

Who do prisons harm?

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An intersectional exploration of the harms of prisons on children.



Introduction

200,000 children a year in England and Wales suffer the consequences of having a parent incarcerated (Minson, 2008). Additionally, there are many children entering the criminal justice system themselves, with 15,800 being cautioned or sentenced in 2021 alone (YJB, 2022). Alongside this, the demographic of children being sentenced is disproportionately black children, with a rise of 5% since 2011 (YJB, 2022). By taking an intersectional approach, this research will consider the gender, race and socio-economic background of the children disproportionately affected by the criminal justice system. Intersectionalist theory is centred on the belief that inequality does not exist in a vacuum, and that the combined number of marginalised identities a person has leads to greater harm and inequality (Guidroz and Berger, 2010).

Aims and Objectives

- Explore the material realities of children with incarcerated family members and those navigating the judicial system themselves.
- Contribute to the body of work surrounding Child First Justice.
- Examine alternatives to the current criminal justice practices that reduce harm to children.
- Explore the importance of focussing on positive outcomes for children.

Methodology

This research took a qualitative approach by using semi-structured interviews to collect data. In order to gather information I interviewed 3 specialists in the criminal justice system including two academics from the University of Sheffield and a criminal defence solicitor with experience in youth justice. By using an intersectional perspective, this research considered the gender, race and socio-economic background of the children disproportionately affected by the criminal justice system.

Harms

- Stigmatisation
- Emotional hardship
- Large impact to mental health
- Further marginalisation for the already disenfranchised
- Secondary victimisation
- Unsuccessful outcomes
- Human rights violations

Alternatives

- Change legislation on disclosure of children's criminal records.
- Focus on redistributing social funds, spending more on community centres and social services for children and families.
- Decarceration, especially for low-level crimes. Release on temporary licence instead.
- Specific youth focussed secure detention centres are better than prison cells for children.
- Move the criminal justice system to be more focussed on child-first outcomes.

Conclusion

Incarceration very rarely leads to rehabilitation and recidivism rates are often high. Experiencing the CJS at a young age can be damaging to a child's mental health and emotional wellbeing, alongside effecting their chances of success in later life. The consequences of having a parent incarcerated are also dire, with children experiencing secondary victimisations and also having their human rights impacted. There are remedies already built into the CJS but are not usually used as priority, such as being released on temporary licence. There are other changes the CJS could make to ensure they follow child-first practices, such as ending the disclosure of children's criminal records and ensuring that more money is put in to social welfare provision that would see children and families gain the appropriate support that could keep people out of prison. Prisons do not work and they cause great adverse harm to children, especially ones already on the margins of society.

Bibliography

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