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Abstract

Mass incarceration and supervision operate through a mixed economy. Using the case study of Samaritans' emotional support for prisoners in distress in England and Wales, we present an *original framework of five normative criteria* to facilitate nuanced assessment of voluntary sector criminal justice participation. This is an urgent, significant task for theory and practice: we need to find forms of public input that can deconstruct bloated penal systems. Whilst citizen involvement can be a positive form of 'people power', our assessment of Samaritans' ostensibly welcome humanitarian intervention reveals how it deflects attention from severe shortcomings of the penal system. In the context of mass incarceration, we conclude that voluntary sector and citizen involvement *in individualised service delivery alone* risks obscuring deep problems and delaying much-needed change. This topic is particularly timely, given increasing non-state involvement in criminal justice and the global problem of prison suicide.

Keywords

Prison, peer, non-profit, volunteer, penal voluntary sector

Introduction

Criminal justice researchers should pay more attention to the increasing involvement of volunteers and voluntary organisations in criminal justice institutions¹, evaluating *in what respects* this is a positive and/or negative development. Nuanced assessment of voluntary sector criminal justice participation requires explicit normative criteria with defence of the values underpinning the assessment (Bennett 2017). There are many potential benefits of voluntary sector and civil society action in criminal justice (e.g. Akashi 2018). Dzur's *democratic optimism* (2012) would emphasise the hope and possibility of public involvement directing state institutions to greater democracy and the public good. Alternatively, Wacquant's *critical pessimism* (2010) would regard public involvement as a mere duping of citizens by states captured by for-profit sectors. Our account provides a *middle way* between these approaches: public involvement has potential to trigger much-needed reform, but current operating methods and context precludes this.

¹ Citizen involvement in criminal justice is organised by voluntary and statutory organisations e.g. court Magistrates, police Special Constables, custody inspectors. This work is funded through many (non-)statutory sources (Tomczak and Buck 2019a). In addition, citizens campaign to voice their experiences and reform legislation (e.g. Cook 2018).

Evaluating one case of voluntary organisation involvement in criminal justice, the Samaritans Prison Listener Scheme, we demonstrate that it should not be welcomed without reservation. Despite this Scheme's humanitarian motivation and substantive contributions to ameliorating prisoner distress, it can deflect attention from essential deep reform of the scale and conditions of imprisonment. Viewing this case through the lens of *normative political theory*, we then develop an original five dimensional framework of criteria to facilitate nuanced assessment of voluntary sector criminal justice participation. These criteria are: i) does it resist harmful excesses and capture, making criminal justice institutions more compliant with non-negotiable humanitarian obligations?; ii) does it benefit individual volunteers?; iii) does it assist the state in serving the public good?; iv) does it increase democratically valuable forms of public participation in state institutions?; v) does it bring the shortcomings of those institutions to light and motivate reform? Samaritans are by no means the only voluntary organisation to have prioritised service delivery over advocacy, in criminal justice (Tomczak and Buck, 2019b) and beyond (Stroup and Wong, 2017). We do not suggest that Samaritans should be withdrawn, but seek to articulate the compromised nature of their work and the conflicting demands under which *all* voluntary organisations and citizen volunteers participate in imprisonment. Although we focus on imprisonment, mass incarceration has occurred in parallel with mass supervision in the community (McNeill and Beyens 2013; Miller 2014; Phelps 2017), and volunteers and voluntary organisations are implicated across criminal justice institutions globally (Tomczak 2017; Tomczak and Buck 2019a). Our analysis has implications for other forms of voluntary sector and citizen involvement in criminal justice across jurisdictions. It is also pertinent for other sectors increasingly reliant on volunteering, *inter alia* health and social care (Naylor et al. 2013) and public museums (Goodlad and McIvor 2005). Extrapolating our framework is not straightforward, however: consideration of organisational and institutional differences, varying penal-welfare cultures and conditions, and geo-political, socio-cultural and legal intricacies is required (e.g. Pratt and Eriksson 2013).

Citizen involvement in mass incarceration

Recently, the US and UK have both dramatically increased the scale of imprisonment. The USA and UK have seen pronounced penal surges brought about through neoliberal socioeconomic policies (Wacquant 2010) and the redefinition of social problems as problems of crime and justice (Rodger 2008). The social welfare and penal policies used to manage precarious

populations employ deterrence, surveillance and graduated sanctions to modify conduct (Miller 2014). Amidst weakened welfare provisions, prisons are increasingly used to ‘invisibilize problem populations—by forcing them off the public aid rolls... and holding them under lock’ (Wacquant 2010: 199). The US has developed into a global outlier in mass imprisonment, becoming four to five times more punitive (in terms of incarceration rates per 1,000 crimes) between 1975 and 2000 (Wacquant 2010). England and Wales’ prison population has risen by 70% in the last 30 years, maintaining the highest imprisonment rate in Western Europe (along with Scotland), in the context of static or falling crime rates (Prison Reform Trust 2018).

Mass incarceration evokes images of a repressive state, with criminal justice as a closed, inaccessible niche concealing the dirty work of dealing with those who will not or cannot play by the rules (Christie 1977; Dzur 2014). However, mass incarceration has occurred alongside – and arguably through – increasing citizen involvement in criminal justice (Miller 2014). Governments around the world are shifting from state-dominated criminal justice to models where responsibility, costs and risks are shared by public, private and voluntary organisations (Garland 2001; Ransley and Mazerolle 2017). The roles of private/for-profit criminal justice work have received substantive articulation and nuanced analysis², but the voluntary/non-profit sector has garnered less attention. Yet, it is significant in criminal justice around the world: including the UK, Nordic countries, France, USA, Canada, Australia, New Zealand, Brazil and Uganda. Although voluntary organisations and volunteers have a long history of criminal justice involvement, the sector’s recent growth is one of the defining global shifts in ‘offender management’.

The voluntary sector is the USA’s primary provider of prisoner re-entry programming, managing ‘more people, more poor people, and more poor people of color’ than the world’s largest prison system (Miller 2014: 307). In England and Wales, the criminal justice voluntary sector workforce is larger than that of the public prison and probation services combined, and the criminal justice system could not function without its voluntary sector and volunteer staff (Tomczak and Buck 2019b). Mass incarceration and supervision are thus directly enacted by citizens to some extent and not purely *imposed* by a repressive state on its subjects. Given the many negative direct and

² For analyses of policing; court interpreters; court escort; prison; community supervision; electronic monitoring see Tomczak and Buck 2019a.

collateral consequences of criminalisation (e.g. Hoskins 2019), we urgently require normative evaluation of ‘civilian’ involvement in criminal justice.

Scholars have been generally reluctant to engage in explicit normative assessment of criminal justice developments (Bennett 2017). Yet, failure to fully explain *in which respects* we should accept, welcome and deplore large-scale citizen involvement in punishment impedes analysis and meaningful reform attempts. Citizen association is intimately connected to democracy (de Tocqueville 1835) and informs the ideal of participatory democracy/ rule by participation, which in turn offers potential to resocialise an authoritarian penal welfare state that is resituating towards the market (Powell 2009). But, does greater public involvement in criminal justice provide ‘a cultural restraint against more punitive policies’ (Crawford 2004: 696) and return it to democratic control? Or does it at best paper over cracks, shoring up mass incarceration and supervision? These questions require urgent and nuanced attention: we need to find forms of public input that can tame and reform bloated penal systems (Gottschalk 2006). We therefore develop our assessment of the Scheme into a normative framework with explicit dimensions through which increased public involvement in criminal justice can be evaluated. Our dimensions of assessment are based on an articulated – though of course contestable – conception of the ways in which greater public involvement might, in certain contexts and/or in certain forms, be a positive development.

Our case study involves volunteer Samaritans in the community answering phone calls from prisoners in distress or at risk of suicide, and training and supporting prisoner volunteers to become Listeners for their peers. This is a valuable case study: it is ostensibly a welcome humanitarian intervention, but nuanced assessment reveals how it deflects attention from severe shortcomings of the penal system and allows them to remain unaddressed. Moreover, the Scheme is *not* competitively commissioned, and, while many problems with charitable intervention are now ascribed to this funding mechanism (Butler et al 2017; Tomczak 2017), this valid and important commissioning debate can obscure broader dilemmas around voluntary sector involvement in punishment, that our case study and explicit criteria highlight.

Suicide in (neoliberal) prisons

Prisons are perennially problematic, crisis-prone institutions. Whitty (2011: 127) notes ‘the traditional demands of running (over-crowded, financially stretched) prisons’. Imprisonment is a stressor that can induce psychological disturbance amongst those with no prior disorder (Liebling 2007: 433). Imprisonment diminishes subsequent life chances for both prisoners and their families (Wildeman 2012; Besemer et al 2018). Imprisonment can lead to death. Prison suicide³ is the most common cause of death for prisoners globally (Awenat et al. 2018), with suicide rates amongst prisoners consistently exceeding those in the general population across jurisdictions (Fazel et al. 2017). Prison suicide reduction has been designated a *priority activity* by the World Health Organisation (2007) and England and Wales’ Ministry of Justice (MoJ 2016).

In England and Wales, the surge in prisoner numbers has more recently been followed by staffing ‘efficiencies’ in public prisons, which correlate with increased suicide. Justice Secretary Chris Grayling’s 2012 benchmarking generated the largest staff reductions in the service’s history, leaving fewer staff managing more prisoners and a lower proportion of experienced staff (Peacock et al. 2017; Prison Reform Trust 2018). Prison suicides increased from 2012, rising 69% between April 2013 and 2014 (MoJ 2014). Between 2012 and 2016, suicide rates more than doubled (MoJ 2017) “after a period of change for the prison workforce as a result of making efficiencies. [...] Frontline operational staff reduced from 29,660 on 31 March 2012 to 23,080 on 31 March 2016” (MoJ 2016: 41). 2016 saw a record high of 122 prison suicides (MoJ 2017). This has been followed by consecutive record incidents of self-harm in 2017 (with an 11% increase from 2016) (MoJ 2018), 2018 (with a further 23% increase from 2017) (MoJ 2019) and 2019 (with a further 16% increase from 2018 (MoJ 2020).

In March 2018, the Justice Secretary’s reform proposals acknowledged prisoners’ ‘existing mental health conditions and long-term issues with alcohol and drug abuse’, which he proposed to address by ‘investing more in mental health awareness training for staff’ and by increasing ‘our grant to the Samaritans to fund the continued delivery of a peer support scheme called “Listeners” which supports prisoner mental health’⁴. This is apparently sensible. The Listener Scheme is widely celebrated, has been heralded as a ‘beacon of international good practice’ and

³ Strictly, suicide is ‘the termination of an individual’s life, resulting directly from [...an...] act of the victim himself, which he knows will produce this fatal result’ (Durkheim 1952: 44). But intention in completed self-inflicted prisoner deaths is often unclear, and confused and mixed intentions can be seen (Walker and Towl 2016: 31).

⁴ <https://www.gov.uk/government/speeches/prisons-reform-speech>. Weblinks throughout accessed 03/02/20.

won many awards. Then HM Prison and Probation Service Chief Executive Michael Spurr, described the Scheme's significance:

'Our partnership with Samaritans remain absolutely fundamental to our strategy for reducing self harm. Over the last 20 years, Listeners have saved many, many lives – providing vital support to individuals in genuine turmoil and distress. [...] It is a beacon of international good practice and an invaluable resource which makes a difference and saves lives.' (Samaritans 2011: 3).

The Scheme won the 2014 Charity Times Cross-Sector Partnership of the Year Award. Volunteer Stella Hayes received a 2017 British Citizen Award for 25 years supporting the scheme⁵. South West Hertfordshire Samaritans received a 2018 Queen's Award for Voluntary Service for outstanding work in their community, including supporting the Listener Scheme at HMP The Mount⁶. Our normative criteria enable recognition of *both* Samaritans' lifesaving work and the systemic shortcomings that they little acknowledge (but see Samaritans 2017a; Samaritans 2019).

Samaritans' development

In the 1950s, London vicar Chad Varah established a phone line and drop in sessions offering a confidential space to talk about and alleviate 'taboo' suicidal feelings (Jaffe 2012). Additional volunteers became the first Samaritans in 1953. The organisation quickly spread across the UK. Through lobbying government, Samaritans contributed to the 1961 decriminalisation of suicide. During the 1980s, local Samaritans branches engaged ad hoc with prisons until Samaritans' General Office established a prison outreach team in 1988. The Listener Scheme was established at HMP Swansea in 1991, following two suicides including Philip Knight, a *fifteen year old* remand prisoner who was then the youngest person to die in custody, having been charged with stealing a handbag. Swansea's governor trialled a peer-befriending scheme led by Samaritans. There were 70 Listener schemes in England and Wales by 1995. The first Scottish scheme was established in 1994, with Northern Ireland and the Republic of Ireland following in 2002. In 2010 there were 145 prison Listener schemes, and there are now around 1,700 Listeners across UK and Republic of Ireland prisons. Statutory grant funding in 2016-2017 totalled £500,000 from England and

⁵ <https://www.samaritans.org/news/samaritans-volunteers-given-mbes-queens-birthday-honours>

⁶ <https://www.samaritans.org/news/samaritans-honoured-queens-award-voluntary-service>

Wales' National Offender Management Service; £24,000 from the Scottish Prison Service; £8,000 from the Northern Irish Prison Service and £4,000 from the Irish Prison Service (Samaritans 2017b: 2, 45).

Data

This article was developed from broader research examining responses to prison suicide in England and Wales between 2015 and 2018. This project included extensive document analysis of i) over 100 prisonsuicide fatal incident reports (publicly available through the Prisons and Probation Ombudsman website) and ii) Coroners' Reports to Prevent Future Deaths (publicly available through the Courts and Tribunals Judiciary website). These reports are underexploited by scholars but provide extensive, albeit mediated and delayed accounts of prisoner deaths and prisons over time. These data sources deserve further exploration as a useful means of understanding and challenging extended failings in both individual prisons and prison systems. 15 semi-structured interviews with public and voluntary sector prison oversight bodies were also undertaken during 2016-2017, facilitating rich discussion of themes emerging from the document analysis (Tomczak 2018). The Samaritans' Scheme was not part of the interview schedule but was referred to independently by multiple participants. Grey and academic literature about the Samaritans' Scheme was subsequently reviewed, using internet and Google Scholar searches

All documents and interview transcripts were thematically coded and analysed in Word, using ethnographic content analysis (ECA). Unlike positivist document analysis, ECA conceptualises document analysis as fieldwork and includes reflection upon document production processes. ECA entails discovery of analytical themes and sustained reflexivity about the research process. Reflexive and recursive movement between concept development–sampling–data collection–data coding–data analysis– interpretation provides a systematic approach, whilst retaining flexibility to (re)develop analytical categories (Altheider and Schneider 2013). Based on this thematic analysis, we now evaluate the Scheme's potential implications as a form of public participation in criminal justice.

Preventing suicides and changing prison culture

Prisons' focus on security, punishment and the suspicion with which prisoners are regarded (Liebling 2004) too often override humanitarian obligations to help those in serious need

(Bennett 2017). Imprisonment involves the state forcibly removing a person's capacity for independent existence, and therefore creates a special responsibility for meeting that person's basic needs including safety, security, and a reasonable opportunity to make one's life worth living (Fabre 2000). Some prison suicides are the exercise of settled, rational choice by individuals authoring their own existence – but too many are avoidable wastes of life. Listeners provide an important way to reduce distress and suicide, by giving prisoners an opportunity to reflect and be supported by another who is willing to listen and take them seriously. There are clear humanitarian grounds for applauding the Samaritans' emotional support work inside and outside prisons.

Timothy (voluntary sector prison reformer) asserted that the Listeners' 'peer support through times of distress, has become an institutional part of the way prisons deal with self-inflicted death'. Listeners appeared without prompting in multiple interviews, substantiating their significance in addressing suicide and distress:

Jeremy (public sector prison monitor): 'The Listener scheme really helps [...] There are a number of key things that we know from experience work, Listeners, plenty of activity, good staff supervision, good mental health, good first night processes, good drug treatment. If you do those things [...] suicides will decrease'.

Trudie (public sector prison monitor): 'Whether we could have identified the person was a risk or not, if they had *just spoke* to somebody. I don't care if it was me, or [...] another officer, or [...] another prisoner, a Listener, phoned the Samaritans. I think if they'd just spoke to somebody it *might* have made a difference' (emphasis in original).

Timothy (voluntary sector prison monitor): 'Let's be modest and conservative here, every week, it saves a life, somewhere in the country, by virtue of a peer being available to somebody who is in acute distress.'

Prison can be an extremely stressful environment (Gallo and Ruggiero 1991; Haney 2006; Liebling and Maruna 2011). Listeners facilitate distinctively supportive relationships, tapping into Samaritans' decades of expertise in offering confidential, non-directive, active listening to individuals in distress, which prison staff could never replicate (Jaffe 2012; Tomczak 2017):

Brian (public sector prison monitor): ‘Prisoners need people to talk to [...] social contact is hugely, hugely important in reducing distress. [...] Someone in a black and white uniform⁷ turning up at the door with a set of keys [...], however good they are, however empathetic they are, they may simply not be capable of forming that relationship [...] Clearly the Samaritans are well practised [...] and well-trained in doing what they do’.

Timothy (voluntary sector prison monitor): ‘A Governor saw [...] that suicide prevention was not an area in which [...] his staff had expertise so they went to the Samaritans and devised a [...] programme where prisoners would be trained to act like Samaritans, [...] to meet people in acute distress and get them through that period of distress by listening and now it’s in virtually every prison. [...] The Listeners’ response, [...] that’s fantastic, that’s, you know, that is an immeasurable improvement.’

The Scheme can thus be seen to reduce prisoner distress, increase safety for prisoners and staff, and reduce harm caused within and beyond prisons by suicides (Tomczak 2018). ‘An effective Listener scheme can make a powerful contribution to an establishment’s Safer Custody strategy’ (Samaritans 2015: 1):

Timothy (voluntary sector prison monitor): ‘In a high security prison I had the Head of Security say “can you imagine making it through a night now without the Listeners?”’

Darrel (secondary data): ‘As the Safer Custody Manager in a large prison for women [...], I draw on the expertise and professionalism of the Samaritans to deliver an excellent service [...] It would not be possible to call this jail safe without the excellent support and engagement [...] from the Samaritans.’ (Clinks, 2016: no pagination)

It is however problematic if a jail is being *called* safe, but that discursive safety is not realised in practice.

There is also potential to improve prison culture more widely by broadly encouraging compassion. Brian noted potential positive effects on prison cultures (thinking about others, supporting others, compassionate role modelling):

⁷ Liebling (2004: 251-2) notes: “Interactions with officers in uniform have huge symbolic meaning. Prison officers may not always see themselves as a source of social support to prisoners. Supportive relationships are constituted *despite*, rather than through, inherently low levels of trust”. (emphasis in original)

Brian (public sector prison monitor): 'It is a piece about compassion. [...] I think there is a wider thing about the Samaritans [...] which is about role modelling, if you show your staff that this is what you are interested in and you make it important for the staff to deliver the Listener service [...] then staff start to understand that compassion [...] is a good thing'.

Jaffe (2012: 347) found that the “peer empathy and understanding that Listeners offered prisoners, often expressed through informal gestures and practical assistance, was valued, as it demonstrated that Listeners understood prisoners’ problems, and even cared, in an environment where caring relationships were rare”. Such contributions are *goods in themselves* (Carlen, 2001), and may reduce suicide.

Taking Back Control?

Just as the Scheme can save lives and improve the culture of prisons, public participation in governance can also empower and upskill its volunteers (Dzur 2012: 69-71). Listening can stimulate changes amongst prisoner volunteers and improve staff perceptions of prisoners: ‘becoming a Listener helps prisoners to “do time”, as a “generative” prisoner’, rather than just passing time inside (Jaffe 2012: 354). Interview participants Timothy and Brian described multiple benefits for Listeners (having something to aspire to, developing skills):

Timothy (voluntary sector prison monitor): 'It has much broader impact in terms of [...] prisoners having something to aspire to [...] become a Listener, prisoners having a sense that they have a positive role to play [...], staff learning that prisoners can be depended on to help each other.'

Brian (public sector prison monitor): 'Giving [...] prisoners the skills to [...] provide that sort of empathetic support within the prisoner population, [...] it's a really, really helpful intervention'.

Grey literature about the Scheme reflects Timothy and Brian’s assertions and indicates further benefits for Listeners (gaining confidence and compassion, having an important role to play):

Helen (Samaritan): ‘I particularly remember one young man who kept his head lowered and never said very much [...]. Gradually he came out of his shell and sat up a bit straighter and gained so much more confidence. It was very satisfying to see him change so much and become a Listener⁸.

Paul (former Listener): ‘In a place where it seems like there is no hope, if there’s something that gives you the capability to help people, then that’s fantastic. It makes you feel useful, gives you a purpose, and there is nothing more powerful than being there for people who have massive problems. My values changed in prison [...], and being a Listener made me view things differently.’ (Clinks, 2016: no pagination)

Charlie (Listener) ‘Being a Listener is very important to me, and it’s given me another way of thinking, and putting other people first.’ (Clinks, 2016: no pagination)

Gemma (Samaritan): ‘When Listeners first start training, they are a bit tentative – and then they blossom. They acquire a sense of purpose and respect from their fellow inmates, who look up to them. For some men, it’s a revelation⁹.

Jo (Samaritan): ‘The role can be challenging but is also very rewarding - you see Listeners developing their knowledge and skills, increasing in confidence, working as a team and, above all, supporting vulnerable prisoners.’ (Clinks, 2016: no pagination)

Whilst acknowledging potential to develop pro-social capabilities, however, we must note that the Scheme’s operating context constrains any advantages. Listeners are also *burdened* by very visible signs of prisoner distress and the difficult information that is ‘off-loaded’ onto them, and can struggle to step back from their role (Jaffe 2012: 352). Confidentiality and contextual constraints mean Listeners have limited capabilities to respond to prisoners’ distress. We explain below that Listeners do not feed into prison and Prison Service decision-making hierarchies, and have no control over how distressed prisoners are treated.

⁸ <https://www.samaritans.org/your-community/our-work-prisons/listener-scheme/maureen-trains-samaritans-listeners>

⁹ <https://www.samaritans.org/your-community/our-work-prisons/listener-scheme/stella-trains-samaritans-listeners>

Furthermore, part of the promise of public participation in criminal justice is increasing lay control over key decision-making levers, thus promoting transparency and accountability. Although Samaritans' funding leaves them relatively autonomous, our research shows that they tend to fit compliantly into the command-and-control structure of the prison system. Whilst they do respond to policy consultations, there are very limited means through which they seek to influence policies or decisions pertaining to the scale and conditions of imprisonment (but see Samaritans 2017, 2019). The problem is structural: even grant-funded voluntary organisations *self-censor* in order to maintain their access to prisons and their beneficiary group (Helminen 2016). As such, although understandably, voluntary organisations like the Samaritans thus perpetuate the long-standing scenario where prison both creates the problems and defines the possible solutions (Zamble and Porporino 1988: 99). Issues fundamental to the concerns and survival of prisoners and Listeners inside are therefore shared at best locally, and are rarely influential with decision makers. This limits humanitarian impacts but also suggests that the Scheme cannot be credibly seen as 'people power' within prison walls. Interview participant Jeremy alluded to this:

Jeremy (public sector prison monitor): 'I think a very key thing for prisons, I am really surprised that people don't make more use of Listeners to identify what could be done, what more needs to be done in a particular prison. So if I were in a particular prison that [...] had a higher than a comparator's suicide rate, I would be talking to my prisoners about why that was and what we do about it, and I don't think enough is done about that'

Jeremy's ideal of 'listening to the Listeners' to make decisions in individual prisons is laudable. But in practice it is limited to dampening the worst excesses of prisons with unusually high suicide rates, not tackling wider problems of the scale and conditions of imprisonment. Jaffe (2012: 355-6) found cases of Listeners working with prison staff, 'trying to make the prison environment a better, more bearable, place for everyone'. However, staff treated Listeners with suspicion and awarded respect contingent on assessment of 'genuineness'. Listeners could 'earn' respect by continually demonstrating calm, respect and being non-demanding. Staff's discretionary respect for Listeners thus highlighted their power (Bosworth 2007: 74).

Volunteering generally poses risks of job substitution (see e.g. Bullock and Millie 2018 on volunteer Special police Constables), but Listening supplements (sparse) statutory prisoner

support through e.g. Chaplaincy and Psychology. Listeners are not paid and do not receive any direct benefit for their role¹⁰. However, it is possible that Listeners' presence, dependent on volunteer work inside and out, deflects attention from the low level of prison staffing and high vacancy rates throughout prison and healthcare staffing (Tomczak 2018). It is on one hand gratifying that prisoners and citizen Samaritans nationwide will invest their time to support prisoners in despair, but questionable whether this resource is being reasonably or optimally expended.

The Alinsky Dilemma

The UK government's *Prison Safety and Reform* White Paper identified 'four purposes that prisons need to deliver well:

- protect the public;
- maintain safety and order;
- reform offenders to prevent more crimes from being committed; and
- prepare prisoners for life outside the prison'.

(MoJ 2016: 20)

Listeners can be conceptualised as making prisons more safe, and promoting prosocial attitudes and life skills among prisoners who get involved in the Scheme. However, even if we accept the purposes above, and assume that society requires criminal justice institutions *in some form*, most penal theorists doubt that imprisonment levels seen in the US and the UK can be justified (von Hirsch 1993; Duff 2001; Tonry 2006; Bennett 2008; Cochrane 2017). Mass incarceration is a product of states using penal institutions for purposes that far exceed justifiable ends. This means that Samaritans may be assisting the state in *perpetrating unjustifiable injustices and harms*. Listeners are not just offering distinctive responses to particularly acute need: they operate in a *suicidogenic environment*, which is most damaging to the most vulnerable, who are often 'subject to the worst stresses in prison', being most likely to be isolated, without activity, and without contact from home (Liebling 1992: 234). Moreover, there are now around 1,700 prisoner Listeners across 142 prisons in the UK and Ireland (Samaritans 2017b: 2), serving a prison population of approximately 96,300¹¹. The extent to which Listeners can support prisoner

¹⁰ <https://www.samaritans.org/your-community/our-work-prisons/listener-scheme>

¹¹ <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN04334>;
<https://www.iprt.ie/prison-facts-2>

distress, develop pro-social capabilities or affect prison culture should be considered *against these statistics*.

Although suicide rates have fluctuated considerably over time, prison has always been deadly (Liebling 2007). Prisoners import vulnerabilities, but these vulnerabilities are often worsened by imprisonment (Zamble and Porporino 1988; Haney 2006). That imprisonment *increases risk of suicide*, particularly for the most vulnerable cannot be justified as a part of deserved punishment. Rather than assisting public good, therefore, perhaps Samaritans should be seen as upholding an institution that contains unprecedented numbers of severely mentally ill people (Rosenbaum and Simon 2015; Tomczak 2018)¹² and places often vulnerable individuals in suicidogenic conditions, helping politicians stave off demands for reform and deflecting attention from causal issues of context, poverty and social injustice?

Indeed, we must consider whether the Scheme is one factor that allows mass incarceration and supervision to continue unimpeded. The Scheme's inception in 1991 followed the then youngest death in custody. 15 year old Philip Knight was sent to the adult HMP Swansea because:

“nowhere else could be found for him. There was no adequately secure place available at the time. [...] On the day he committed suicide, he had gone to court for sentencing. He and the prison authorities expected [...] that he would be sent to suitable secure accommodation for young people aged 15 or 16. However, he was sent back to prison because no suitable accommodation could be found”¹³.

25 year old Dean Saunders electrocuted himself in HMP Chelmsford on 4th January 2016. His parents, partner and young son have lost their loved one, and must come to terms with the widely condemned circumstances of his death. Although an adult, Dean was arrested whilst in a mental health crisis and trying to harm himself, but was not transferred to health care by police, court or prison:

‘Mr Saunders was acutely mentally ill and all those involved in his care agreed that prison was not an appropriate place for him. Yet the systems designed to divert him from prison did not operate effectively. [...] There appears to have been some confusion at

¹² See also e.g.

<http://www.prisonreformtrust.org.uk/WhatWeDo/Projectsresearch/Mentalhealth/TroubledInside/Inappropriateimprisonmentofthementallyill>; <https://www.nami.org/learn-more/public-policy/jailing-people-with-mental-illness>; <https://www.psycom.net/how-to-reduce-mental-illness-in-prisons>

¹³ <https://api.parliament.uk/historic-hansard/commons/1990/jul/26/young-offenders-secure-units>

Chelmsford about the process for transferring mentally ill prisoners to hospital, which meant that an opportunity to transfer Mr Saunders in December was missed. Sadly, the Criminal Justice System did too little to protect this very vulnerable man.’ (Prisons and Probation Ombudsman 2016: i)

No amount of Listening would have been an appropriate response for Dean Saunders. Despite the expanding and widely endorsed Listener Scheme, prison suicide and self-harm have recently reached record levels. This is not Samaritans’ fault, but Listening without critique can serve to deflect attention away from the destructive effects of imprisonment (Haney 2006) and legitimise its dramatically expanded use. It risks reproducing the problematic neoliberal belief that criminalisation, poverty and inequality are issues for individual persons, obfuscating the well documented importance of social policy and socioeconomic context (Lynch and Boggess 2016), and links between neoliberalism and social dislocations (Whitehead 2016; Gerard and Weber 2019).

Taking it for granted that prisoner distress and suicide is not a desirable outcome and that prisoners are not the disposable detritus of modern society, Listening offers clear benefits. It helps criminal justice institutions meet humanitarian obligations (supports individuals in distress and prevents loss of life), and provides opportunities for prisoner volunteers. But these benefits are offset by problems. In its current form and context, Listeners neither represent a democratically valuable form of ‘people power’ within criminal justice, nor encourage states to move towards a less bloated level of imprisonment. Indeed, Samaritans are used in political rhetoric to abrogate political responsibility for prison suicide. Samaritans do not currently protest against or raise awareness of dramatically expanded imprisonment – rather they accept its terms to try to make things better, which serves to keep drastic shortcomings invisible and allows politicians to stave off impetus for root-and-branch reform. This raises the spectre of complicity (Lepora and Goodin 2013). Samaritans undertake policy and influencing work¹⁴, but traditionally around relatively narrow policy questions (Powell 2009), with limited (public) tackling of structural injustices within the community and prison (Carlton 2018) until very recently (Samaritans 2017; Samaritans 2019). However, stating these critiques does not address prison suicide. The classic Alinsky dilemma is instructive here:

¹⁴ <https://www.samaritans.org/samaritans-policy-and-influencing-work>

‘A man is walking by the riverside when he notices a body floating down stream. A fisherman leaps into the river, pulls the body ashore, gives mouth to mouth resuscitation, saving the man’s life. A few minutes later the same thing happens, then again and again. Eventually yet another body floats by. This time the fisherman completely ignores the drowning man and starts running upstream along the bank. [...] “This time”, replies the fisherman, “I’m going upstream to find out who the hell is pushing these poor folks in”’ (Cohen, 1995: 236).

For Cohen (1995:237), the promise of sociology is to get at structure, power, history and politics: ‘the real stuff of social problems’: as long as you do nothing about causes, you will continually just be mopping up casualties. This is necessary work: we require services such as Samaritans because real people are caught up in punishment (Carlton 2018). But whilst ‘communities have a duty of care towards the individual, [...] they also have a moral responsibility to challenge economic policies which engender social insecurities’ (Whitehead 2016: 215). There is a value in ‘positive reforms,’ which improve conditions and make the penal system more tolerable (Tomczak and Thompson 2017), but their tendency to shore up the penal system (Mathiesen 1974) must be simultaneously addressed.

Samaritans do, to some extent, resist neoliberalism’s systematic devaluation of the poor and connect prison critiques to struggles beyond the prison. Samaritans *publicly* support prisoners, seeing their distress and lives as worthy and deserving of support. These are small contributions to subverting public discourses, which is a fundamental precursor for longer term dismantling and transformation (Carlton 2018: 296). Samaritans are responding to an urgent moral demand, but the cost of doing so *without* adequately ‘finding out who the hell is pushing these poor folks in’ and holding them to account is a kind of complicity in an oversized, deadly system that perpetuates the distress Samaritans seek to ameliorate.

Developing a Normative Framework

For some, the prison can never serve any defensible conception of the public good (e.g. Scott 2008). We are assuming that minimalist imprisonment (Loader 2010) can serve goals of justice and security, and that the excesses are not inherent in criminal justice institutions. We therefore take it that greater public input into criminal justice could – at least in certain circumstances and certain forms – be something to be welcomed on multiple grounds (Dzur 2012; Bennett 2016). Drawing on our case study to articulate what citizen input *might be* good for, we can then

establish a set of explicit normative criteria that can be applied, with appropriate contextual caveats, to assess citizen and voluntary sector input in public services.

Through the Samaritans Scheme we have explored the value and drawbacks of citizen input. First, we saw that citizens collaborating with public institution decision making can valuably increase democratic control of public institutions. This might be welcomed, on the grounds that democratic forms of government combine the need for governance with respect for the rights of the governed to determine the course of their lives. However, we also saw that Samaritans' Scheme fits into prisons' command-and-control structure and thus does not increase people power. Secondly, public input could 'humanise' or improve the quality of decision making and service delivery in public institutions. Even when run by dedicated and motivated staff, institutions can become captured and deflected from the public good (Loader and White 2017). Citizen input valuably resist such capture by e.g. electioneering politicians; professional in-group loyalty; or a totalising agenda of efficiency. Where lay citizens can influence what institutions do and how, they can make it more likely that the institution works for the public good in at least three ways: a) influencing policy and questioning decisions that appear to stem from capture; b) treating service users as individuals in their own right; and c) highlighting shortcomings that workers, managers and policy makers are prepared to overlook. Samaritans' Scheme appears strongest with respect to b), improving the care that prisons offer and strengthening humanitarian provision. But it apparently does not function as a significant source of resistance to agendas that deflect criminal justice institutions from serving a genuine public good. Thirdly, greater public input might encourage citizens to develop important skills and a greater sense of responsibility, and a capable and motivated citizenry is essential if governments and institutions are to be held to account and directed towards the public good. We have seen that Listener volunteers can benefit in important ways. But we also saw that the Scheme's context severely constrains these benefits.

On the basis of our case study, we can suggest five normative criteria for evaluating citizen involvement in criminal justice:

1. Does it prevent harmful excesses and resist capture, making criminal justice institutions more compliant with non-negotiable humanitarian obligations such as a basic respect for welfare and autonomy?

2. Does it benefit individuals who volunteer, particularly in terms of their capacities and willingness for further civic engagement?
3. Does it assist the state in serving the public good?
4. Does it constitute an increase in democratically valuable forms of public participation in state institutions?
5. Does it bring the shortcomings of those institutions to light and, directly or indirectly, increasing pressure on decision-makers to address them, thus making reform and reconstruction of public institutions more likely?

Our framework facilitates nuanced judgements of the respects in which we should regard a particular form of citizen involvement, in a given context, as a positive. This framework could be generalised to facilitate normative assessment of citizen involvement in other public services. Where there is a plurality of dimensions, however, citizen involvement might do well along one dimension and badly along others, as we found in this case. In order to create an overall judgement about Samaritans' input and recommend as a way forward on the basis of our study, we must evaluate amongst the dimensions to arrive at an all-things-considered judgement. Whilst acknowledging the Scheme's clear humanitarian benefits, in its current form and context it is not a democratically valuable form of citizen participation and it invisibilises severe prison shortcomings, enabling that system to continue to fail to meet its humanitarian obligations and serve a defensible conception of the public good. Should the Samaritans' scheme be retained in order to save many from suicide – or should Samaritans withdraw their cooperation in order that the deficiencies of the system, and the need for urgent reform, be made clear (if at the cost of significantly increased rates of suicide)?

How could Samaritans, and voluntary organisations more broadly, do more?

Our evaluation suggests Listeners make valuable contributions, but too often tackle the symptoms whilst overlooking causes of prisoner distress. Alternatives include demanding greater powers to influence decision-making or withdrawing from prisons. Withdrawal might see prison suicide rising to intolerable levels and forcing decision-makers to take action, although recent sustained political inaction in the face of record levels of prison suicide and self-harm (Tomczak 2018) indicate this strategy might fail, with more lives lost and suffering of prisoners (with few other resources to draw upon) amplified. Samaritans' contribution to safety, security and order in prisons - 'can you imagine making it through a night now without the Listeners?' – potentially

provides a strong negotiating position, and making continued participation conditional on a stronger decision-making role could be beneficial. For example, the Justice Secretary could be made accountable to and required to engage with governance boards including Listeners.

Returning to the Justice Secretary's speech of March 2018, acknowledging prisoner's existing mental health conditions and chronic alcohol and drug abuse, perhaps the voluntary sector should continue to support prisoners directly but simultaneously *collectively* draw political and public attention to the significance of poverty and social deprivation (Harriss 2001). A radical humanist approach would raise awareness/consciousness of prisoners' subjective conditions within an inequitable society. A radical structuralist approach would seek to critically examine and change societal structures to distribute resources and opportunities more fairly (Tomczak and Buck 2019b). Carlton (2018) would advocate a hybrid: reshaping public and institutional attitudes regarding the discriminatory harms of imprisonment, and disrupting and dismantling the expanded carceral state in pursuit of broader social change. (Permanently) invisibilising problem populations in severely understaffed prisons is part of neoliberalism's systematic devaluation of the poor (Tyler 2013). Samaritans would be well-placed to resist this invisibilising, as an organisation operating within and beyond the prison which could seek allegiances and organise with others.

Conclusion

'One of my basic premises will be that it is right to strive for a reduction of man-inflicted pain on earth' (Christie 1981: 10)

Supporting prisoners and humanising them publicly is an important, but partial contribution to pain reduction. Citizen participation may bring humanity to prisons, but in doing so help to legitimise mass incarceration – by reinforcing the legitimacy of current bloated levels of incarceration, insofar as well-meaning people are prepared to work in it – and reducing the urgency of demands for substantive reform. Our findings reflect 'ambiguous evidence' regarding citizen criminal justice involvement, which we agree 'highlights the need for greater public policy attention to the normative principles, purposes and practical implications of community involvement' (Crawford 2004: 701). Voluntary sector criminal justice involvement will always be at risk of deflecting attention from problems of poverty and social justice, and obscuring the need for political action (Harriss 2001: 12). Normative attention is required by administrative

executives, but it is also necessary for voluntary organisations themselves to clarify their choices and values (Cohen 1995: 238) and attempt collective action where public services are found wanting.

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