



Slipping through the cracks: Examining the realities of a child-friendly prison system



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ABSTRACT

Introduction: The health effects for children with incarcerated parents, and methods to improve children's experience of the justice system, are under-researched areas. While some work has been done to illuminate these concerns, practical implementation of a "child-friendly prison" has been slow.

Aims: A Health Directorate-funded project examining children's interactions with the Australian Capital Territory (ACT) justice system was conducted in 2013, which made a number of recommendations. The current study sought to examine the ongoing impacts of parental incarceration for children in the ACT and follow up on the recommendations.

Methods: Semi-structured interviews were conducted with seven key stakeholders with a relationship to the research area. The interviews were summarised, and a thematic analysis was carried out to identify relevant ideas. Results from recent Detainee Health and Welfare Surveys were used to estimate the number of children affected.

Results: The findings from the interviews concluded that little action was taken in response to the original report, that children's rights and agency were compromised, that the prison lacked accessibility, that consistent and individualised information should be provided to affected children, and that a previously operational homework program should be reinstated. Model facilities were identified.

Conclusion: Three broadly-applicable recommendations were made in response to the data from the surveys: increasing accessibility of public transport, the establishment of a child liaison officer at prisons, and maintaining extended family visits.

1. Introduction

Prisoners are removed from the public consciousness. Exiled for criminal activity, their position often escapes consideration. However, beyond the prisoners, there exists a wider network of people affected by the prisoner's detention: families and, in particular, children and young people (hereinafter "children" for ease of reference). This vulnerable group represents collateral damage from the complex criminal justice process. Little is known about these children, perhaps given the limited public engagement with the lives of incarcerated individuals. Acknowledgement of the health and wellbeing issues concerning the children of incarcerated citizens is lacking.

The potential effects of parental incarceration on intergenerational criminal activity (Murray, Loeber, & Pardini, 2012), and on health outcomes for affected children, have been documented, and work in this field is increasing. Links have been identified between parental

incarceration and children contracting infectious diseases, as well as the development of mental and behavioural problems (Kemper & Rivara, 1993; Quilty, Levy, Howard, Barratt, & Butler, 2004; Tasca, Turanovic, White, & Rodriguez, 2014). Emotional and financial stressors are common for children in families with an incarcerated parent (Luther, 2016; McCrickard & Flynn, 2015). It is important to recognise the difficulty of separating the effect of parental incarceration from the exposure to other risk factors prevalent within the same demographic: these include poverty, limited education, parental substance use and entry into the child welfare system (Kinner, Alati, Najman, & Williams, 2007; Knudsen, 2016; Murray, Farrington, & Sekol, 2012). Regardless, involvement with the criminal justice system puts further stress on children who are often already part of an at-risk group (Saunders, 2017). Problematically, judicial and other systems have provided a limited response to the needs of children, due to inadequate awareness (Raikes, 2016).

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Children's invisibility in the context of the justice system is an example of a broader issue: throughout public institutions, children consistently experience a lack of agency and input. Giving a voice to children, from the perspective of guiding policy creation and research in sensitive areas, poses some problems. These stem from a desire to protect children from adverse exposures, as well as a perceived lack of ability to disengage from discussions they find troublesome. Despite this, it is increasingly suggested that a sensitive and responsive approach to information-gathering can yield useful primary data from children, while maintaining ethical obligations (Saunders, McArthur, & Moore, 2015).

To this end, research conducted directly with children to better understand how they experience parental incarceration is increasing. One study, *Children of Prisoners: Exploring the needs of children and young people who have a parent incarcerated in the Australian Capital Territory*, was carried out in the Australian Capital Territory (ACT) in 2013, which made a number of recommendations for improving systemic responses to these experiences. These were:

- provision of a range of age-appropriate activities at visits, more flexible visiting times, and assistance for unaccompanied children;
- use of Skype and other alternative communication protocols;
- provision of counselling, and judgement-free support services, including for the carer role taken on by many children;
- educational support;
- including children in the transition/release plan for the parent, and considering their diverse needs;
- consistent provision of information; and
- support with housing (Saunders & McArthur, 2013).

The current project first compared the scope of parental incarceration in the ACT with figures from 2010, identifying the number of children potentially affected, as well as the growth of the problem. Then, it sought to assess to what extent the recommendations of the *Children of Prisoners* report have been implemented within the ACT, and consider the next steps. It aimed to identify challenges facing the implementation of such recommendations, with a view to apply these findings within the ACT and, if appropriate, in other jurisdictions.

1.1. Background

The number of children affected by parental incarceration in Australia is not precisely known; however, it has been estimated that 5% of children will experience parental incarceration during their childhood years (Quilty, 2005; Saunders, 2017). This was corroborated by numbers from one Australian jurisdiction, Queensland, suggesting 4% of children in that state have fathers in gaol (Dennison, Stewart, & Freiberg, 2013). An estimated 1,706,600 children of inmates in the United States of America demonstrates part of the global impact of parental incarceration (Glaze & Maruschak, 2008). Noting that prisoner numbers have increased in the intervening decade, the number of affected children has continued to rise (Flynn, Naylor, & Arias, 2016).

An increasing number of studies, mainly from the United States and Europe, have drawn attention to the social, emotional and behavioural impacts of parental incarceration on children (Parke & Clarke-Stewart, 2003). In Australia, interest in the impact on children has increased (Saunders, 2017; Trotter, Flynn, & Baidawi, 2017).

For example, a 2015 study by the Monash University Criminal Justice Research Consortium identifies a move in academia away from examination and enumeration of effect, and towards strategies for improving children's engagement with the justice system (Trotter et al., 2015). It concludes strongly: throughout the process of parental arrest and detention, children lack any meaningful control.

From the perspective of child rights, maintaining contact with incarcerated parents could be considered a “right of participation”. Too often, the “right of protection” predominates over the best interests of

the child, stifling other opportunities for children to take part in prisons' operations (Foster & Hagan, 2014; Gill, 2008). In the case of a correctional facility, security requirements will counter-balance a child's right to participate.

Some work has been done in various jurisdictions to improve children's relationship with incarcerated parents, overcoming barriers such as distance, transportation, cost, stress, and the prison environment (NYS Division of Criminal Justice Services, 2013; Pallot & Katz, 2014; Schubert, Duinink, & Schlafer, 2016). These include parenting classes, child-friendly visits with flexible hours, prison nurseries, community-based alternatives to parental incarceration, and one-on-one mentoring for individual children (Kjellstrand, 2017). However, as articulated by Murray and Farrington in United Kingdom-based research, the effectiveness of such programs is rarely evaluated by meaningful metrics (Murray & Farrington, 2006).

In Kansas, a study speaking directly with children revealed that supporting basic needs, and charitable treatment by prison staff, were the most desired services from the justice system (Johnson, 2012). Research from elsewhere in the United States, where the parental incarceration rate is one of the highest in the world (Nichols, Loper, & Meyer, 2016), identified the need to increase both face-to-face and phone contact with incarcerated people, and explore child-sensitive arrest protocols (NYS Division of Criminal Justice Services, 2013). Similar ideas were broached in research from New Zealand, and similar suggestions made (Gordon, 2015; Social Policy Evaluation and Research Unit, 2015).

In Australia, it has been found that despite positive efforts, many systematic issues obstruct positive outcomes for affected children. Proposals raised in previous work include considering children at the arrest and sentencing stages (Flynn et al., 2016), and addressing accessibility and staffing concerns (Flynn, 2014). Discouragingly, appraisals of nursery and parenting programs within Australian prisons revealed only modest improvements to the wellbeing of children and mothers. They did, however, highlight the positive effects on recidivism that may be an additional benefit of developing these initiatives (Newman, Fowler, & Cashin, 2011; Shlonsky et al., 2016). Improving child-parent relations in prison, then, could have economic and pragmatic advantages.

The related concepts of a “child-friendly” city, and prison, have been proposed in literature. They suggest that prisons have an obligation to uphold the human rights of children in the allocation of punitive measures, in the contexts of youth justice and adult incarceration. “Child-friendly” prison proposals also seek to engage children in the design of systems, and enact policies to enable their easy interaction with the correctional service (Goldson & Muncie, 2012; Gray, 2016; Tranter & Sharpe, 2008).

2. The project: progress in the ACT

Canberra is the capital city of Australia, situated in the ACT. The ACT had a recorded population of 406,403 in the 2016 Census, with an imprisonment rate of 144 per 100,000 (Australian Bureau of Statistics, 2016).

The Alexander Maconochie Centre is the sole adult detention facility in the ACT. It is a minimum to maximum security male and female adult prison, for both remand and sentenced prisoners. The prison was commissioned in March 2009, with a total capacity of 539 as at June 2016. There were 441 residents at the Alexander Maconochie Centre at that time (The University of Melbourne, 2017).

The Alexander Maconochie Centre is promoted by the ACT Government as an example of a human rights-compliant correctional facility, with strong access to healthcare (Eastael, Bartels, Fitch, & Watchirs, 2015; Hargreaves, 2009). Indeed, compared with interstate prisons, the visiting facilities are considered noticeably more pleasant and child-focused.

SHINE for Kids is a charity that supports children with incarcerated

parents throughout New South Wales, Victoria, Queensland and the ACT. As well as providing support, it facilitates contact with parents, and conducts research into the impact of and possible interventions for parental incarceration. In 2012, the ACT Health Directorate funded SHINE for Kids to complete a study into the health and wellbeing requirements of children with incarcerated parents in the ACT, and to make recommendations to address shortfalls. The Institute of Child Protection Studies was commissioned to conduct the study, completed in 2013.

This study sought to inform policy by directly engaging children in discussions about their parents' incarceration, providing a unique perspective on the problem. Sixteen children participated in the qualitative, exploratory study. The primary research provided some corrections policy direction for the ACT where little existed. It identified challenges for children regarding homelessness, a lack of educational support, barriers to accessing assistance, and emotional/financial stress, among others (Saunders & McArthur, 2013). In response to these challenges, a range of interventions were recommended, including more flexible visiting arrangements, a wider range of activities, varied contact modalities such as Skype, more consistent provision of information to children, and housing assistance.

The number of recommendations implemented, and the effectiveness of their implementation, is the focus of the current research.

2.1. The magnitude of impact

To ascertain the number of children affected by parental incarceration, the 2016 ACT Detainee Health and Welfare Survey was used. This survey was conducted in September 2016, and had 98 respondents. Other data from this survey highlighted the emotional impact, and intergenerational criminality, associated with parental incarceration.

72% of respondents, or 70 individuals, reported that they had children, with a survey mean of 1.6. Extrapolating this to the total Alexander Maconochie Centre population, it is estimated that 705.6 children are directly affected by parental incarceration in the ACT in any one month. Compared with around 400 children identified in the 2010 ACT Inmate Health Survey, it is hypothesised that the number of affected children has increased since 2010, taking into consideration the limited data set and its self-reported nature (Epidemiology Branch, ACT Government Health Directorate, 2011).

Further, 60% of inmates with children reported being worried about the welfare of their children, and 85% were upset about being apart from their children. 22% of respondents reported that their parents had been imprisoned throughout their childhood (17% of these were the father) (The University of Melbourne, 2017).

2.2. Methodology – stakeholder interviews

The researchers devised, carried out and audio-recorded a series of semi-structured interviews with key stakeholders, in February 2017. The interviews were conducted with individuals of significant standing, with an appropriate educational and/or occupational relationship to the research area. They were recruited from the fields of politics, academia, and corrections, based on interest in the project. The interviews were carried out by two of the authors. Usually, both interviewers were present with the stakeholder; on two occasions, one of the interviewers was located remotely, contributing to the interview via telephone or Skype. Each interview lasted approximately 1 h.

The positions of those interviewed were:

1. Associate Professor of Geography, University of New South Wales/Australian Defence Force Academy (S1);
2. Public Advocate and Children and Young People Commissioner, ACT Human Rights Commission (S2);
3. President and Human Rights Commissioner, ACT Human Rights

Commission (S3);

4. Human Rights Legal Advisor, ACT Human Rights Commission (S4);
5. CEO, SHINE for Kids (S5);
6. Senior Manager, Offender Services & Corrections Programs, ACT Corrective Services (S6); and
7. Research Scholar, Institute of Child Protection Studies (S7).

The stakeholders from the ACT Human Rights Commission were interviewed together at their workplace. The interview with the Corrective Services manager was not recorded.

Ethics approval was granted by the Australian National University Human Research Ethics Committee (protocol 2016/547). Under this protocol, participants agreed to be identified by name or position. The researchers decided that names are not needed.

Participants were asked about the recommendations in the *Children of Prisoners* report, the government's response to its recommendations, the child-friendly status of current protocols, and visions for future improvement. Some example questions were:

- Can you tell me about your involvement with this research area?
- What do you think of when you think of a child-friendly prison?
- What is your perspective on the report and its recommendations?
- Do you know of whether any of the recommendations have been implemented?
- What other activities, programs, campaigns, etc. would improve the connectedness of parents in gaol to their children?

Upon recording and summarising the conversations, a thematic analysis was performed: common themes and perspectives were compared across the sample. This allowed for an overview of suggestions and thoughts. No formal qualitative coding method was used to perform this analysis, given resource limitations and the small sample size. The aim of the thematic analysis was to gain insight into the perspectives of key stakeholders. Interim data were presented and discussed at a workshop at the International Coalition for Children with Incarcerated Parents conference in March 2017, for the purpose of interpreting preliminary findings from the interviews.

3. Results

3.1. The themes

During the interviews, clear agreement across the sample emerged. The most pertinent, and most widely discussed points, are discussed below.

3.1.1. Responses to the *Children of Prisoners* report

It was made clear throughout several interviews that stakeholders feel little action was taken in response to the *Children of Prisoners* report, although they mentioned awareness had increased around the group studied. Operational difficulties (including security of other detainees) were cited as key obstacles, as well as the comparatively small number of children affected. A key recommendation of the report was that visiting arrangements should be made more flexible. However, stakeholders mentioned that visits have, in fact, been reduced at the prison, including restrictions on the availability of extended visits (previously used for both conjugal and family purposes); concerns were raised regarding security and safety. In particular, dangerous sexual offenders having contact with one another's children was mentioned by stakeholders.

The small size of the visiting area was raised as a problem with the current visits system (although the environment and prison itself was praised overall). Some family-focused programs, instigated by the prison (such as child-parent activity days), were mentioned, but overall the implementation was not considered strong, despite findings from the report that these activities are beneficial. S5 stated “even the child-

parent days which we do [...] more and more people want them but not everyone can utilise them because the space is small". However, it was believed by stakeholders that the prison's relationship with SHINE for Kids had strengthened over some years, and was now quite harmonious; stakeholders stated that this was helpful for the operation of SHINE for Kids' programs.

3.1.2. Children's rights, agency, and the role of social change

Discussion of the report and its implementation frequently returned to children's rights. The United Nations Convention on the Rights of the Child confers three categories of rights: rights of protection, provision, and participation (*Convention on the Rights of the Child, 1990*). It was thought by stakeholders that a "protective" viewpoint was too dominant in the prison sphere, impacting on children participating in family life and attaining meaningful social connection. For example, S1 stated "the really important provision right for the child-friendly prison [...] is the provision for quality access to their parents while they're in prison". This was considered detrimental to the child, suggesting that limited change has occurred since the *Children of Prisoners* report.

The deficiency was conceived along a timeline, from arrest through to release, and it was thought that child-sensitive processes could be implemented throughout. In this domain, it was considered that an overarching problem within the ACT's prison system was a lack of consultation with children. Providing a forum for affected children to discuss their desires, and assist in prison design, policy, and sentencing, was raised by stakeholders on several occasions. This finding has clear parallels with the original report, which recommended including children in decision-making, where age-appropriate.

From a sociocultural perspective, a long-term view to change attitudes towards children and justice was expressed. Reconfiguring cities to be more in line with children's needs, such as promoting increased trust of strangers, maximising street frontage, creating a freedom of exploration within neighbourhoods, and reducing risk aversion, were paradigm shifts considered crucial to the maintenance of child rights.

Another suggestion was the re-examination of the causes that lead to incarceration of parents; stakeholders urged consideration of alternatives to imprisonment in these cases. Notably, only one stakeholder mentioned a "child informant" as a key objective; this highlights the lack of voice that children currently have in the system.

3.1.3. Geographic and cultural accessibility

Access obstacles to the prison for children remained a key discussion topic. It was mentioned that visiting times are quite inflexible, and that priority for after-school slots should be given to children in education. The peripheral location of the prison was cited, as well as significant perceived deficiencies in the bus service. S1 stated

"There's the prison environment but there's also, how do you get to the prison? One of the problems with the Alexander Maconochie location is that it's not easily accessible".

Services to the prison were not thought to coincide with visiting times, and routes were considered indirect and difficult to understand. This aligns with the original report, which recommended increased flexibility in visiting. A direct shuttle was proposed by stakeholders, that could service prison visitors. The high cost to visitors of purchasing food at the centre was also mentioned.

Stakeholders thought that a lack of staff and procedural charity at all levels of the organisation significantly reduced accessibility. This was believed to originate from a policy-based apathy towards children and a solely security/retribution focus. S7 stated "first of all, we need to rejig the culture of what people think about kids in prison. They're not an excuse, they're realities". It was mentioned that staff considered children a tool for incarcerated people to obtain sentence reductions, rather than an involved party in the incarceration. It was also stated that staff were not accommodating at visits. For example, according to some stakeholders, if a child requires the bathroom, the visit is terminated.

3.1.4. Homework visits

The *Children of Prisoners* report identified significant need for improved educational support for children and promoted the utility of an existing homework visits program. This program was discussed in a number of the interviews. Running for a period of between six and nine months, stakeholders stated that the program was offered on a Monday afternoon (when other visits were not available). Stakeholders said that around seven children were able to complete schoolwork alongside their incarcerated parent, with the added benefit of increasing parental numeracy and literacy. It was mentioned that numbers in this program dwindled over the period of operation, and a suggestion was that ACT Corrective Services allowed it to eventually lapse. S5 offered that

"The concept of that was to take kids into the prison to get them to do homework with their parent – reading, whatever. [...] Unfortunately, there was obstacles in the way from the prison. I think we persevered for a number of months".

A number of the stakeholders suggested that this program should be restarted. While operational, it was stated, this program incorporated a dedicated transport service for interested children, and was supported by the prison's education provider.

3.1.5. Each child is different

The variation between children, in terms of the types of access and services desired, was considered noteworthy, and was a feature of the original report. The view of several stakeholders was that case-by-case assessment was still not conducted consistently, and a popular solution proposed was the introduction of a dedicated children's advocate or case-worker. This individual, it was thought, could work directly with children and families throughout the justice process, serving as a liaison. Consistent assessment of children's involvement at the time of arrest was also mentioned, as was a perceived need for universal access to support services for children. S2, for example, asked

"How do we put a process in that allows us to engage with each child, with each young person and find out to what extent do they want contact, what does that look like, what are they looking for in that experience?"

Further to the notion that children have distinct needs, some stakeholders expressed that a range of different activities should be available at visits to cater to different age groups, along with a variety of settings (an outdoor play area, a private room, group events, etc.). This suggestion aligns with recommendations from the original report.

3.1.6. Provision of information

The original report identified that consistent provision of information to children regarding their parent was considered lacking. Despite being an important recommendation, and despite a number of stakeholders reiterating its importance, they could not see any improvements to the flow or provision of information. Stakeholders suggested that facts relating to parents' cases could be relayed at various points throughout the process, and that the visiting centre at the Alexander Maconochie Centre provided a good opportunity to convey this information. S7 stated

"There are other things that I think could be done that enable the children and young people to have information more readily, and that they can participate in case-planning, release, things like that. So I think that being child-sensitive is really important".

The idea of a photo book documenting the prison, as a familiarisation tool for children, was discussed.

3.1.7. Exemplary facilities

A number of stakeholders pointed to how other correctional facilities had introduced innovations that aimed to improve the interaction between children and their incarcerated parents.

Mention was made of several facilities that may provide useful ideas for ACT Corrective Services: Boronia Pre-release Centre in Western Australia features community-based minimum-security detention for

children and incarcerated mothers, as does Jacaranda Cottages in New South Wales. S3 also pointed out that “Dillwynia had animals. Kids would love that”. Hopkins Correctional Centre in Victoria offers specific child-only visits (Grant & Jewkes, 2015). Within prisons in the United Kingdom and Scandinavia, more inclusive child policies exist, and specified child liaison officers are employed (Sharratt, 2014; Smith, 2015).

4. Discussion

The interviews with key stakeholders confirmed many of the findings of the original report, and clarified that reform in the ACT prison system had been limited. Synthesising the information obtained from the interviews, three recommendations were identified to improve the interaction between children and the justice system. These recommendations represent useful lessons that fit within a broader research context, and that have some relevance for corrections systems in other jurisdictions. They are accompanied by practical suggestions with the aim of invoking action on this topic within the ACT, as the number of affected children rises.

1. Improvement of access and contact

Inadequate transport options are integral obstacles for prison visits by children (Burgess & Flynn, 2013). Further, children (aged under 18 years) are traditionally unable to visit prisons on their own and require an adult guardian (Saunders, 2017; Tasca, 2016). Both of these barriers should be overcome: it is worthwhile to pursue transportation options that maximise the likelihood of children making contact with their incarcerated parents, where this is developmentally appropriate. Prisons are typically peripherally-located, and working with transport operators to increase services to prisons could lead to a marked improvement in child engagement.

In the ACT, attention should be placed on configuring the bus timetable to better suit visiting times, coupled with implementing more accessible ticketing solutions. This may increase utilisation of visiting times for children. Instigating child-aware prison visiting protocols may further assist independent attendance by children, where appropriate.

2. Engagement of a child liaison officer at prisons

An ideal outcome in child interactions with adult and social institutions is to allow children to become their own advocates regarding issues that concern them (Križ & Roundtree-Swain, 2017). However, this is not a feature of most such institutions (Bolin, 2015). A good alternative is recruitment and training of a dedicated advocate working in the child's best interests. Indeed, work in the child welfare sphere has defined the crucial role of a skilled and compassionate child advocate in minimising adverse health outcomes for children (Vandervort, Henry, & Sloane, 2012).

Providing a dedicated and flexible contact person for affected children, a liaison officer can be responsible for advocacy, and information provision regarding both the justice process and available services. As mentioned in Section 3.1.7, some countries have begun to instigate this measure, and results are positive (Smith, 2015). It is suggested that such a role be established in the ACT. It could sit within Corrective Services, and report directly to the ACT Children and Young People Commissioner.

3. Maintenance of extended visits for families

The benefits of parental contact for children with parents in prison have been discussed in Section 1.1; providing an opportunity for private connection with parents not only improves health outcomes for children, but may reduce recidivism and intergenerational patterns of criminality. Some work has been done documenting specialised visiting

arrangements around the globe (Kjellstrand, 2017). It has also been clearly established that maintenance of family structures brings benefits to children, particularly those at a disadvantage (parallels are again drawn with the child welfare system) (Cromer, 2007; Dwairy & Achoui, 2010; Malaquias, Crespo, & Francisco, 2015).

Attempting to maintain family structure through a purpose-built family visiting room with longer permitted times allows the parent-child relationship to be sustained as far as possible.

Importantly, the suggestions described above must be carefully calibrated with the ages of affected children; different interventions will be suitable for different ages, and increased clarity on this is a topic for further research.

Although there is increasing evidence for the need to respond more effectively to children who are affected by parental incarceration (including attending to how children visit prisons), so far there has been limited uptake of changes to prison practice in the ACT. Children whose parent(s) are in prison require support and assistance to enable them to maintain connections with their parent and to reduce the (often negative) outcomes of parental incarceration. More is required from policy makers to recognise children's needs in this context. Although implementation of these changes rests largely in the hands of the government, other stakeholders such as the Children and Young People Commissioner and services such as SHINE for Kids will continue to draw attention to children who have a parent in prison, and advocate on their behalf.

There is also more research to be done in this field, including exploring perspectives of siblings of incarcerated people, and examining how to manage criminal activity in families who reject support services. Ramifications for children who are denied parental contact due to safety risks are another area for inquiry.

4.1. Limitations

This study would have been strengthened by collecting information directly from children. This was not possible due to the limited resources available to the project, and the time it would take to recruit a sample (see Saunders et al., 2015). While useful perspectives were obtained, consulting with a larger number of stakeholders across a wider geographic area may have improved the persuasiveness of the data. Additionally, the diverse specialisation of the stakeholders made consistent questioning difficult.

Conflicts of interest

None.

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