

'NOT REFORM': STIMULATING RADICAL THINKING & ACTION ON THE PENAL PRACTICES OF SCOTLAND

AN ONLINE SYMPOSIUM

24TH OCTOBER 2020



SUMMARY -

- The enduring crises faced by the Scottish criminal justice system stand in contrast to the predominant liberal and optimistic understandings of justice and reform in Scotland. This event was an initial response to a shared frustration with the limits of penal reform in Scotland

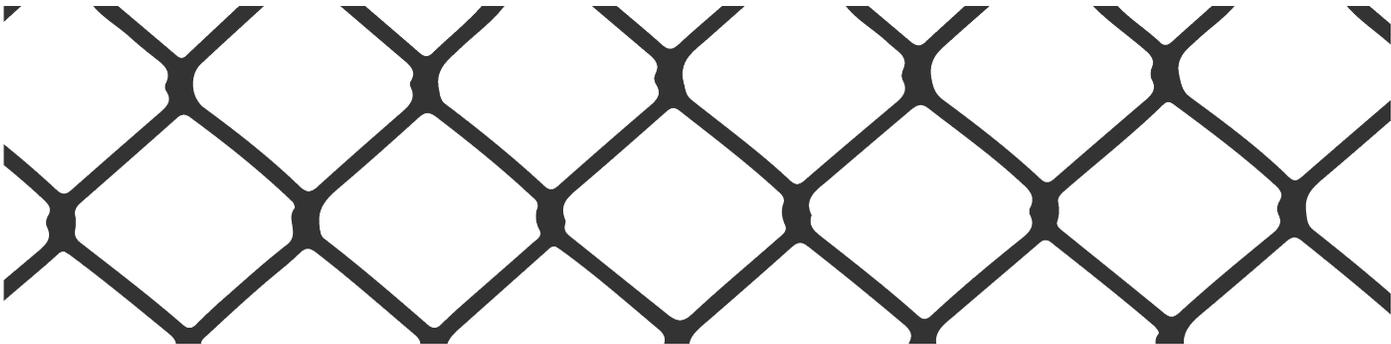
- This symposium brought together activists, academics, people affected by or working in the criminal justice system and community organisations to be involved in new thinking, discussions and actions

- Speakers presented projects and campaigns working to challenge the reform agenda: proposals for smaller forms of detention from RESCALED offered concrete alternatives but also raised concerns about privatisation and legitimisation, local community campaigns in England & Wales resisting the building of new prisons with the support of CAPE, and collaborations between those with and without prison experience, such as SPARC, are an act of resistance that can highlight the injustice of the system

- A number of issues were raised as requiring a radically different response in Scotland, this included: the impact and response to COVID-19 in prisons, the development of the new HMP Glasgow and the increasing remand population

- Throughout discussions fundamental questions arose about long term resistance and short-term prisoner welfare, community versus institutional campaigns and what can be gained from campaigns and scholarship inspired by prison abolition

- Funding has been secured to hold a series of further events, in which these tensions will be explored further. Please email marguerite.schinkel@glasgow.ac.uk if you'd be interested in attending.

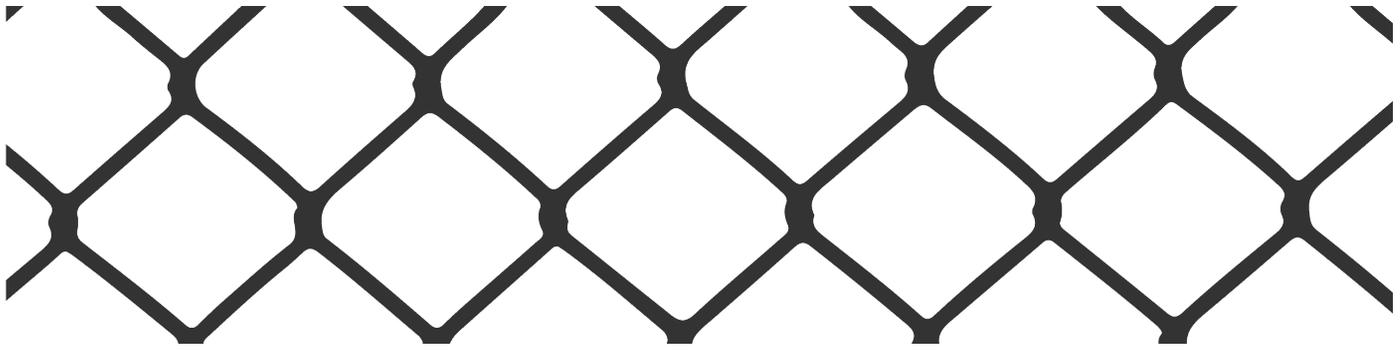


EVENT BRIEFING -

Cycles of penal reform in Scotland often feel limited and frustrating as the crises of Scotland's justice system endure. The events of this year have only heightened the urgency of the need for real change. The impact of and response to the COVID-19 pandemic has exacerbated issues in the justice system and given a glimpse of opportunities for long term change. Radical perspectives on criminal justice have also been amplified this year by the power of the Black Lives Matter movement, inspiring new interest in the ideas of prison abolition.

Led by Marguerite Schinkel and Sarah Armstrong, and planned with support from Betsy Barkas, Phil Thomas, Margaret Malloch and myself, this symposium arose from this urgent frustration with the limits of reform and debate in Scotland. The small online event engaged 20 people in an open discussion about Scotland's penal practices and encouraged new radical thinking and actions that move away from conventional ideas of reform. The event brought together a new group of people who share this interest, including people affected by or working in the criminal justice system, academics, activists and community organisations. The aim of this event was hear different perspectives on what this 'new conversation' might involve and to explore how this conversation could be built upon through future events and analysis. Speakers were invited from within and outside of Scotland: Prof. Margaret Malloch from the University of Stirling, Helene De Vos from RESCALED, Kelsey Mohammed from CAPE and Cradle Community and Vic Guthrie & Scott McMillan from SPARC all shared their refreshingly critical work and inspiring new conversations.

Coming together around a shared frustration and a drive to do something different meant there were a range of perspectives about what that might mean. The range of voices and ideas in many ways was a reflection of those often left out of debates about the penal system in Scotland. This briefing has attempted to capture some of the complex debates and ideas that emerged, connections that were made and resources shared. However, this initial event did not draw any clear conclusions and the intention is to keep this momentum going with further conversations and events.



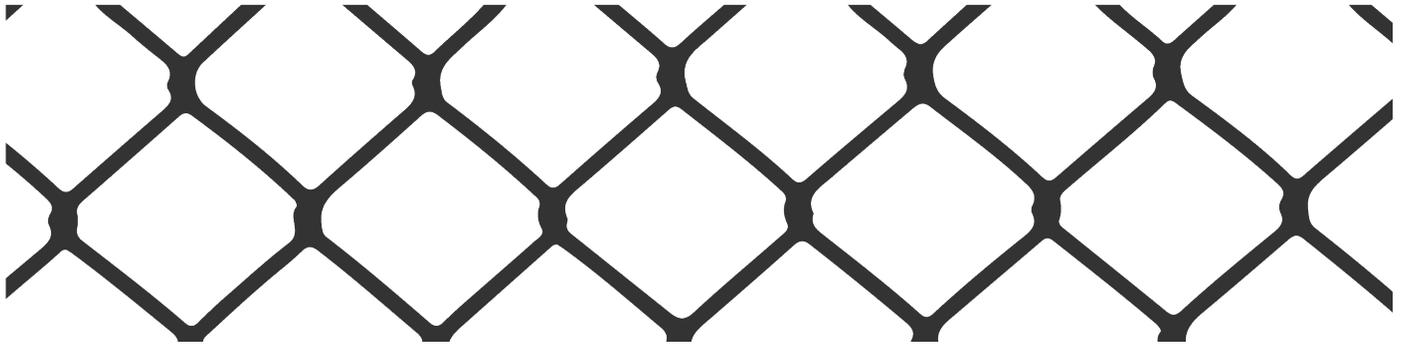
WHY IS PENAL REFORM IN SCOTLAND SO LIMITED?

Scotland's progressive reputation is often to the annoyance of those who seek transformational change, not least because of the disproportionately high rates of imprisonment. Prof. Margaret Malloch started the discussions by offering an insightful explanation of Scotland's limited reform agenda, despite its progressive reputation and the enthusiasm and commitment of those working towards change. Malloch highlighted that the predominant liberal understanding of justice, punishment, rehabilitation and reintegration, has distracted from more fundamental questions about the concept of crime in the context of Scotland's deeply unequal society. Furthermore, she argued, the optimistic discourse of reform obscures the fact that most people working towards and within these innovations know they are not sufficient to bring about meaningful change.

Malloch identified the liberal and optimistic approach to reform as contrasting with the enduring problems of Scotland's criminal justice system: overwhelmed courts, cuts to statutory services and legal aid, a restricted and overwhelmed third sector, the increasing use of remand, high prison population and failing conditions of the prison estate. To further illustrate the limited impact of Scotland's approach to reform, Malloch recalled the campaign against HMP Inverclyde in 2015 which successfully resisted the new large women's prison but failed to fundamentally challenge investment in prisons and the belief prisons can be innovative and credible.

THE NEW CHALLENGES FROM COVID-19

The poor response of Scotland's criminal justice agencies to the pandemic was a central concern within the discussions. Those who had witnessed the conditions in prison emphasised that existing struggles within the prison had been exacerbated by the lockdown restrictions. The imposition of 23-hour lockdowns had amounted to torture for prisoners but is justified as a safety measure – but safer for who? The lack of disturbances in prison should raise alarm, rather than reassurance, about the wellbeing of prisoners. The delayed programme of early release, it was argued, demonstrated not just an inadequate response but also that some amount of decarceration is within the gift of those in power. Whether the ongoing COVID-19 crises poses an opportunity for radical change did not feel certain to attendees, but there was agreement about the urgent need to prioritise the welfare of those inside.

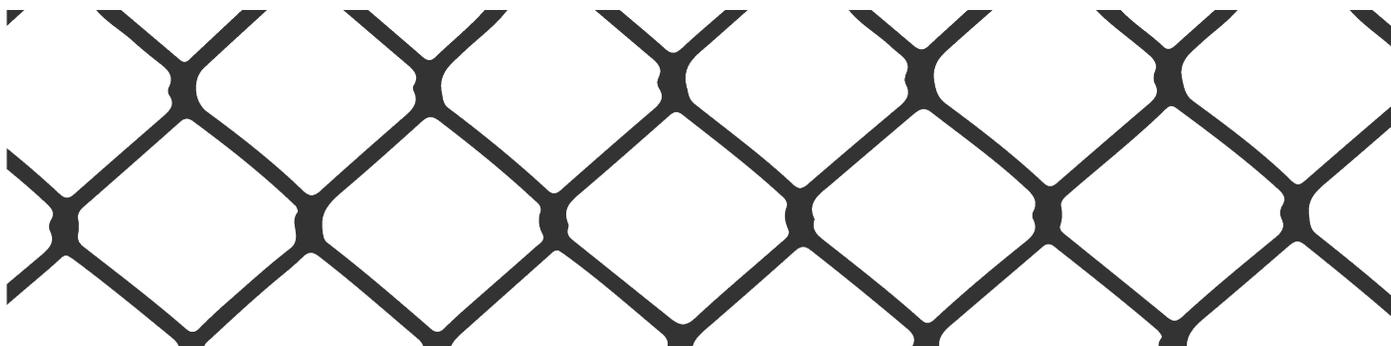


IF NOT REFORM, THEN WHAT? RESCALED, CAPE & SPARC

Three different projects challenging the reform agenda with new and critical work were invited to speak at the event. First, Helene De Vos from De Huizen, a Belgian NGO, presented RESCALED: a movement for small detention houses as an alternative to prison. The RESCALED project now works across Belgium, France, Norway, the Netherlands and Portugal to campaign for the development of small detention houses. Helene shared the basic principles of the concept; the houses must be small in scale, offer differentiated and individualised security and provision and be integrated into the community. So far, the project has led to the creation of a number of 'transition houses' in Belgium with the aim of expanding this.

The vision of RESCALED was clear and concrete as an alternative to existing prisons. This appealed to some and it was evident that aspects of the project resonated with some of the existing provision in Scotland such as: young people's secure care, the 218 project and the planned Community Custodial Units. The detention houses proposed by RESCALED are intended to be run by NGOs and third sector organisations, much like Turning Points' 218 project. However, the first houses in Belgium are being delivered by private corporation G4S, raising some criticism from the group. Perhaps because of the familiarity of aspects of the RESCALED concept to a Scottish audience, a number of concerns were raised with regards to: whether the power dynamics were fundamentally different from prison, the potential that a discourse of benevolence could legitimise a larger system and an interest in how the residents felt about the project.

Following this we heard from two examples of community-led projects. Kelsey Mohamed shared the work of Cradle Community, a project that facilitates and promotes transformative justice (including producing the zine 'how to be an abolitionist today') and Community Action on Prison Expansion (CAPE), who have led campaigns across the UK resisting prison expansion. CAPE build local level campaigns with communities to resist the building of prisons. This can include awareness raising, representing communities' interests and submitting planning objections. Most recently CAPE have supported local resistance against prison building in Wellingborough and Glen Parva and have previously supported the successful community campaign against plans for a mega-prison at Port Talbot. Research is an important part of this organising and organisations like CAPE and Corporate Watch research and monitor prison expansion across the UK including developments in prison expansion in Scotland. Kelsey explained that the work of CAPE and Cradle Community are both



inspired by black feminist abolitionist movements, aiming to highlight the failures of the current system alongside promotion of alternatives such as transformative justice.

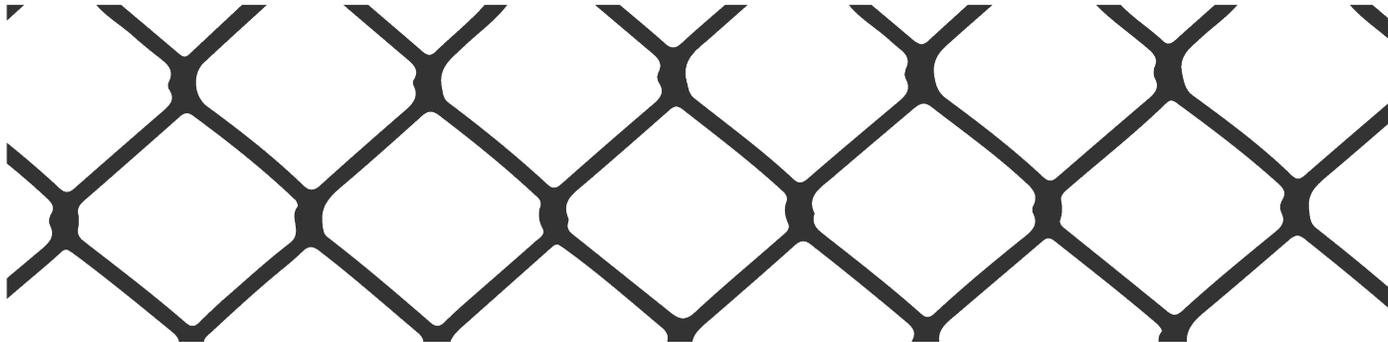
We then returned to Scotland to hear about SPARC, the Scottish Prisoner Advocacy and Research Collective, from Scott McMillan and Vic Guthrie. SPARC are a collective of people with and without experience of prison whose working together is in itself, Vic highlighted, a small act of resistance. Starting as a prison reading group, their work has evolved into collaborative projects that expose the injustice of the system through collaborative writing, direct consultation with people in prison and opposing reforms such as the proposed Whole Life Custody Bill. As a group they are committed to exposing the injustice of prison and are critical of reforms, but not all of them identify with the abolitionist perspective. Scott highlighted that those with experience of being in prison have seen first-hand that there are people in prison who need to be contained in some way, and so they do not support the idea of total prison abolition.

BUILDING MOMENTUM FOR RADICAL THINKING AND ACTION - WHAT NEXT?

The diverse work presented by the speakers provoked interesting discussions about what issues to focus on, fresh critiques of Scottish reform narratives and also inspired ideas for action and resistance.

HMP Glasgow -

The progression of plans for the new HMP Glasgow was of central concern to many at the event. Resonating with the work of CAPE, there was interest in further research and awareness raising about prison expansion in contrast to Scotland's commitment to reducing its prison population. However, what became clear was the complexity of resisting prison reform and expansion in the shadow of the infamous HMP Barlinnie. Following the dire HM Inspectorate of Prisons 2019 Report on Barlinnie, the new prison has been positioned as a necessary replacement. This understandably raises concerns about anything which might prolong the operation of Barlinnie, especially for those familiar with its conditions. Although some felt it was not a choice between the two prisons, but rather about challenging the prison



itself by making it difficult both bureaucratically and morally for governments to keep building them.

Unsurprisingly the discussion was caught on the fundamental question: how to resist the reform and expansion of prisons in the long term whilst prioritising the welfare of prisoners and their families in the short term? For those at the event who wanted to resist the new prison there was a clear need to be sensitive to the infamous status of Barlinnie and tactical in negotiating the idea of a reformed replacement. One suggestion was to focus on what the plans are for Barlinnie as a former prison, centring the experiences of those who have been in Barlinnie whilst also asking constructive questions about what the local area and Glasgow more generally might need in place of a prison.

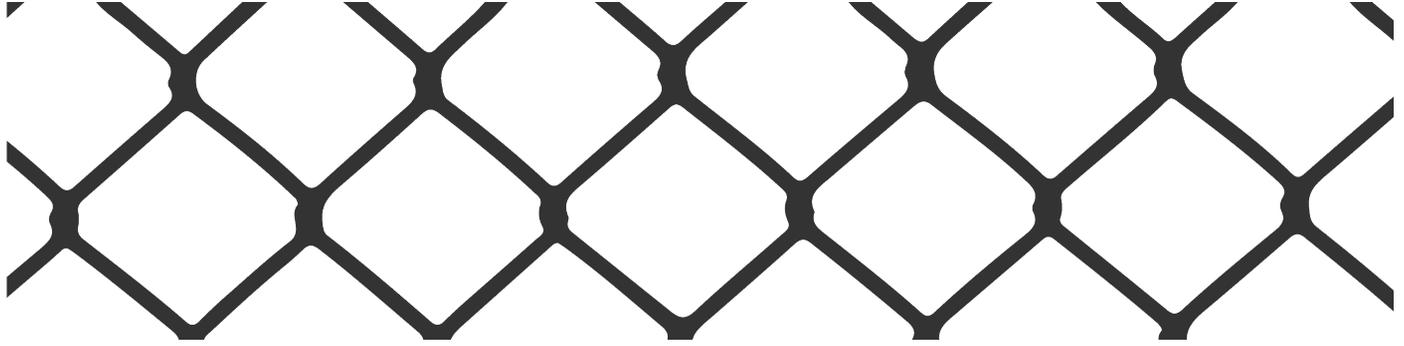
Remand

There were also a number of discrete issues people were keen to organise around such as the high remand population in Scotland which has only been made worse by COVID-19 related court delays. That Allan Marshall was on remand when he suffered fatal injuries from a struggle with prison staff, was a sobering reminder that being on remand is not just disruptive to lives but can have devastating consequences.

Much of the event focused on prisons and prison reform but there was recognition that a radical shift would require a much broader lens which looked critically at sentencing, electronic monitoring and community supervision and which engaged with immigration detention as part of the system of incarceration in Scotland.

In response to the question of 'what next?', Malloch reiterated that to really work towards structural change which speaks to inequality, poverty, marginalisation and criminalisation, will require long term grassroots collaboration, exposing the violence of the system with the support of local, national and international allies working towards change.

Question of prison abolition

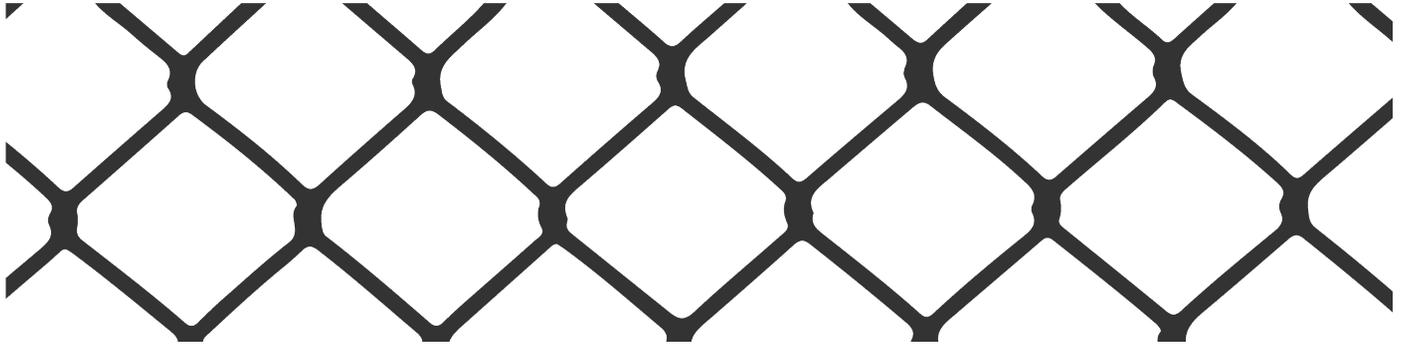


QUESTION OF PRISON ABOLITION -

Familiar debates arose throughout the discussion, including long term transformation versus short term improvements, and organising at a grassroots level versus at an institutional level. Whilst abolitionist principles informed the work of groups like CAPE, not everyone subscribed to this perspective even if, as Scott pointed out, they still held the ideals. There was also a question of what was idealistic and what was pragmatic. Some argued that there was an urgent need for pragmatism rather than the idealistic notions of prison abolition, but others felt that reformed or smaller prisons were idealistic in their hope to fundamentally challenge the harms of imprisonment. In organising with local communities, CAPE have found that prison building is often the least practical response to the needs of that local area for jobs or housing. Inspiration was drawn from the abolitionist literature and the work of Mariame Kaba's who, in response to the assertion that abolitionism is utopian and unattainable, argues that there are communities in the United States who already live without the interference of police or prison: white, affluent neighbourhoods. Resources sent out prior to the event included the work of abolitionist scholars such as Ruth Wilson Gilmore, encouraging reflection on what this work might offer in a Scottish context.

CONCLUSION -

The symposium provided a much-needed space for expressing frustration with the limits of penal change in Scotland and for challenging the dominant narratives of reform. There was diversity and debate amongst the group – reflecting that a shared frustration does not mean a shared perspective on what to do next! The range of issues, ideas and actions put forward may not have always shared the same analysis but did have some complementary aims- prioritising decarceration being one of them. Crucially the energy and enthusiasm for building new collaborations will be channelled into further discussions, events and actions. Since the event there has also been some critical reflection on how to ensure that future collaborations and discussions are both radical and accessible.



LINKS FOR RESOURCES, PROJECTS AND FUNDRAISERS SHARED AT EVENT:

- Rescaled: <http://www.rescaled.org/>
- Community Action on Prison Expansion: <https://cape-campaign.org/>
- Cradle Community fundraiser: <https://www.gofundme.com/f/cradlecommunity>
- SPARC: <https://scottishprisoneradvocacy.com/>
- Justice for Allan Marshall Campaign: : <https://www.justgiving.com/crowdfunding/justiceforallanmarshall>
- Reclaim Holloway: <https://reclaimholloway.mystrikingly.com/>
- Robert Danilczuk's protest at HMP Edinburgh: <http://leftungagged.org/2020/08/23/prison-protest-mutual-aid-the-robert-danilczuk-story/#>
- Glasgow Prisoner Solidarity: <https://glasgowprisonersolidarity.wordpress.com/>

IN ADVANCE OF THE SESSION, PEOPLE WERE ASKED TO WATCH AND READ THE FOLLOWING:

- Short excerpt from Prison by Any Other Name: <https://slate.com/news-and-politics/2020/07/prison-by-any-other-name-book-excerpt.html>
- Ruth Wilson Gilmore on abolition (12 min): <https://youtu.be/1HWqYANmWLY>
OR read this short piece with James Kilgore: <https://www.themarshallproject.org/2019/06/19/the-case-forabolition>
- ReScaled TedX talk (19 min): <https://youtu.be/sRcbVduOoE8>
- Should BLM Matter in Scotland? (450 words) now available here: <https://insidetime.org/do-black-lives-matter-in-scotland/>