children were already given too many privileges, suggesting that the regime should be tough, strict and offer few advantages (also see Gooch and McNamara 2015). This ‘punitiveness’ manifested itself in the little details:

*Darren:*

*They [officers] wouldn’t let him have his [cell door] flap open so he just smashed up his cell and threw his chair against the door.*

When children were in conflict with staff, there was a tendency for staff to see this as a zero sum game. Notably, teenagers resorted to their childhood status to express concerns about their treatment – *‘we’re kids at the end of the day’* (Jason) – and to reinforce their need for kind, caring and supportive treatment.

The lack of a child centred approach is particularly evident when children violate disciplinary rules. In such cases, it is too easy for officers to become caught up in challenging and punishing such behaviour and overlook the vulnerabilities it conceals or understand its context.. For example, Jake Hardy was bullied and ‘harassed’ by other prisoners during association. The behaviour went unchallenged by officers and Jake responded by kicking his door and damaging cell furniture. As a result, prison officers did not allow him to telephone his mother as promised because they did not want to ‘reward bad behaviour’ (Allison 2014). It would have been difficult to predict that Jake would commit suicide just an hour later but it underlines the point that children who are drifting into despair may not always act in ways that are compliant with the rules and will not always resort to self-harm in the first instance. Several young people believed that inflicting violence on others was a more prudent strategy for resolving feelings of anger, frustration, anxiety and depression. Thus, it is not just those who present as victims who may be finding it difficult to cope, but also those who may be acting aggressively. Officers need to be alive to

possible indicators of distress even when children behave in challenging, violent and extreme ways.

In a review of three child deaths in 2012, the PPO found that there was often a conflict between the ACCT processes designed to support those at risk of self-harm and suicide and the disciplinary procedures, concluding that the ‘adult-orientated adjudication system appeared an inappropriate way to manage vulnerable children’ (2013c p.4). There is a tendency to demand responsible, ‘adult’ behaviour from children who typically lack emotional maturity and resilience, often reacting impulsively and without thought for the long-term consequences of their actions. Children’s behaviour, even when challenging and disruptive, must be viewed holistically and contextually rather than simply resorting to notions of punishment.

### **Learning from Child Deaths in Custody**

The pains of imprisonment weigh heavily on the young. That said, the precise effects and the ways in which individual, structural and environmental factors intersect is little understood (Goldson and Coles 2005). Liebling categorises young prisoners (aged 16-21 years old) who commit suicide as ‘poor copers’ (1992) and it is easy to see why. Children who commit suicide and attempt self-injury are invariably distressed, fearful, isolated and struggling to adapt to demands and realities of prison life. When deaths do occur, the general tendency is to identify any indicators of vulnerability that, if noticed and adequately addressed, might have prevented the tragedy. However, as Goldson (2009 p.97) argues, constructions that rely on individual pathology ‘imply that incarcerated children are, at least in part, responsible for their own suffering.’ The label ‘poor copers’ carries an implication that children *should* be able to cope, but the reality is that it is not those who fail to cope in the YOI that should surprise us, but those who appear to survive and manage the daily realities of prison life competently and resiliently.

All children are ‘vulnerable’ in custody and predicting who is likely to attempt self-harm or suicide is especially difficult. Individual reactions vary enormously and there is no ‘single profile of the child who will self-harm or attempt suicide (Goldson and Coles, 2005 p.61). There may be no signs of vulnerability beyond that demonstrated by a vast proportion of the juvenile custodial population at any one time. Categorising young suicides as ‘poor coping’ does not give sufficient recognition

to the complex way in which a range of factors may intersect, such as: individual factors; situational factors (including the pains of child imprisonment); institutional factors (such as the quality of staff-child relationships, the use of authority, the appropriateness of the regime for children); environmental factors (the safety and suitability of the physical environment); and age-related factors (such as impulsivity or a lack of consequential thinking). Further research is needed to better understand how these relate to deaths in custody, but also the near misses and instances of self harm, cell destruction and fires, violence and other indicators of distress.

Recent child deaths in penal custody have been investigated in several different ways, including Coroner's Inquests, Fatal Incident reports (conducted by the PPO) and Serious Case Reviews (conducted by the Local Safeguarding Children Board). Taken together, the released documents offer case specific information and may identify good practice, missed opportunities, mistakes or lessons to be learnt. However, such investigations and reviews are limited in terms of their scope and relative independence (Goldson and Coles 2005). The focus on individual circumstances risks overlooking the wider situational, environmental, operational and policy issues. What is most striking is the consistency of the lessons, themes and concerns to emerge from the available reports. That so little has changed to address these problems is a concern. Her Majesty's Chief Inspector of Prisons, Nick Hardwick, recently commented that the 'learning from earlier tragedies has not been fully applied' (2014, p.13). In this respect, the commitment of the YJB to better understand how to care for looked after children, reduce bullying and better understand how to support children who are at risk of self-harm and suicide is to be welcomed (YJB 2014). However, an independent review offers the possibility of exploring the broader operational, systematic and policy issues related to child deaths in custody.

### **Conclusion**

The imprisonment of children poses unique challenges. Children can behave in ways that are challenging, violent, harmful and extreme, but the combination of young age, immaturity, impulsivity and difficult childhood experiences also puts them most at need of care and support. The experience of imprisonment during childhood means that the typical pains of imprisonment, such as the deprivation of liberty, social

isolation and the deprivation of security, may be more burdensome for children than their adult counterparts. Moreover, the imprisonment of children poses additional pains, burdens and losses which are unique to their life-stage. In the adult, hypermasculine YOI environment, child prisoners become trapped in a form of 'kidulthood.' The term 'kidulthood' is used in two ways. First, it describes the liminal and transitional state of being both a child and adult, of seeking to present themselves as 'men' who have '*grown up fast*' and are capable of surviving prison life whilst also using their status as a '*kid*' as a resource for resistance and a rationale for more humane, child appropriate treatment. Second, it describes the nature of the YOI environment, which gives insufficient recognition to the childhood status of child prisoners and maintains many 'adult' aspects of imprisonment, requiring child prisoners to behave responsibly and rationally. If the balance between care and control is resolved in favour of more punitive and authoritarian approaches, this risks exacerbating the perceived 'pains of imprisonment.' The extent to which the culture of a particular YOI drifts towards punitiveness may have a bearing on just how survivable and painful that establishment is deemed to be. Tragically, for some, it is not just their childhood, but their very life that is cut short. Although we know something of the recent child deaths in penal custody, an independent review and further research is absolutely necessary to better understand the nature, prevalence and complexities of self-harm (broadly conceived), indicators of distress and deaths in custody.

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