



IT Sligo

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**7th NORTH/SOUTH IRISH CRIMINOLOGY CONFERENCE
21 - 23 JUNE 2011
SCHOOL OF BUSINESS & HUMANITIES
INSTITUTE OF TECHNOLOGY, SLIGO**



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The 7th North/South Irish Criminology Conference will be hosted by the School of Business and Humanities, Institute of Technology, Sligo on:

21, 22 June and, 23 June 2011.

Conference Website: www.irishcriminology7.webs.com

The North/South Criminology Conferences were established to promote high quality research on crime, criminal justice and the penal system, which contributes to the development of policy and practice and advances criminology as an academic discipline. The aim of the conference is to provide a forum for academics, post-graduate researchers, community activists, practitioners and policy makers in the fields of criminology and criminal justice to come together to exchange ideas and disseminate research.

Confirmed Speakers include: Dr. Ciaran McCullagh of UCC (author of *Crime in Ireland*), Dr. Rosemary Gido, Indiana University of Pennsylvania (US) and Editor of *the Prison Journal*, Dr. Azirini Wahdin, QUB (author of *Understanding Prison Staff*), Paul Williams, Crime Editor, Author and Broadcaster and Dr. Jamie Saris, NUIM (author of 'The Asylum in Ireland').

Panels:

1. Crime, Justice and the Media:

Speakers: Dr. Ciaran McCullagh, UCC, Paul Williams, Crime Writer

2. Gender and Imprisonment:

Speakers: Dr. Azirini Wahdin, QUB, Christina Quinlan, DCU, Dr. Paula Kenny, IT Sligo.

Conference Themes will include but are not limited to:

- Media and Crime
- Prison Management and Reform
- Gender and Imprisonment
- Criminal Justice
- Innovations in Criminology
- Globalisation, Migration and Rights
- Policing the Community
- Restorative Justice in Policy, Practice and Theory
- White Collar Crimes
- Law, Justice and Society

Conference Organisers:

Liam Leonard leonard.liam@itsligo.ie and Paula Kenny at kenny.paula@itsligo.ie

Programme for the 7th Irish Criminology Conference 2011:

Day 1: 21st June, 10 - 11.30 Postgraduate Methodologies Workshop
Venue: C1004

Research Methodologies in the Social Sciences

Brendan Halpin, UL

Research Methodologies in Criminology

Liam Leonard & Paula Kenny, IT Sligo

21st June, 11.30-13.00 Postgraduate Research Papers
Venue: C1004 Chair: Perry Share, IT Sligo

An Investigation into the training of Social Care Practitioners, Gardaí and Prison Officers

Maureen O'Hara, IT Sligo

Last Breath: Mandatory Death Penalty in a Modern Society, Is it a legitimate penalty for deterrence?

Jacinta Victor John, Griffith College Dublin

Young People and the Youth Justice System: The roles, expectations and resilience of parents

Maria Lahiff, DIT

Are the aims of Restorative Conferencing lost on Juvenile Offenders?

Darren John McStravick, DCU

'On brother where art thou!' - Examining the potential impact of Familial Searching on the DNA Debate

David O'Dwyer, UL

21st June, 13.00-13.45 Lunch:
Venue Student Centre (Wheats)

21st June, 13.45-15.15 Practitioner Research Papers
Venue: C1004 Chair: Fergus Timmons, IT Sligo

Educational Interventions: Helping Victims of Crime Create Positive and Happier Emotions

Marcus Hopkins, IT Sligo/Humanising Conflict Group Therapeutic

PGISP and the Romanian Prison Service

Adrian Neagoe & Liliana Teodorovic

Assessing Risk in Offending Youths Today

Susan Ni Chuileann, Carlow College

The Irish Contemporary Prison System: The view of the International Human Rights Bodies

Jane Mulcahy, IPRT

21st June, 15.30-16.15 Registration with Tea and Coffee
Venue: Main Entrance in Reception Area

21st June, 16.15 16.30 Launch of 7th Criminology Conference
Venue: A0006

7th NORTH/SOUTH IRISH CRIMINOLOGY CONFERENCE 2011, IT SLIGO

With Prof. Terri Scott, President of IT Sligo, Perry Share, Head of Department of Humanities and Sean Aylward, Secretary General, Dept. of Justice and Guests with message from Marion Harkin MEP on Social Solidarity

21st June, 16.30-17.45	Criminology Conference Day 1, Plenary 1
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Venue: A0006	Chair: Sean Aylward, Dept. of Justice
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The realities of life imprisonment: The South African experience

Prof. Charl Cillier, Univ. of Pretoria, South Africa

21st June, 17.45-18.30

Venue: IT Sligo Art & Design Centre (Behind IT Sligo and Beside the Clarion Hotel)

Prisoner Art Exhibition

21st June, 19.30-21.30

Venue: Clarion Hotel (Adjacent IT Sligo)

Conference Dinner at the Clarion Hotel, with Lecture on The Work of the Asylum: Labour, Therapy and Local Purpose

Jamie Saris, NUIM

Day 2:

22nd June, 09.45-11.00	Criminology Conference, Day 2, Session 1A
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Venue: C1004	Chair: Christina Quinlan, DCU
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Regimes in Irish prisons: 'Inhumane' and 'degrading'. An analysis, and a solution

Kevin Warner, UCD

Section 12 of the Immigration Act, 2004....and beyond

Caroline O'Nolan, TCD

22nd June, 09.45-11.00	Criminology Conference, Day 2, Session 1B
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Venue: C1006	Chair: Marcus Hopkins, Humanising Conflict/IT Sligo
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US Reimagining Human Trafficking Victimization: Realizations through a Review of Fictional Film

Christine Ivie, Univ. of Alabama, US

From the client through the group to society; Defending rights seriously against Prostitution and Human Trafficking

Charis Papacharalambous Univ. of Cyprus

Prostitution, Human Trafficking and Challenges of Immigration in Africa

Osugwu Ugochukwu, Barrister at Law/Nigeria

11.-11.15 Coffee,

Venue: Outside A0006

22nd June, 11.15-12.15 Criminology Conference, Day 2, Session 2
Venue: A0006 Chair: Liam Leonard/Paula Kenny, IT Sligo

Gender and Prisons

Rosemary Gido, Indiana Univ. Pennsylvania, US

Reflecting on Prison: How Narratives by Prisoners are situated in Prior Stories

Patricia O'Connor, Georgetown Univ. US

22nd June, 12.15-13.15 Criminology Conference, Day 2, Roundtable
Venue: A0006 Chair: David Doyle, TCD

Coercive Confinement in Irish History

Ian O'Donnell, UCD, Eoin O'Sullivan, TCD & David Doyle, TCD

22nd June, 13.15-14.15 Lunch,
Venue: Student Centre

22nd June, 14.15-15.30 Criminology Conference, Day 2, Session 3A
Venue: C1004 Chair: Chris Sparks, IT Sligo

Youth & Crimes in Gujrat, Pakistan

Wajid Tahir, and Rubina Kauser, University of Gujrat, Pakistan

A Right to an Expert Witness in a Criminal Trial?

Aoife Beirne, TCD

Coercive Intimidation – What should our response be?

Clíodhna Dineen, GCC

22nd June, 14.15-15.30 Criminology Conference, Day 2, Session 3B
Venue: C1006 Chair: Mary Rogan, DIT

Shall the Sphinx Speak? : The Jury's Unreasoned Verdict after Taxquet

Mark Coen, TCD

The dangers of dangerousness: mandatory sentencing policy in England and Wales

Paul Gavin, Kings College London, UK

Diminished Responsibility in Ireland since 2006: An Analysis of the Case Law

Louise Kennefick, UCC

22nd June, 15.30-16.45 Criminology Conference, Day 2, Plenary Discussion 2
Venue: A0006 Chair: Rosemary Gido, IUP, US

Contemporary Views of Prisons

Paula Kenny, IT Sligo

Azrini Wahidin, QUB,

Christina Quinlan, DCU

16.45.-17.00 Coffee,
Venue: Outside A0006

22nd June, 17.00-18.15 Criminology Conference, Day 2, Session 4A

Venue: C1006 Chair: Azrini Wahidin, QUB

You can't punish the kids: The impact of familial imprisonment on children in Northern Ireland

Una Convery & Linda Moore, Ulster University

Displacement, Deflection, Diffusion and/or Competition in Illicit Drug Control

James Windle, Univ. of East London, UK

Rethinking Societal Reaction Theory

Timo Harrikari, Univ. of Helsinki, Finland

22nd June, 17.00-18.15 Criminology Conference, Day 2, Session 4B

Venue: C1004 Chair: Charl Cilliers, University of Pretoria
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Restore or Replace? The role of chaplains in restorative justice

Peter Philips, Cardiff Univ. UK

The Politics of Penal Change in Ireland: What makes things happen?

Mary Rogan, DIT

"Trying to do the best for young people and their communities - The challenge of implementing 'evidence informed' youth justice in practice"

Sean Redmond, Dept. of Justice, Youth Justice Service

22nd June, 18.15-18.45 Criminology Conference, Day 2

Venue: C1005

Poster Session and CSI Display

Fiona McArdle, IT Sligo, Tara Westby, IT Sligo, Forensic Science

Criminal Psychology, Daniel Bodusek, Ulster Univ.

22nd June, 7.30-Onwards

Venue: The Belfry, Thomas St & John F Kennedy Parade, Sligo

Social event including dinner in the Belfry Bar, Sligo, with Presentation to Prof. Rosemary Gido, Editor of the Prison Journal, Indiana University of Pennsylvania, US, to mark her retirement and contribution to Criminology and Launch of Prison Journal edition on Irish Prisons

Day 3

23rd June, 9.45-11.00 Criminology Conference Day 3, Session 1A

Venue: C1004 Chair: Patricia O'Connor, Georgetown University
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A preliminary analysis of emergent models of professionalism in the Irish Prison Service

Perry Share & Fergus Timmons, IT Sligo

Rating Hate - Who is the Victim in Hate Crimes Legislation?

Jennifer Schweppe, UL

Downloading as a manifestation of political disaffection & dissent

Grainne Ketelaar, LYIT

23rd June, 9.45-11.00 Criminology Conference, Day 3, Session 1B
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Venue: C1006 Chair: Ciaran McCullagh, UCC

'Tell us something we don't know' -- the utility of biographical research in an evidence--based world

Nicola Carr, QUB

Tensions between Peacemaking Criminology & Transitional Constitutionalism

Susan Power, TCD & Griffith College, Cork

Coffee, Venue: Outside A0006

23rd June, 11.15-13.00 Criminology Conference, Day 3, Plenary Discussion 2

Venue: A0006 Chair: Liam Leonard/ Paula Kenny, IT Sligo

Media and Crime

Ciaran McCullagh, UCC,

Paul Williams, Crime Editor, Author & Broadcaster

Lunch 13.00-14.00

23rd June, 14.00-15.15 Criminology Conference, Day 3, Session 2A
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Venue: C1004 Chair: Una Convery, UU

The Impact of the Conroy Commission on Commitment in An Garda Siochana

Vicky Conway, QUB & Peter Manning, Northeastern Univ. US

Prisons, Prisoners and Society – The Role of Shame in Prisoner Violence

Michelle Butler, QUB

Disjointed Justice: A review of delay in criminal cases in Northern Ireland

James Corrigan, NI Criminal Justice Inspection

23rd June, 14.00-15.15 Criminology Conference, Day 3, Session 2A
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Venue: C1006 Chair: Nicola Carr, QUB
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Republican political prisoners and the Irish language- Power, resistance and revival

Feargal Mac Ionnrachtaigh, QUB

Exploring Best Practice in Women's Centre Provision: Challenges and Possibilities

Jacqueline Kerr, Univ. of Ulster

'A sleepy wee hollow' – IRA prisoners, resistance and power in the post 1981 H-Blocks

Deaglán Ó Mocháin, QUB

23rd June, 15.15-15.30 Criminology Conference, Day 3, Conference Close, Liam Leonard & Paula Kenny Conference Organisers
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Venue: A0006

Dr. Paula Kenny and Dr. Liam Leonard (Abstracts Editors)

Contents

Research Workshop

Methodologies for Criminology

Liam Leonard and Paula Kenny, IT Sligo

Methodologies for Social Sciences

Brendan Halpin, Univ. of Limerick

Research Seminar

***An investigation into the training of social care practitioners, gardaí and prison officers
Maureen O'Hara, IT Sligo***

Changes have occurred which affect prison officers, social care practitioners and gardaí. Three reports were published detailing child abuse; the Ferns the Murphy and Ryan reports, while there have been much media and press coverage regarding the deaths of children in State care.

Gangland and gun crime is also on the increase, a double shooting on the 23rd November 2010 brought to 23 the number of gun murders in 2010, compared to 19 in 2009. Irish prisons are overcrowded and drugs and violence are endemic⁸. Prisoners are witnessing inhumane conditions, 30% of prisoners in Ireland are still 'slopping out' - the chronically overcrowded prisons at Cork and Mountjoy included - despite assurances since 1992 that this grim, degrading practice would be eliminated.

Through semi-structured interviews, this work in progress study gives professionals in these three frontline professions a voice by exploring the type of training they have received and hopes to present recommendations made by them for the development of their future careers.

Last Breath: Mandatory Death Penalty in a Modern Society, Is it a legitimate penalty for deterrence?

Jacinta Victor John, Griffith College Dublin

Amnesty International has described Singapore as the world's hanging capital. Singapore practices mandatory death penalty and has the highest execution per capita. Singapore issues the mandatory death penalty for the offence of drug trafficking among others. By imposing the mandatory death penalty, discretion is taken away from the judiciary. Discretionary powers have been taken away from judges, precludes them from looking into the extenuating and particular circumstances of the individual cases.

The primary reason for the imposition of the mandatory death penalty for drugs is deterrence and incapacitation. One would question, whether this is a heinous enough crime to render such a draconian punishment. Is the deterrence argument substantial enough to take away human life? Does it violate human rights standards? Does this barbaric punishment deter crimes? Drawing from classical criminological arguments, this paper will examine the reasons behind the trend towards capital punishment in Singapore after British rule, in particular taking account of the status of Singapore as a contemporary secular State.

Young People and the Youth Justice System: The roles, expectations and resilience of parents

Maria Lahiff DIT

Ineffective and inconsistent parenting styles are commonly associated with young people who come into contact with the criminal justice system. While these factors have been established in the literature on parenting and youth criminality, less is known about parental perspectives on the parenting role in this context. This research addresses the gap in the literature by focusing on parents' own accounts of their role as parents; the level to which they perceive that they are involved in the criminal justice process; the expectations on parents by the wider community and of parents themselves with regard to the level of responsibility surrounding their child's behaviour; the challenges experienced by parents and the coping mechanisms they employ. The manner in which parents access resources to cope with these challenges will also be explored.

The research will document the parents lived experiences and perspectives on their roles, expectations and resilience when parenting in the youth justice context as they journey along the youth justice continuum (i.e. from when their child first comes into contact with the youth justice system to when that child completes any sanction received from the youth justice professionals). The analysis is based on qualitative information gathered from court observations and one to one interviews with parents of children currently or previously involved in the criminal justice system since the Children Act (2001). Ultimately this study plans to reflect the parents own parenting experiences and identify the level and depth of parental involvement in the youth justice process.

Are the aims of Restorative Conferencing lost on Juvenile Offenders?

Darren John McStravick, DCU

My proposed paper will evaluate the concept of restorative justice conferencing and, in particular, the effects that these processes can have on adult criminal offenders and serious crimes. Restorative conferencing has been used for many years in several common law jurisdictions. I propose to briefly discuss the process as it operates in this jurisdiction, as well as in New Zealand, Australia and the UK. I will argue that the conferencing process throughout these jurisdictions has been dominated by a focus on youth offenders and crimes of a non-serious nature. Research has shown that these processes can work just as well, if not more so, with adult offenders who have committed serious crimes such as assaults. UK studies, for example, have illustrated that face to face meetings between victims and serious offenders actually enhance the conferencing experience for all stakeholders. Several cases in New Zealand have also noted the positive effects that conferencing can have on serious offending.

There is an often perceived problem with youth conferencing in that the 'restorative' principle of conferencing can be a difficult one to achieve. Reasons for this include the idea that the principle of restoration requires to some extent a degree of empathetic concern and perspective taking, qualities that have been measured as being more frequently evinced for adults than adolescents. It has been further argued that many adolescents may not yet have the capacity to think empathetically, to take the role of the other, and may be expected to act as if they have the moral reasoning of adults when they do not..

Adult conferencing, and victim offender mediation programmes, while still not as widespread as their youth counterpart, have been successfully deployed in New Zealand and in Australia. These examples can be carried forward into our own jurisdiction where youth conferencing is catered for under the Garda Diversion Programme. Adult RJ conferencing pilots do exist here; however, they are managed on a piecemeal basis with no statutory grounding. This is despite recommendations from the National Commission

on Restorative Justice to legislate for the schemes, as well as recent agreements to expand which will now see the restorative justice project extended to criminal courts both in Limerick and Tipperary, as well as the Criminal Courts of Justice in Dublin. If there can be found a way to successfully integrate serious adult offenders back into their communities, the health of the Irish penal system may yet improve from its current state of intensive care.

'On brother where art thou!' – Examining the potential impact of Familial Searching on the DNA Debate

David O'Dwyer, UL

As a result of the decision by the European Court of Human Rights in *S and Marper v United Kingdom*, the DNA retention policy of UK (England, Scotland and Northern Ireland) has been radically overhauled.¹ Echoing the ECtHR approval of the Scottish system,² the Freedom Bill announced by the Coalition government outlines plans to introduce a greatly reduced DNA retention policy based primarily upon time limits i.e. those now arrested for a serious offence will have their DNA profiles recorded for a period of 3 years.³ However, an issue in the DNA debate is that the myopic focus upon time limits and DNA retention policy has enabled other controversial policing techniques to 'fly under the radar'. Developments in DNA technology in the last decade have resulted in a number of novel DNA techniques being used during police investigation, such as, surreptitious sampling, phenotype sampling, DNA mass screening and familial DNA searching.

The aim of this paper is to examine one of these specific developments, namely familial searching. Ordinarily when police enter a DNA profile onto a database and conduct a speculative search, they hope to locate a 'match' (often referred to as a 'hit'). If a 'match' is not forthcoming, police may expand their search by searching for a partial match (or a 'near miss'). Familial searching is an example of a DNA profiling technique that allows police to search a DNA database for 'a near miss'. Given the fact that we derive half of our DNA for our mother and half from our father, it is highly probable that siblings share similar DNA sequences. Therefore a 'near miss' search conducted under the right circumstances may indicate that the 'near miss' is potentially related to the owner of the DNA profile obtained from the crime scene. In 2004 in the UK, Craig Harman became the first individual in the world to be convicted following identification through a familial search of a DNA database after his brother had been identified as a 'near miss' on the National DNA database.⁴ The major concern using this technique is that it dramatically extends the 'reach' of a DNA database to include the family members of anybody retained on the database.

Although familial searching has had a number of high profile success stories, if it becomes a routine facet of criminal investigation, it will effectively expand DNA databases to include all close blood relatives of individuals retained on the database. This will essentially subject entire families and perhaps given the inherent inequality

¹ *S and Marper v United Kingdom* (2009) EHRR 50. The 'blanket and indiscriminate' retention of DNA profiles, the lack of time limit for retention, and the limited opportunities for removal of data were found to interfere disproportionately with article 8 (the right to respect for private and family life) of the European Convention of Human Rights.

² *Ibid*, at paras 109-110.

³ Police can apply for a further retention period of two years. The two-year extension will have to be approved by a court and both the police and the individual can appeal. See 'Protection of Freedom Bill' *Genewatch*, available at: <http://www.genewatch.org/sub-566498>; Whitehead, T. 'DNA of up to a million to be wiped under Freedom Bill' *The Telegraph* (11 February 2011), available: <http://www.telegraph.co.uk/news/uknews/law-and-order/8318900/DNA-of-up-to-a-million-to-be-wiped-under-Freedom-Bill.html>.

⁴ See 'Craig Harman - Family DNA link offers crime breakthrough' Forensic Science Service, available at: <http://www.forensic.gov.uk/html/media/case-studies/f-39.html>.

evident within criminal justice systems entire minority and ethnic populations to lifelong genetic surveillance. The social and ethical questions created by the use of this technique deserve serious consideration. Ironically, the current restriction of the population of DNA databases principally based upon a presumption of innocence rationale may potentially result in increasingly controversial DNA techniques being utilised in an attempt to maximise the potential of this powerful biometric-identification technology.

Practitioner Research Papers

Educational Interventions: Helping Victims of Crime Create Positive and Happier Emotions

Marcus Hopkins, IT Sligo/Humanising Conflict Group Therapeutic

This paper is aimed at the community sector rather than at academics, and gives examples of the use of therapeutic educational interventions such as reflexive learning, neuro linguistic programming (NLP), and to a lesser degree, cognitive behaviour therapy (CBT); to help victims of serious crime become survivors of crime. Much of the research is gleaned from a series of meetings and residential events run as part of the Humanising Conflict Group's Changing Lives Programme, a pilot initiative part funded by EU Peace III monies via Cavan County Council. Although the initial programme was based in west Cavan & neighbouring north Leitrim, the programme has since worked with participants from counties Armagh, Roscommon, Sligo & Donegal, as well as from Scotland. The programme has also attracted interest from as far away as the USA, Kosova and Japan. The therapeutic processes used are somewhat fluid and are based on both client centred and are based on both client centred and more direct educational interventions. Peer learning and peer support lies at the core of meetings and residential workshops. A key theme of the workshops is that experiential knowledge of surviving violent acts is far deeper than academic knowledge.

PGISP and the Romanian Prison Service

Adrian Neagoe & Liliana Teodorovic, Romanian Prison Service

ESF PROJECT 4153 Romania - Portugal

The overall objective of the project is to transfer, co-develop and adapt the practice and products of PGISP to the Romanian Prison Service through the empowerment of technical teams and prison staff. Specific objectives of this project are the:

- Implementation of a change of mindset process regarding social inclusion of offenders in the Romanian Prison Services involving all professional groups and stakeholders;
- Creation of internal capacity through the preparation of innovation agents to implement a Quality Management and Continuous Improvement approach that will promote the implementation of personal development and resettlement practices with offenders;
- Standardization of internal critical processes and procedures and the development of a key performance indicators model in order to structure prison organization around its critical issues (balancing security with resocialization);
- Involvement of inmates in the development of active reinsertion strategies
- Development of learning resources to support training of managers, technicians

and prison guards in order to support internal innovation processes;

- Involvement of different stakeholders in finding innovative solutions for social reinsertion of inmates (entrepreneurship programme, volunteer programme, etc);
- Promotion of a collaborative culture through the creation of communities of practice at various levels (managers, guards, technicians).

Assessing Risk in Offending Youths Today

Susan Ni Chuileann, Carlow College

This paper evaluates the practice of risk assessment in offending youths. It argues that this practice has changed over the past four decades with a shift from purely clinical decisions about the potential harm an offender posed, to one amalgamating statistical methodologies with structured clinical judgements. This shift occurred against a backdrop of various methodologies in assessing 'what works' in reducing offender's risks of reoffending.

The practice of risk assessment can be defined as "*a probability calculation that a harmful behaviour or event will occur, which involves an assessment about the frequency of the behaviour / event, its likely impact and who it will affect*". This paper evaluates the practice of risk assessment in terms of its evidence base, its instruments and indeed its ethical underpinnings.

The paper considers early research underpinning the perceptions of risk posed by offenders. In particular it considers the benefits of narrative reviews as an evidence base for assessing risk in offender populations. The paper provides a critical appraisal of clinical and actuarial approaches to the practice of risk assessment and considers the strengths and weaknesses of risk assessment tools based on their incorporation of static and dynamic risk factors. The general context of the paper rests on the overall evaluation of assessing risk in contemporary Irish society with an overview of the ethical considerations that still require evaluation. It shows how risk assessment has improved from a non-regulated and inconsistent decision making process to one grounded in scientific and validated approaches, and yet remains one based on defensible rather than definitive outcomes.

The Irish Contemporary Prison System: The view of the International Human Rights Bodies

Jane Mulcahy, Irish Penal Reform Trust

This paper highlights human rights violations in the prison context including prison conditions (including overcrowding, 'slopping out', interprisoner violence and the use of solitary confinement and special cells), accountability (the lack of an independent complaints mechanism for prisoners), children in detention and healthcare. Concerns surrounding the investigation of allegations of ill-treatment by prison officers and serious healthcare deficits in the prison system identified by the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) will be discussed.[1] The paper will also shed light on the Irish Penal Reform Trust's (IPRT) recent involvement with two human rights mechanisms, namely the first UN Universal Periodic Review process and the UN Committee against Torture - for which we prepared an Alternative Report to the United Nations (UN) Committee against Torture with the Irish Council for Civil Liberties (ICCL)- in which we sought to raise awareness of human rights issues in Ireland generally, with a view to rectifying prison-

related human rights infringements specifically. Finally, the paper will discuss IPRT's experience of the Convention Against Torture (CAT) hearing in Geneva.

The Effects of Prison Programs on Prisoner Adjustment

Sharon Farrell, Univ. of California, Irvine, United States

This study looks beyond prison programming as a recidivism tool, and instead considers the advantages of prison programming as a tool for facilitating an effective adaptation to prison. The study assessed the impact of prison programming on prisonization levels, institutional infractions and a participant's outlook for the future. A total of 74 ex-offenders participated in the research by completing a survey instrument. Findings indicate that there is a relationship between hours of program participation and prisonization levels, and those involved in programming have a more positive outlook for the future.

Conference Plenary 1

The realities of life imprisonment: The South African experience

Prof. Charl Cillier, Univ. of Pretoria, South Africa

Life imprisonment is probably the most confusing sentence in South Africa. The reason for this is that it does not mean what it actually says. For most people it will mean that the offender will spend the rest of his or her natural life in prison. This has never been the meaning of life imprisonment in South Africa.

This presentation will deal with the following points regarding life imprisonment in South Africa:

- Limits of imposition
- The decision to impose
- The release policy
- Imposition with other sentences
- Constitutionality of life imprisonment
- The treatment and handling of offenders serving a life sentence
- Types of correctional counselling
- Adaptation and adjustment among offenders serving life imprisonment
- The release preparation and the reintegration of offenders serving life imprisonment
- Parole for offenders serving a life sentence
- The future of life imprisonment in South Africa

Conference Dinner Lecture

The Work of the Asylum: Labour, Therapy and Local Purpose

Jamie Saris, NUIM

Regimes in Irish prisons: 'Inhumane' and 'degrading'. An analysis, and a solution

Kevin Warner, UCD

The Whitaker Report (1985) defined the prison regime as "the physical conditions under which prisoners are held in custody and the way they are treated". Prison regimes in Ireland have degenerated enormously in the past decade, as is borne out by recent reports, answers to Dail questions and other insights. What happens in Irish prisons increasingly departs from standards set by Whitaker and the Council of Europe.

As the prison population escalates, and ever more punitive thinking takes root, imprisonment in Ireland is now characterised by inordinate lock-up times, with the great majority of prisoners having to share cells amid degrading and unsanitary toilet arrangements. A promised care/custody balance has instead given way to excessive security universally applied, so that family contact and access to education and training have declined severely. Just procedures, addiction treatment and opportunities to progress through sentences are all woefully inadequate. As well as ensuring the 'basic conditions' Whitaker set out, a solution requires far less people held in prisons, much smaller prisons, a far greater proportion in open prisons, and the abandonment of Thornton Hall plans.

Prostitution, Human Trafficking and Challenges of Immigration in Africa

Osuagwu Ugochukwu, Barrister at Law/Nigeria

The paper is an attempt to explore and defend African ethico-feminism as a viable complementary ideology for curbing the challenges of prostitution and female trafficking in 21st century Africa. It argues that African ethico-feminism is a new conception of feminism necessarily relevant to the African predicament on prostitution and female trafficking. This ideological perspective strongly condemns prostitution and female trafficking as ethically unjustified. The paper posits that the strength, resilience and resounding liberation of African women can be positively harnessed and enhanced in order to reduce the spate of prostitution and female trafficking in the continent. It identifies the roles of men and youth in Africa towards curbing prostitution and female trafficking. Finally, the paper harps on the urgent need for African states to augment the principles of ethico-feminism with other viable measures in an attempt to evolve a holistic panacea to the wave of prostitution and female trafficking in Africa.

Section 12 of the Immigration Act, 2004....and beyond

Caroline O'Nolan, TCD

In recent years the main legislative provision used to sanction irregular migrants in Ireland has been section 12 of the Immigration Act, 2004. This paper draws on ethnographic research conducted in the Irish District Court and presents an account of persons charged under the provisions of section 12. In particular concerns regarding the implications of this legislation for asylum seekers and the targeting of ethnic minorities are highlighted. The paper notes that a High Court ruling in March 2011 found the provisions of section 12 to be unconstitutional. It is uncertain as yet whether the State will challenge this ruling and hence at this time the law in this regard is unclear. The paper notes the absence of unanimity amongst EU Member States regarding the appropriate sanctions for irregular migrants and points out that to date Ireland has adopted a more punitive stance in this matter than many other EU Member States. The paper argues that we should take this opportunity to re-examine the treatment and punishment of irregular migrants.

US Reimagining Human Trafficking Victimization: Realizations through a Review of Fictional Film

Christine Ivie, Univ. of Alabama, United States

A criminologist might experience initial reticence acknowledging the merits of studying cinema to understand crime. Attributable to its extensively positivistic lineage, criminological scholarship has largely inherited adherence to the scientific method, with measuring and predicting crime being of paramount importance. However, certain crimes may mandate thinking outside of this positivist box. International governments grapple with quantifying and, concomitantly, controlling the vexing quandary of human trafficking.

To wit, the United States government continues to struggle with ascertaining the exact nature and extent of trafficking in persons within its own borders, although the Department of State annually assesses other nations' labours to combat this justice issue. Indeed, congressionally-ordered tabulations of federal and local law enforcement efforts to thwart modern-day slavery have wrought largely unimpressive results. In my dissertation, I argue that lack of consensus as to how the crime of human trafficking is "imagined," I borrow this term from the work of criminologist Alison Young, conceivably impedes identification, therefore suppression, of human trafficking incidents.

Utilizing the emergent interdisciplinary field of law and film, I seek to reimagine human trafficking victimization by exploring various characterizations of trafficking in persons as conveyed in and through fictional films. The utility of analyzing the social text of cinema in understanding conceptualizations of crime lies within its cogent persuasiveness with mass audiences. My data, totaling a dozen movies, derive from lists of dramatic films recommended by two reputable, U.S.-based, anti-trafficking groups: Change.org and the Polaris Project. Both of these organizations laud film as an effective education medium.

Prostitution, Human Trafficking and Challenges of Immigration in Africa

Osuagwu Ugochukwu, Barrister at Law, Nigeria

Conference Plenary 2: Gender and Prisons

The Needs of Children of Incarcerated Parents: What We Know and What We Don't Practice

Rosemary Gido, Indiana Univ. Pennsylvania, United States

The War on Drugs in the US and worldwide has brought the issue of children of the incarcerated to the attention of policy makers. The paper will present the findings of a systematic review of the research on 'at risk' children and the findings as they apply to children with incarcerated parents. Recommendations from a statewide (Pennsylvania) governmental task force supported by the Pennsylvania Prison Society on the needs of these children will be reviewed and critiqued for the failures to initiative policy change and program initiation.

Reflecting on Prison: How Narratives by Prisoners are situated in Prior Stories

Patricia O'Connor, Georgetown Univ. US

By examining the presence of reflexive speech such as framebreaks (O'Connor 2000), axiom markers and metaphors in autobiographical narratives (Adams, Towns, and Gavey 1995 & 2003), I suggest that criminals see themselves in ongoing prior narratives of crime. Such narratives, while not necessarily justifying crime, do situate crime and the sense of a self within a "reasonable" set of actions. Data for this paper come from a study of prisoners' life stories collected inside a maximum security prison and recent follow-up discussions with several prisoners after their release from prison. These offenders' own stories speak of and re-situate their actions within a larger on-going narrative of crime, retribution, and rehabilitation. Such data reveal narrative "hot spots" for close consideration by criminalists, therapists, and speakers' themselves as communities confront crime and attempt to reduce recidivism.

Preliminary ideas for this paper began during the teaching of university-credit, literature courses inside a USA maximum security prison in 1984. In this study I place the teaching of literature in prisons for over 20 years in dialogue with my sociolinguistic research on life stories noting agency and positioning in prisoners' narratives (O'Connor 2000). I observe how literature helps inmates learn acts of introspection that can be found in both sets of narratives—the fictional and the autobiographical. Gregory's (2009) discussion of

stories as sources of “conceptualized experience” suggests that literature as well as oral narrative offers shaped experiences for contemplation. The epistemic puzzling in looking back on a life can model, in some ways, the literary analysis that is fostered in literary study. Such courses are not as often taught now inside American prisons since funding for these was cut off after the passing of USA's 1994 Omnibus Crime Bill. Some programs remain and they continue to correlate with reduction of recidivism, as well as provide a climate for growth and hope among lifers who have no chance of parole. This paper will examine the productive intersections of study of narrative and the production of life story narratives that indicate positive contributions to forming new ways of seeing the self (Bruner) in the larger narratives of societies and crime.

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7th Irish Criminology Conference Roundtable: Coercive Confinement in Irish History

Ian O'Donnell, UCD, Eoin O'Sullivan, TCD & David Doyle, TCD

These papers will take a critical look at the regulation of deviance in Ireland in the first half-century after Independence was won in 1922. This was a period marked by low crime and a small prison population. Apart from a surge in the mid-1920s the daily average number of prisoners was between 500 and 700 most years until the early 1970s. Such was the lack of pressure on prison places that several penal institutions were shut down. Looking back, the 1950s seems to be a halcyon period with only 369 men, women and children in prison in 1958 (compared with more than ten times that number in 2009). However, a large infrastructure of social control existed outside of the formal criminal justice system. This was used extensively as a mechanism to contain and discipline poor children and 'fallen' or 'hysterical' women.

While there may have been few prisons, troublesome and troubling citizens were present in large numbers in industrial and reformatory schools, Magdalen asylums, mother and baby homes and district mental hospitals. We know little about how these arrangements were viewed at the time by those who were subject to their strictures. The purpose of this session is to set out what can be learned about these institutions from contemporary accounts of their operation; to explain their decline from the late 1950s and to contribute to an enriched history of incarceration in Ireland

Youth & Crimes in Gujrat, Pakistan

Wajid Tahir, and Rubina Kauser, University of Gujrat, Pakistan

This study was launched to explore crime trends among youth in one of the districts of Pakistan (Gujrat) with the collaboration of District Police Department. The purpose of this study was to find out the crime trends among youth (15-29) with respect to age, caste, gender, religion, residential area and profession in district Gujrat. Quantitative research method was used in this study, criminal record of offenders (last 12 months) was obtained from Crime Scene Cell, Gujrat to analyze crime trends among youth ages (15-29) on aforementioned selected variables. About 14500 criminals were sent to prison

during January 2010 to February 2011 in district Gujrat. Criminal biography of 3 percent offenders was separated from record and reviewed randomly.

Analysis of selected crime cases determines that 59.2 percent criminals belonged to age group of 15-29 years and crime incidents were significantly higher among young people ages (25-29). Most common crimes committed by youth (15-29) were Theft, Murder, Abortion, Robbery, Offences relating to Intoxicants, Offences related to Weapons and Firing with Criminal Intent. Crime trends among youth (15-29) were higher in rural areas. Majority of young criminals (15-29) was belonged to "Jutt" caste and "Labourer / Worker professions (blue collar)".

'Blood on her hands'? Perspectives on women, men and crime

Helen Louise Codd, UCLAN UK

This paper will utilise global feminist perspectives on women, imprisonment and prisoners' families to consider how, despite feminist campaigning around criminal justice, human rights and penology, penal and social policy responses to the female partners and family members of male offenders continue to be shaped by a persistent undercurrent of woman-blaming and of rendering women responsible for male behaviour, including offences of which the women themselves are the victims. Woman-blaming is of course, not new, but its sustained power, presence and persistence in relation to crime makes it of ongoing interest to feminist criminologists. Mothers are implicated in the creation of offenders who commit crimes ranging from low-level persistent property crimes to serial killing. Female partners of male offenders are presumed to have, at the least, been aware of the criminal behaviour, and often to have colluded in, assisted in, and benefited from, the crimes of their partner.

The paper will discuss three very recent high-profile UK case studies to illustrate and explore these issues, ie the crimes of Derrick Bird, Raoul Moat and Vanessa George. Drawing on data from a variety of media, including newspaper reports, online comments pages, social networking sites and twitter posts, the paper will explore how attitudes to the male and female family members of offenders vary, and analyse the explicit and implicit ways in which women are held responsible for male wrongdoing. The lecture will conclude with a discussion of how activism can challenge this 'woman-blaming', identifying potential strategies for change.

A Right to an Expert Witness in a Criminal Trial?

Aoife Beirne, TCD

This paper deals with an emerging theme in our criminal justice system, that of the utilisation and the availability of expert evidence in a criminal trial. Expert witnesses are frequently employed to resolve a myriad of forensic and other complex issues.

There is a fundamental tension between the competing disciplines of law and science, which has led the law to be exercise caution in the area of expert evidence.

This paper will examine whether there is a basis in Irish law to recognise the right of an indigent accused to an expert witness at the State's expense in a criminal trial. If expert witnesses are called by the prosecution and the defence, because of insufficient means, is unable to contest such evidence, then the State has an overwhelming advantage and this can impact negatively on the right of an accused to a fair trial.

This paper discusses the right of an accused to a fair trial under Article 38.1 of the Irish Constitution and under Article 6 of the European Convention on Human Right. This right includes the accused's constitutional right to give or call evidence in his defence.

However, there is a difference between an accused's right and his ability. Arguably, if he has no ability, and this includes his financial ability, then his right to a fair trial is impaired. This paper has a comparative element and draws an analogy between the right claimed and the right to legal representation, drawing on case law on criminal legal aid.

Downloading as a manifestation of political disaffection & dissent

Grainne Ketelaar, LYIT

Whilst it is widely acknowledged that large numbers of people engage in illegal downloading, it is rarely thought of as a form of political protest or action. Based on interviews with downloaders, this paper will argue that participation in downloading represents a form of political education and socialisation for some people. Downloaders educate themselves about key movements and people who engage(d) in struggles against hegemonic political regimes. This represents an important contribution to contemporary thinking about political engagement and citizenship. It furthermore provides some interesting insight into the versatility and responsiveness of citizens at large to the lack of genuine political options which they feel they have. In an age of ever-creeping security and surveillance, a certain subsection of society, clearly indicate through these interviews that they are worried about the meaning and legitimacy of democracy when the extent of freedom of information on the internet looks set to be bought and sold off, and policed in ways yet to be determined.

This paper will chart the recent lobbying and political attempts to close down on the hitherto existing parameters of freedom of information on the net; and will show how these moves to lock down on illegal downloading have, for some, all the characteristics of a stealthy collaboration between the super powers of the cultural industries and the political elite. I utilise Bourdieu's ideas on symbolic violence and misrecognition to highlight how downloaders have a very different take on what crimes are being committed.

Shall the Sphinx Speak? : The Jury's Unreasoned Verdict after *Taxquet*

Mark Coen, TCD

This paper will argue that while transparency has not traditionally been a feature of the English and Irish jury systems, its incorporation is vital to ensure public confidence and to minimise the possibility of miscarriages of justice. The delivery of the verdict is an important area in which greater accountability and clarity could be achieved, and this will be the focus of the paper.

The judgment of the Grand Chamber of the European Court of Human Rights in *Taxquet v Belgium*, delivered in November 2010, has thrown the issue of the unreasoned jury verdict into sharp relief. The Chamber echoed the previous judgment of the Second Section in emphasising the right of persons tried by jury to know the reasons for their conviction.

In addition to its argument in favour of reasoned verdicts the paper will also address the question of what, if any, reforms are needed to the jury in the aftermath of *Taxquet*.

The dangers of dangerousness: mandatory sentencing policy in England and Wales

Paul Gavin, Kings College London, UK

This paper addresses the mandatory sentencing provision for "dangerous offenders" contained in the 2003 Criminal Justice Act, and argues that they were both misguided and unsuccessful in an attempt to reduce crime in England and Wales. The paper sets out a definition as to what constitutes a "dangerous offender" in terms of the 2003 Act as well as the criminological research which has been carried out in this

area. It then outlines the main provisions of the 2003 Act as well as recent attempts at reforming the Act. I then examine the arguments put forward which support (Floud and Young 1981; Walker 1982) and reject (Bottoms 1977) a sentencing policy based on the concept of dangerousness. Finally, there is analysis of the arguments where a sentencing policy based on dangerousness is considered from a rights based and a criminological based perspective. I also examine crime statistics from both the Home Office and the Ministry of Justice which relate to a sentencing policy based on dangerousness. I will then draw my conclusions from this analysis.

Criminology Conference, Plenary Discussion 2

Gender and Prisons

Elaine Crawley, Salford Univ. UK,

A Call for An Abolitionist Agenda: Older Women in Prison

Azrini Wahidin, QUB,

Today's paper explores this neglected yet increasingly important topic of female older offenders in prison in England and Wales. This paper will highlight the range of issues and challenges facing policy makers in managing the health and social care needs of an ageing female prison population and proposes a series of policy recommendations to address the needs of this cohort. The paper will conclude by advocating an abolitionist approach to the plight of women in prisons in general but in particular women who are over 50 and above. In 2007 The Corston Report concluded, by stating: 'the existing system of women's prisons should be dismantled and replaced by smaller secure units for the minority of women from whom the public requires protection (Home Office, 2007:5). Thus by pragmatically looking at the profile of older women who are in prison, an abolitionist lens could be applied. Furthermore, it is only by creating a new vision, a new language, a new imaginary around crime and imprisonment can 'societies move away from seeing prison as a panacea of all social ills, and, instead, see it as an unusual and abnormal punishment which must be used sparingly rather than promiscuously' (Carlen, 1990: 121 and 125).

Christina Quinlan, DCU

You can't punish the kids: The impact of familial imprisonment on children in Northern Ireland

Una Convery & Linda Moore, Ulster University

Across the European Union it is estimated that each year 700,000 children are separated from a parent through that parent's imprisonment (EUROCHIPS). In Great Britain it is estimated that 150,000 children each year have a parent in prison (KIDS VIP) not including the children of young prisoners. No official figures are available for Northern Ireland but the Northern Ireland Prison Service (NIPS) estimates that at any time approximately 1,500 children have a parent in prison. NIPS figures show that approximately 120,000 visitors enter prisons each year, of which an estimated 36,000 are children. The wide ranging and detrimental impact of imprisonment of any family member on children includes the strain it places on relationships within the family and wider community, social exclusion, financial difficulties, stigma and victimisation. The consequences for children may be emotional, physical and developmental, and may impact on children's health, education, leisure, housing, material goods, and

relationships with their imprisoned parent(s), other family members, friends, peers and teachers.

This paper is based on primary, qualitative research conducted by the presenters (with Professor Phil Scraton QUB) with children, parents and other family members, prisoners, volunteers and professionals including prison staff. This research on children with imprisoned parents in Northern Ireland is being conducted as part of a comparative European-wide study initiated by the Danish Institute for Human Rights and EUROCHIPS. The research aim is to produce guidelines at a European level for meeting the rights of children with an imprisoned parent. The Northern Ireland research concludes that while positive initiatives on child and family contact have been initiated in Northern Ireland's prisons, these are too often marginalised within the security oriented penal process and children's rights continue to be breached on a routine basis.

From the client through the group to society; Defending rights seriously against Prostitution and Human Trafficking

Charis Papacharalambous Univ. of Cyprus

Criminalization of sex services purchase ("Swedish model") reveals the knot combining prostitution, sexual slavery and collective aspects of responsibility for the unspeakable atrocities committed against victims of human trafficking, being treated as "bare life". Genuine criminal law protection should adopt the Swedish solution as preemptive minimum in fighting trafficking envisaged as evil par excellence, reaching far beyond usual "serious crimes" and constituting a crime against humanity, having, however, already become inside the alleged "Western democracies" an overtly fascist-racist, gender related and extremely violent collective crime, amply tolerated by the "everyday citizen" and functioning as a criminal social subsystem.

On the basis of militant republicanism, it is, concerning repression, proposed a worldwide extraordinary warlike penal system inspired from the notion of the "criminal law of the enemy"; basic theoretical assumptions are (a) the need of collectively imputing responsibility on all members of the organized criminal group (according to the "joint criminal enterprise" theory) and (b) the normative premise that ascribing to them any notion of human personhood (as distinct from biophysical individuality) results in "performative contradiction". Endorsing radical abolitionist feminism as to prostitution and trafficking, a maximalist retributive and self-referent criminal system of sanctioning, ranging (with increasing abhorrence of the crime) from severe incarceration through temporally unlimited custody (in the sense of the German "Sicherungsverwahrung") up to uninterrupted life isolation, seems only purported at averting what one, borrowing from Scott Veitch, could call "irresponsibility through law".

Displacement, Deflection, Diffusion and/or Competition in Illicit Drug Control

James Windle, Univ. of East London, UK

In the drug control literature, displacement is often presented as the outcome of costly interventions which simply moves the illicit drugs trade around with minimal impact. As such, displacement dismissively implies an impervious trade. However, such analysis is often formulated upon a rather shallow understanding of the dynamic nature of the trade, which fails to account for deflection, diffusion, and competition. This study does not refute displacement per se, but rather provides a more sophisticated analytical framework.

Deflection denotes the moving of an illicit activity to where it is least harmful. Depending on the perspective and circumstances, deflection may provide a more appropriate

description of change than displacement. If the removal of an illicit activity represents the realisation of national/local policy objectives, then it has been deflected from where it was perceived as most harmful to national/local self-interest. *Diffusion* of drug control benefits is the opposite side-effect of displacement, whereby the impacts of the intervention are all positive and extend further than envisaged. Finally, *competition*: since 1984, Afghanistan has consolidated a near monopoly on global production. By capturing its competitors' market share, it forced farmers in less efficient or higher-cost countries to seek out new livelihoods. Hence, shifts in illicit production and manufacturing can be viewed as driven more by competition than law enforcement instigated displacement.

Restore or Replace?

Peter Phillips, Cardiff Univ. UK

In this paper I shall explore the relationship between the Anglican prison chaplain (a statutory appointment in England and Wales) and specific restorative justice programmes. I shall try to establish how far these programmes focus chaplains' own perceptions of their role, given the attempts to equalise the status of different world religions and their representatives in prisons. I shall explore the idea that chaplains who engage with such programmes are using an institutional template as an innovative way to communicate religious values: although the template can be seen to have religious antecedents, it can be and often is delivered in wholly secular contexts. I shall argue that involvement with RJ redefines their role for some chaplains and diminishes the denominational component. My qualitative research involves grounded findings from semi-structured interviews and conversations in the context of official pronouncements. It therefore sets practitioner and institutional narratives alongside each other as part of a wider chaplaincy discourse. Methodologically I am interested in where interview becomes dialogue within the context of a small, bounded practitioner group, where the implied relationship of researcher and respondent starts to erode.

The Politics of Penal Change in Ireland: What makes things happen?

Mary Rogan, DIT

This paper examines how penal change comes about in Ireland. To do so, it discusses possible causes for some key changes in prison policy over the last few decades. Though noting a potential myriad of factors, it analyses the influences of penal ideology, individual politicians, interest groups and political expediency in particular. To do so, the paper explores a number of short case studies to illustrate the influence of each factor. The case studies are drawn from across the history of Irish prison policy and include the introduction of the Prisons Act 1970, the prison building programme of the mid 1990s and aspects of prison policy under Minister for Justice Michael McDowell. The paper seeks to examine what influences the development of prison policy in Ireland and provides some reflections on how that development might be shaped. It also advocates closer attention to the policy-making process within criminology.

"Trying to do the best for young people and their communities - The challenge of implementing 'evidence informed' youth justice in practice"

Sean Redmond, DoJ, Youth Justice Service

This paper will focus on a national change programme currently being led by the Irish Youth Justice Service and its strategic partners to improve outcomes for young people involved in offending behaviour. The change programme attempts to inform practice in local communities by integrating official youth crime data with local knowledge and take appropriate account of the competing international discourse on the factors associated with the onset of youth crime, its persistence and its desistance. The paper

also considers the often neglected complexities of modern governance in bringing about change and executing policy in this area. The paper aims to contribute to the discussion examining the relationship between criminological theory and planning.

Poster Session and Forensics

Fiona McArdle, IT Sligo, Tara Westby, IT Sligo, Forensic Science

The effects of Time and Temperature on Mitochondrial DNA Degradation

Since Sir Alec Jeffreys realised the implications of the similarities and differences between the 'genetic fingerprints' of his laboratory assistants, DNA has been considered the foremost molecular tool for establishing an individual's identity. That system of identification used bacterial enzymes which only cut DNA at specific sites to produce a unique pattern for every individual. Living cells also contain their own protective enzymes, located within discreet membranes, which have evolved to disassemble bacterial and viral DNA when pathogens attack the cell. When cellular death occurs, those membranes break down, releasing the indiscriminate enzymes into the contents of the cell. When they encounter their own cell's DNA, they cut it wherever they come across the pattern they recognise, regardless of whether it is a pathogen or their own genetic code, causing the DNA to be cut into many fragments.

Because of the remarkable success of DNA profiling, it has been the focus of research to determine whether the 'double helix' might provide even more forensic evidence; proof of when cellular death occurred, using the progressive enzymatic fragmentation of nuclear DNA as a 'molecular stopwatch' which started ticking at the moment of an individual's death. Nuclear DNA has proved disappointing in this regard, perhaps because of its huge size and complexity. Cells contain another type of DNA, however, which is much smaller, with a closed circular conformation which protects it from enzymes which progressively attack the loose ends of nuclear DNA. These small discreet pieces of genetic code are found within a complex series of membranes within the cell's mitochondria, the 'powerhouse' of the cell where nutrients are transformed into energy. This mitochondrial DNA is also subject to enzymatic attack, but cellular conditions are different for mtDNA as compared to nuclear genetic code. The present study has attempted to determine whether the passage of time produces a recognisable pattern of fragmentation as time progresses, and what effects temperature has upon both the rate and pattern of mtDNA fragmentation during the post mortem interval, with a view to using mtDNA to establish time of death.

Poster: Criminal Psychology, Daniel Bodusek, UU,

A preliminary analysis of emergent models of professionalism in the Irish Prison Service

Perry Share & Fergus Timmons, IT Sligo

In contemporary societies, numerous occupational groups contend for the opportunity to label themselves, and be so recognised, as 'professional'. Such attainment is linked in complex ways to outcomes related to social status, occupational autonomy, income, self-image and power within institutional structures. The attainment of 'professional' status may itself be based on an equally complex set of 'inputs', such as education, industrial power, political positioning and construction within significant discursive fields, such as the media and education.

While at a global level, the sociology of professionalisation is well-developed, there is not an extensive Irish literature in this field. Similarly the occupation of prison officer has been comparatively neglected, though there is an emergent body of work, for example in the UK and Sweden, on the sociology of prison work.

Drawing on earlier work on the social professions, this paper seeks to outline a theoretical approach to the study of professionalising strategies within the Irish Prison Service. Particular attention is given to processes of discursive construction of prison work within the prison; and practices of education, training and professional development. Preliminary research findings from a study of recruit prison officers, recently commenced prison officers, middle management and prison governors are reported. A brief analysis of attitudes to physical work environment, job satisfaction, job role, respect and education and training are outlined, and preliminary conclusions set out.

Rethinking Societal Reaction Theory

Timo Harrikari, Univ. of Helsinki, Finland

Societal reaction theory was one of the most important criminological theories in the 1960s and 1970s. The theory highlighted an interactionist character between deviance and control efforts and societal reactions in communities leading in to secondary deviance through labelling processes. However, the popularity of societal reaction theory faded in the 1990s at the latest and self-control theories and the positivist-oriented risk governing displaced it.

This presentation addresses how societal reaction theory could be applied to the current late modern discussions regarding e.g. risk governance, zero tolerance policies and early intervention practices. The goal is to update societal reaction theory and to develop a theoretical frame to the current societal context where the concept of deviance tends to turn in to "risk factors" and societal reactions in to technical-minded and politically "neutral" risk governing solutions.

Rating Hate - Who is the Victim in Hate Crimes Legislation?

Jennifer Schweppe, UL

In recent years, the presence of hate crimes on statute books across common law jurisdictions has become unexceptional – indeed, Ireland is one of the only common law countries which does not punish hate motivated, or hate aggravated crimes. Hate Crimes were introduced in Northern Ireland in 2004, though with limited success. This paper will seek to ask how and if we can rate hate - why do we enhance the punishment for racist crimes but not misogynistic ones?

Why are crimes against the LGB community seen as worse than crimes against the transgendered community? Any why are crimes against the disabled punished more harshly than those against the elderly? This paper will seek to explore the justifications for current victim categories in hate crimes legislation, ultimately concluding that such categories are unjustifiable.

'Tell us something we don't know' — the utility of biographical research in an evidence-based world

Nicola Carr, QUB

The use of biographical methods have a long tradition in criminological research with proponents arguing that they bring "realism" to the study of crime, that is absent in other methods (Burgess and Brogue, 1964). However, the use of biographical methods and other qualitative approaches have arguably been marginalised. In the discourse of

"evident based practice", which tends to favour the identification of "risk factors" through more quantitative and positivistic approaches (Case, 2007; Goldson and Muncie, 2006).

Drawing on the methodology adopted in an ongoing biographical study of young people's transitions from custody, this presentation explores the utility of biographical methods in criminological research. Through an analysis of the resettlement pathways of young people, the relationship between agency and structure can be more critically explored. The importance of grounding research in the experiences of young people is highlighted as are some of the difficulties of this approach.

Tensions between Peacemaking Criminology & Transitional Constitutionalism

Susan Power, TCD & Griffith College, Cork

'Transitional Constitutionalism' refers to the role of constitutional law in structuring the government and institutions of post conflict societies.

This paper argues that the struggle to control Iraq's oil reserves after the unilateral invasion of Iraq in 2003 consisted of a two part agenda. Firstly during the 'transformative belligerent occupation' of Iraq under international humanitarian law and secondly through the Constitution of Iraq. This provided the main mechanism for driving transformation in Iraq by (1) transferring control over Iraq's unprocessed oil fields from central to regional control, thereby directly affecting the balance of power in Iraq (2) constitutionally reframing the illegal measures that were incompatible with IHL during the occupation and effectively enforcing the war objectives of the invading belligerent on a transitional Iraqi State. Article 137 of the Iraqi Constitution legalised oil contracts concluded during the occupation. Article 112 reframed the power balance within the territory.

This paper proposes that 'transitional constitutionalism' while being a factor in facilitating conflict resolution *post bellum* may alternatively serve to reframe the belligerents war objectives *jus ad bellum*. Taking into consideration the lessons learned from Iraq this paper challenges the relevance of McEvoy's "new peacemaking criminology" based on the profound transformations of communities and posits that the politics of conflict transformation by its nature ignores rather than reveals the true causes of international crime.

Disjointed Justice: A review of delay in criminal cases in Northern Ireland

James Corrigan, NI Criminal Justice Inspection

The paper draws upon two inspections undertaken by Criminal Justice Inspection Northern Ireland, which examined the extent and implications of avoidable delay within the criminal justice system. It found that avoidable delay was endemic in Northern Ireland, with all types of cases taking considerably longer than those in the most similar jurisdiction in England and Wales. Youth cases were a particular concern. The primary causes of that delay were administrative and cultural - absence of a joint vision, lack of collaborative working arrangements and resistance to change. The poor quality of many police files for example has caused problems for the Public Prosecution Service as well as the Courts - the latter clogged with numerous adjournments and ineffective hearings. The negative impact of delay for victims, witnesses and defendants have been detrimental in terms of the quality of justice, the escalation in costs such as legal aid and for public confidence. The Inspectorate has recommended a combination of strategic and operational actions including ministerial oversight of performance (including end to end timeliness targets), the development of a collaborate justice system and joint efforts to deal with the causes of adjournments.

Plenary 2: Media and Crime

Ciaran McCullagh, UCC, Sean Healy, CORI & Social Justice Ireland, Paul Williams, Crime Author

The Impact of the Conroy Commission on Commitment in An Garda Siochana

Vicky Conway, QUB & Peter Manning, Northeastern Univ. US

This paper examines the issue of the concept of 'commitment' to policing. What is it that makes the police want to do the job, stay in the job, and, perhaps most importantly, stay committed to the values which make for democratic policing? This will be achieved through a study of the effect of *improvements* in pay and conditions on commitment to the job, taking the Conroy Commission in Ireland as a case study. Conditions and pay in the period 1922-1970 were poor, but commitment was strong and based on feelings of security and service. Reporting in 1970 the Commission brought fundamental changes to policing in Ireland, bringing in fixed working hours, overtime and improved working conditions. Drawing on lengthy interviews with 50 retired Gardai who served both pre-and post-Conroy, this paper will examine how the improvements made to policing in Ireland as a result of the Conroy Commission had, in fact, a *negative* impact on commitment to the job, increasing fixation on pay, and decreasing the vocational element of the job. The interviewees' comments suggest this was an important turning point in their careers. Some of the implications of these changes on commitment in the current context of recession are discussed.

Prisons, Prisoners and Society – The Role of Shame in Prisoner Violence

Michelle Butler, QUB

The levels of prisoner-on-prisoner violence in institutions vary across time, locations and individuals. Research indicates that understanding the nature of the institution, characteristics of the prisoners and the interaction between the two can help us to understand how this variation can be explained. The purpose of this paper is to add to our understanding of this process by exploring the role of shame (and the social contexts from which it arises) in prisoner violence. Research in the community suggests that feelings of shame can contribute to violent behaviour and this paper examines whether this is also the case in prisons. Possible implications for the management of prisoner violence will be discussed.

Diminished Responsibility in Ireland since 2006: An Analysis of the Case Law

Louise Kennefick, UCC

My paper examines the impact of the recent introduction of the law of diminished responsibility in the Irish jurisdiction, following the implementation of section 6 of the Criminal Law (Insanity) Act 2006. Section 6 of the Act has the effect of reducing a charge of murder to one of manslaughter where the accused had a mental disorder at the time of committing the act, such as to diminished substantially his/her responsibility for that act.

Since its introduction section 6 has been invoked by defendants in the Irish courts on several occasions with four of them being successful. My paper involves an analysis of those cases where a diminished responsibility defence has been accepted, and those

where it has been raised, but unsuccessful. The purpose is to provide an account of the case law since the implementation of the 2006 Act, and to identify the emergence of patterns in the application of the law to date. In particular, it aims to highlight the court's inconsistency in applying section 6; to question the nature of the role the defence plays as a mitigating factor to murder, and; to emphasise the procedural inadequacies of the 2006 Act as regards homicide offenders with a mental disorder.

Republican political prisoners and the Irish language- Power, resistance and revival

Feargal Enright, QUB

Drawing on the structural context of colonialism in Ireland, this paper will begin by exploring 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.

Based on primary doctoral research on the role of the Irish language in the republican prison struggle in Long Kesh and its rejuvenating impact on the community revival outside the prison walls; this paper will specifically focus on the unprecedented role played by the language during the exceptional prison conditions fostered by the Long Kesh Blanket protest of 1976-81. Through focusing on first-hand narrator accounts, the learning of the language will be viewed as critical means of prisoner resistance against criminalisation 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.

This phenomenon will be evaluated within a focused theoretical framework that adds significantly to our understanding of key theories of ideology, power and resistance. This paper will attest to how the Irish language became a powerful outlet in contributing to the construction of critical consciousness amongst prisoners, arguably congruent with Freire's conception of 'conscientisation'. This would sustain successful 'opposition and resistance to the status quo' and the development of 'ideologies of protest' that applies Buntman's contention of 'the paradox of a site of repression being used to undo the material and symbolic origin of the power of the repressive apparatus.'

Exploring Best Practice in Women's Centre Provision: Challenges and Possibilities

Jacqueline Kerr Univ. of Ulster

Despite the litany of research, official and semi-official reports attesting to the inappropriate use of custody for women, increasing numbers of women are continuing to be sent to prison. Penal practices are designed around the male experience with limited qualitative information or policy considerations paid to women who offend. Accordingly, several jurisdictions have adopted measures to address the needs of women who offend and those deemed 'at risk', in an effort to divert women from prosecution and custody. Northern Ireland, with the devolution of policing and justice and the establishment of the new Department of Justice has, as part of a wider remit to reduce offending, introduced a strategy to manage women offenders and those vulnerable to offending behaviour (2010-2013).

The piloting of the Inspire Women's Project - a key component of this new measure, aims to provide gender-specific community supervision and interventions 'as part of a multi-agency partnership approach' (www.dojni.gov.uk). To this end, this paper reflects on the emergence of best practice in women's centre provision in England, Wales and Scotland. It examines the lessons learnt and the challenges to be met around 'gender informed' penalty and concludes by considering the potential for best practice provision in Northern Ireland.

'A sleepy wee hollow' – IRA prisoners, resistance and power in the post 1981 H-Blocks
Deaglán Ó Mocháin, QUB

Relationships between prisoners and prison staff impact on the material circumstances of every prison, and prison guards use relationships to promote order in a context where they have the weight of prison rules in their favour, and are typically better organised than the prisoner population. In the context of the post 1981 H-Blocks this paper will demonstrate that IRA prisoners had the capacity to neutralize the range of power types nominally available to prison guards, and were able to accrue power and influence well beyond that available to prisoners in more typical prison environments.

Republican prisoner power and influence in the H-Blocks developed partly because the IRA strategically determined to avoid full-blown conflict with the post 1981 (hunger-strike) regime, and to advance their material circumstances through negotiation as far as possible. A key component of this determination was a decision to develop and manage positive relationships with prison guards, and to minimise the circumstances in which IRA prisoners utilised the full range of power types available to them – which extended to the assassination of prison officials at its most extreme.

The paper presents first person accounts from within the prison alongside a consideration of official documents that shed light on theoretical issues such as power relations in prison, the legitimacy of the prison regime from the perspective of prisoners, and the conditioning/socialization of prison guards. This is a novel, and highly nuanced approach to examining prison relationships within the politicized environment of the H-Blocks.

23rd June, 15.00-15.30 Criminology Conference, Day 3, Conference Close, Liam Leonard & Paula Kenny Conference Organisers and Editors, Journal of Social Criminology
www.socialcriminology.webs.com

