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**‘SORRY MATE, BUT YOU’LL HAVE TO EAT
THE SAME FOOD AS US GUILTY PEOPLE’:
THE LIVED EXPERIENCES OF CLAIMING
WRONGFUL CONVICTION IN PRISON**

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ABSTRACT

This thesis examines the lived experiences of prisoners who believe themselves to be wrongfully convicted. It is based on the written accounts of sixty-four prisoners who are currently maintaining innocence and offers a comparison to their ‘rightly’ convicted counterparts, as evidenced in the academic literature. What these accounts illustrate is that although this population do largely adjust to the prison environment, their experiences are constantly framed by notions of injustice and illegitimacy and it is these feelings that become the lens through which they navigate prison life.

These people are adept at tailoring their coping strategies to suit their unique situation. Through campaigning, subtle acts of resistance, and refusal to internalise the criminal label, they are able to signal their discontent and significant resentment. Relationships too, are capable of being moulded to meet their needs. Although participants appear relatively solitary, remaining on the fringes of the prison social system and maintaining distinctions between themselves and the ‘criminals’ they are forced to live with, they create unique support networks. Such networks are dominated by prisoners who similarly maintain their innocence and charitable organisations, and draw heavily on the considerable support offered by their families.

There are, however, institutional consequences to maintaining innocence within the prison environment. A myriad of areas, ranging from everyday living conditions, risk assessment, progression, and ultimately parole, are all impacted by claims of wrongful conviction. As this thesis illustrates, such a position is often inconsistent with Prison Service Orders and Instructions. Relatedly, there also appears to be a distinct lack of

support and a pressure to ‘admit’ guilt displayed by certain members of staff. Nevertheless, due to lack of viable alternatives and a desire to obtain release at the earliest opportunity, these prisoners must engage with the prison authorities and are thus required to work within a system that is not designed for them and largely ignores their needs.

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INTRODUCTION

*I kept expecting the cell door to open and get told that they had made a mistake and I
could go home.*

Jamie

Jamie is 35 years old. He has spent 13 years in prison for a crime that he claims he did not commit.

At the age of 22, Jamie was convicted of murder by an eleven to one majority and handed a life sentence with a minimum tariff of 20 years. It was claimed that he killed a 16-year-old girl in the early hours of the morning, after a party they had both attended. No body has ever been recovered.

Jamie appealed his conviction and was granted a full court hearing by a single judge but was ultimately unsuccessful. He has applied twice to the CCRC for a referral to the Court of Appeal.

By his own admission, Jamie was a bit of a 'Jack the lad'. He had numerous driving convictions and believes that it was crime and drug-taking that meant he was in a position to be blamed for the murder. He admits that he initially lied to the police about driving that night as he was disqualified and feels that this lie negatively impacted on police evaluations of his honesty. He states that he had around 26 interviews, during which he cooperated, but felt he was under constant observation. During trial, he was disappointed

with his barrister's performance and later discovered the case was that man's first lead in a murder trial.

Jamie and his family are active in their campaigning efforts. His mother runs a Facebook page, organises demonstrations, and attends the meetings of various wrongful conviction organisations. His case has also received local and national media attention, with two substantial articles featured in The Guardian and New Statesman. These articles, and the content of Jamie's appeal and CCRC applications, predominately focus on several witnesses who claim that they saw the victim after the alleged murder. The prosecution conceded that if she was alive after their proposed time of death, then Jamie could not have been guilty.

Jamie had never been to prison before and initially had difficulty adjusting. He would regularly get into fights while at HMP Wakefield and only spoke to a handful of people for five years, considering everyone else 'sickos'. He claims that he broke the rules to highlight the injustice he felt in an attempt to be listened to. As a result of one attack on another prisoner, he spent five months in segregation. It was during this time that he considered suicide.

While at HMP Long Lartin, he refused to live on a 'vulnerable prisoner' wing, claiming that only guilty men hide. It was here that he started to settle down. He attended Offending Behaviour Programmes based on his previous convictions and met some friends he had known outside prison.

Jamie was later downgraded to Category C; something he believed would never happen as he maintained his innocence. He was then transferred to HMP Wayland. He again had difficulty adjusting to this new environment as he was used to prisons that held predominately long-term prisoners. He began taking drugs, notably spice, before threatening to take hostages or attack staff if he was not transferred. He went on hunger strike. A couple of weeks later he was moved to a lifer-wing at HMP Highpoint.

Jamie feels that over the years he has become calmer and learned to play the system and its staff at their own game. He has hopes of being exonerated and continues to make ambitious plans for his future.

.....

Every year 1,300 men and women, like Jamie, lodge a claim with the Criminal Cases Review Commission (CCRC), seeking to challenge their conviction. Despite these numbers, we know surprisingly little about these people. Who are they? How do they view and cope with punishment in light of their claims to be wrongfully convicted? What effects does such punishment have? How does the prison, as an institution, accommodate their stance?

It is these questions that this thesis attempts to answer. This research offers an insight into the views of prisoners who believe themselves to be wrongfully convicted and explores their day-to-day prison lives. It details participants' lived experiences, examining

in-depth their coping strategies and the maintenance and formation of relationships in light of their protestations of innocence and the perceived illegitimacy of their imprisonment. It also examines the institutional consequences of claiming wrongful conviction in the prison environment, specifically how such claims can impact on decisions regarding risk, progression, and ultimately parole.

I invited prisoners claiming wrongful conviction to produce a written account of their prison experience and experiences of the criminal justice system more broadly. Sixty-four individuals wrote an account. They were drawn from across the prison estate and were convicted of a broad range of crimes. All participants had applied or were in the process of applying to the CCRC for a review of their conviction and all maintained factual innocence.

THE CRIMINAL CASES REVIEW COMMISSION

The organisation tasked with investigating alleged wrongful convictions in England, Wales, and Northern Ireland is the Criminal Cases Review Commission (CCRC). Established by the Criminal Appeal Act 1995, after a series of high-profile convictions had been quashed, the Commission began work in 1997. Prior to their creation, the only means of challenging a conviction, after ordinary avenues of appeal had been exhausted, was to petition the Home Secretary.

The CCRC has the power to refer criminal cases concerning both conviction and sentence to the appropriate appeal court and the 1995 Act governs the conditions for making a reference. The Criminal Appeal Act 1995, s13(1) states that:

A reference of a conviction, verdict, finding or sentence shall not be made...unless —

(a) the Commission consider that there is a real possibility that the conviction, verdict, finding or sentence would not be upheld were the reference to be made,

(b) the Commission so consider —

(i) in the case of a conviction, verdict or finding, because of an argument, or evidence, not raised in the proceedings which led to it or on any appeal or application for leave to appeal against it.

The legislation thus specifies a two-step process¹. Firstly, the Commission must consider it a *real possibility* that the conviction would not be upheld by the Court of Appeal and there must be *fresh evidence*², not identified at time of trial or first appeal, that might have changed the outcome of the trial had the jury considered it (CCRC, n.d). The Court of Appeal will quash the conviction if they believe it to be ‘unsafe’ (Criminal Appeal Act 1995 s2). This definition is, however, not uncontested and the legal, academic, and campaigning spheres frequently employ different terms.

¹This legislation, and the CCRC more widely, has been subject to some criticism. It is beyond the scope of this thesis to debate the correctness of such legislation.

² The CCRC have the power to investigate and identify new evidence or legal argument. Under Section 17 and 18A Criminal Appeal Act 1995, they are able to obtain information from public and private bodies. They can also interview witnesses and arrange for new expert evidence / testing.

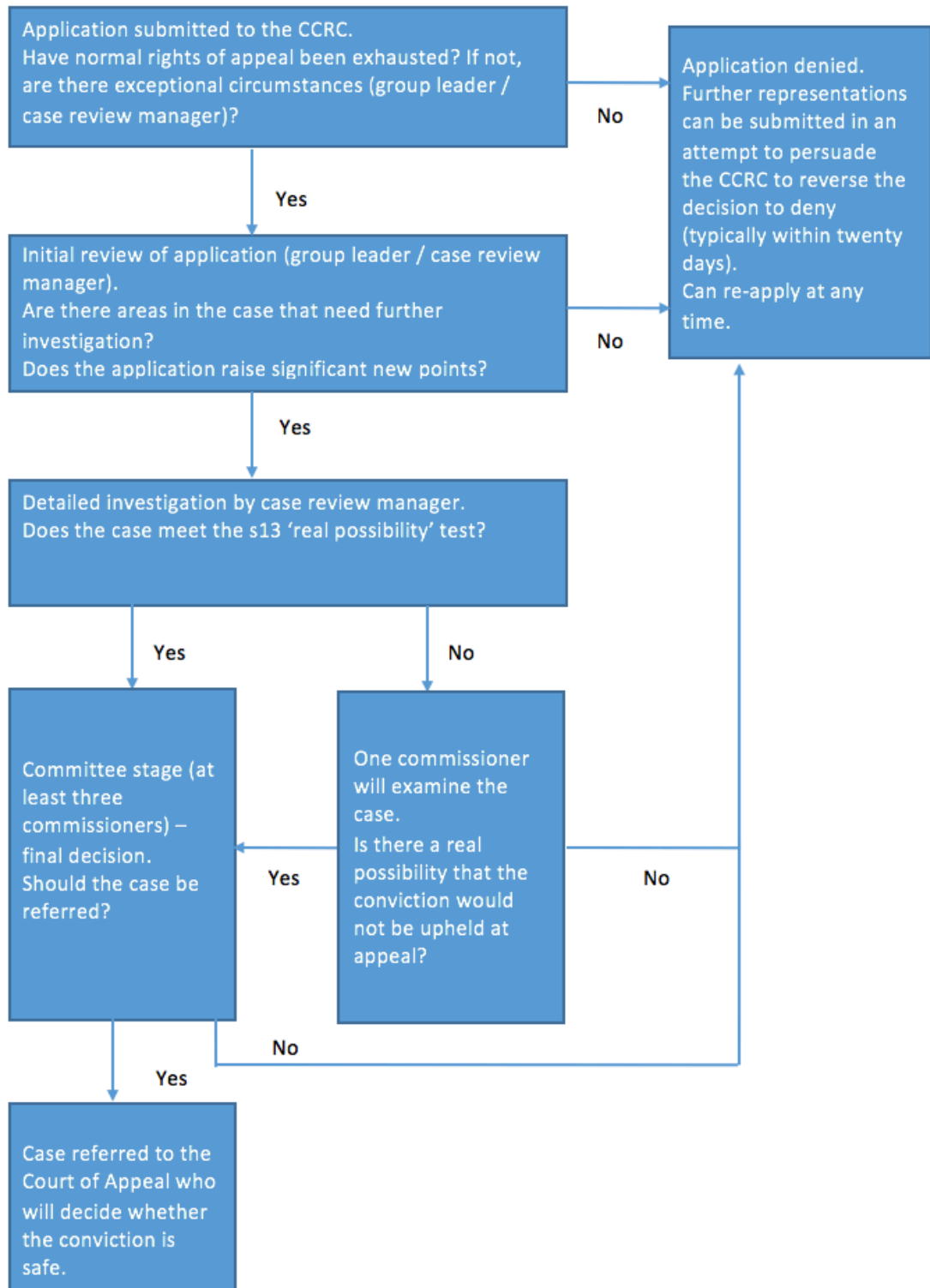


Fig. 1. Flowchart depicting a simplified CCRC decision-making process based on an initial Crown Court conviction (information from CCRC n.d; Hoyle and Sato 2019).

DEFINITION

The terms ‘miscarriage of justice’ and ‘wrongful conviction’ are commonly used interchangeably. However, they are not identical and neither exclusively denote innocence. ‘Miscarriage of justice’ is a wide-ranging term that can relate equally to the conviction of an innocent defendant as it can to the acquittal of a guilty one. It can encompass ‘excessive’ convictions, for example a murder conviction instead of manslaughter, or the rejection of a defence, such as insanity (Gross, 1998).

‘Wrongful conviction’, alternatively, can be understood in both a strict sense as conviction of the factually innocent or a broad sense as a conviction that has been wrongly obtained (Grounds, 2005: 9). The latter can refer to cases in which there has been a disregard of certain due process rules and a denial of a defendant’s rights. Equally, it applies to cases where all due process protections have been safeguarded but evidence later shows that justice erred. In these situations, the convictions are deemed unsafe.

It is not uncommon for campaigning organisations to rely on a strict definition of ‘wrongful conviction’ and the vast majority of innocence projects will only review a case if there are claims of factual innocence. However, the CCRC and Court of Appeal employ the broad standard and are entitled to refer a case or allow an appeal if the conviction is considered ‘unsafe’ (Criminal Appeal Act 1995 s2). As such, the quashing of a conviction does not necessarily indicate innocence and it is feasible that a conviction may be quashed in cases where the guilt of the defendant is obvious (see *R v Mullen* [1999]³).

³ It should be noted that this is an atypical case. The CCRC are primarily interested in fresh evidence and as such the majority of cases relying solely on breaches of due process do not get referred.

As Hannah Quirk asserts, there may be good reason for not using innocence as a legal standard in such appeals. A focus on cases of factual innocence would deny the importance of due process protections and would, in turn, damage the integrity of the system by implying that protection for some (the innocent) is more important than for others (the guilty) (2007). Important safeguards regarding fair investigation and trial would thus be lost, with the effect of diminished confidence and legitimacy in the criminal justice system (*Ibid*). It is further claimed that raising the criterion to innocence would entail a significant reduction of convictions referred and quashed than at present due to the inherent difficulty of proving the negative – that the convicted did not commit the crime (*Ibid*; Leo 2005).

I use the term ‘wrongful conviction’, rather than ‘miscarriage of justice’ which encompasses acquittal of the guilty, in this thesis. My definition is a broad one, based on the same meaning attributed to the term by the CCRC and Court of Appeal – that the conviction is *unsafe*. Nevertheless, I will also use the term ‘maintaining innocence’ as this is largely how participants described themselves. Indeed, all of the prisoners in my sample were claiming factual innocence and some disliked me referring to their position as ‘claiming wrongful conviction’ (see chapter four). I am not, however, suggesting that all these people are factually innocent⁴, nor factually guilty. Indeed, I make no evaluation of their cases. It is beyond the scope of this thesis and the bounds of my data to make any such claims. Instead, I am interested in how these prisoners navigate prison life in light of their claims of innocence and how their stance is treated within the prison, an institution that operates on the certainty of guilt.

⁴ Convicted individuals may claim to be innocent when they are not for purposes of appeal or stigma avoidance while some may erroneously believe it due to an ignorance or disagreement with the criminal law.

FREQUENCY OF WRONGFUL CONVICTION

It is difficult to estimate the frequency of wrongful conviction with any certainty. For Samuel Gross and his colleagues, the rate of such convictions are ‘not merely unknown but unknowable’ (2014: 7320). This challenge is, in part, due to the definitional arguments as to what constitutes a wrongful conviction and the fact that there is no direct way to identify them (Grounds, 2005). Some cases may simply never come to light and claims may go uninvestigated. A large proportion of quashed convictions rely on modern forensic analysis of old evidence and, unfortunately, the biological material required for DNA analysis is only available in a small number of cases. Some wrongfully convicted people may view appeal as costly and irrelevant, particularly in trivial cases with short sentences, and so do not pursue post-conviction review. As a result, the studies and accounts we have are overwhelmingly based on high-profile cases, particularly in the US literature.

A useful resource in estimating the frequency of such convictions in England and Wales is the rate of applications to the CCRC. In 2013/14 there were 1,470⁵ such applications. During this year, 31 cases were referred to the Court of Appeal (CCRC, 2014). There were similar numbers during 2014/15 and 2015/16, standing at 1,599 applications and 36 referrals and 1,480 applications and 33 referrals respectively (CCRC 2015, 2016). During 2015/16, the appeal courts heard a total of 41 cases that were referred by the CCRC. Of these, 22 cases (53.7%) were allowed, 18 (43.9%) were dismissed and one was abandoned before the appeal took place (CCRC, 2016). In 2016/17, 1,397 applications were received and during this year a slightly smaller number of 12 cases were

⁵ 48% of these applications were ‘no appeal’ cases (where there has been no previous appeal or no previous application for leave to appeal). In these circumstances the CCRC can only refer the case if there are exceptional circumstances for doing so (CCRC, 2014: 14).

referred to the Court of Appeal (CCRC, 2017). During the last recorded year of 2017/18, 1,439 applications were made, resulting in 19 referrals (CCRC, 2018). During this year, six appeals were heard, four of which were quashed and two upheld (*Ibid*). Since its inception, the Commission has reviewed almost 23,000 applications and its long-term referral rate stands at around 2.9%, equating to a referral of one in every 35 cases (*Ibid*: 11). Approximately 67% of the resulting appeals were successful (*Ibid*).

These efforts make it easier to estimate the frequency of wrongful conviction in the UK, or at least the number of people who believe themselves to be wrongfully convicted. In terms of research, this information allows the focus to shift from a small number of high-profile exonerations to the majority of cases that make up the annual 1,500 applications to the CCRC. These applications represent the frequency of those who perceive themselves to be wrongfully convicted – many will be ‘no-hopers’ with no substantive claims or grounds for review, while others will be repeat applicants. This figure also includes applicants who are at liberty and approximately 15-20% of cases are from those who do not believe themselves to be wrongfully convicted, but who think that the judges or magistrates erred in their sentencing decisions⁶. It is therefore clear that the 1,500 annual applications to the CCRC do not represent the actual frequency of wrongful conviction in the United Kingdom – this figure is unknown. What it does illustrate is that there is a sizeable number of prison inmates who believe themselves to have suffered erroneous convictions.

⁶ Taking this into account, applications regarding conviction currently stand at approximately 1,300 a year.

SIGNIFICANCE OF THE THESIS

It is possible to situate the current research within three main bodies of literature – wrongful conviction, sociology of prison life, and legitimacy (see Grounds 2004, 2005; Campbell and Denov 2004; Crewe 2005, 2007a, 2009, 2011b; Bosworth 1999; Sykes 1958; O'Donnell 2016; Medlicott 2001; Jewkes 2005; Sparks et al. 1996; Liebling 2004). Although each has its own contribution to make, which will be discussed more fully in chapters two and three, I demonstrate that none are capable of fully explaining the lived experiences of prisoners who believe themselves to be wrongfully convicted.

The majority of the wrongful conviction research focuses on the causes of these convictions and the experiences post exoneration. Most accounts simply omit the years between. Of the little work available on how a term of wrongful imprisonment is experienced, all is based on small samples of exonerees in high-profile cases (see Grounds 2004, 2005; Campbell and Denov 2004). What is less well understood is the experiences and effects of prison life on the majority of those applying to the Criminal Cases Review Commission annually.

Learning only from participants who have already been exonerated and released may also provide a distorted understanding of how prison is experienced for those who maintain their innocence. Such accounts rely on memories that may be affected by significant events such as having a conviction quashed. The very process of exoneration and time for reflection may mean importance is attributed to events that at the time were not significant or details may be forgotten entirely. In an attempt to address these concerns, the participants in this thesis are all current prisoners.

Most importantly, neither of the studies that focus on the topic of prison experience can adequately discern between experiences that are unique to prisoners maintaining innocence and those that are endemic to prison life. The samples are too small and there is simply not enough detail or consideration of the ‘ordinary’ pains of imprisonment (see chapter two) from which to draw a comparison. Without such a comparison it is impossible to distinguish what is exclusive to this population, what is shared, and why. It is impossible to understand if prison is experienced differently by virtue of the fact that it is imposed ‘unfairly’. Throughout this thesis, participants’ experiences will be contrasted with the ‘general’ prison experience, as evidenced by the academic literature, in an attempt to discover what is truly unique to this population.

There has been substantial academic research into the lives and experiences of prisoners from which to draw such a comparison. This research encompasses a wide range of topics including adjustment to prison life and strategies of coping with the pains such imprisonment can cause (see Cohen and Taylor 1972; Zamble and Porporino 1988; Medlicott 2001; Irwin and Owen 2005; Crewe 2006c, 2007b, 2011a; Crewe et al. 2014; O’Donnell 2016; Liebling 1994, 1999, 2007, 2011b, 2013; Liebling et al. 2005; Mbuba 2012; Rhodes 2004; Carrabine 2004; Bottoms 1999; Clear and Sumter 2002; Clear et al. 1992; Kerley and Copes 2009; Braggins and Talbot 2003); prisoner social systems, social hierarchies, and inmate values (see Sykes 1958; Sykes and Messinger 1960; Jacobs 1977; Crewe 2005, 2007c, 2009); and power relations between staff and prisoner (see Goffman 1961; Mathiesen 1965; Sparks et al. 1996; Crewe 2006a, 2011b; Liebling 2000, 2004, 2011a; Liebling and Price 2001; Lerman and Page 2012; Dirkzwager and Kruttschnitt 2012). Within this vast literature, it is well established that various sub-groups within the prison population experience prison and interpret its pains in substantively different ways.

The most commonly researched of these sub-groups include women (Kruttschnitt 2005; Kruttschnitt and Gartner 2003; Kruttschnitt et al. 2000; Bosworth 1996, 2006; Bosworth and Carrabine 2001; Carlen 1983; Carlen and Worrall 2004; Medlicott 2007), black and ethnic minority prisoners (Edgar 2007; Phillips 2012; Cheliotis and Liebling 2006), and aging prisoners (Crawley and Sparks 2005; Crawley 2007; Jewkes 2005).

It is, however, very rare for prisoners who maintain innocence to be included in prison studies. As a result, throughout the general literature guilt is continually assumed. Such an oversight is remarkable given the number of prisoners who so fundamentally question the right of the prison to hold them. As this thesis illustrates, although all prisoners must endure inherent stresses of a period of imprisonment, the everyday pressures and the impact of a custodial sentence for those who believe their imprisonment to have been imposed unfairly, go well beyond what is experienced by the general population. Prisoners maintaining innocence suffer distinct pains and the magnitude of the perceived injustice and the inherent legitimacy deficit affects all areas of prison life, including coping strategies, the formation of relationships, and attitudes towards the prison system.

Alongside this body of literature exists an inter-connected, although largely separate area of work⁷ that explores how legitimacy relates to and impacts upon citizens' perceptions of the criminal justice system and their cooperation with it. Accordingly, there has been substantial research into the legitimacy of the justice system and its institutions

⁷ There have, however, been limited advances and links created between the two schools, particularly in relation to the prison. See most notably Crewe 2007a, 2011b and Liebling 2004.

and actors⁸. This has mainly considered the system as a whole (specifically why people obey the law) and particularly police legitimacy (see, *inter alia*, Tyler 1990, 2010; Tyler and Jackson 2013; Beetham 1991, 2013; Bottoms and Tankebe 2013; Bradford 2014; Bradford et al. 2013, 2014a, 2014b; Hough et al. 2013; Jackson et al. 2012; Jackson and Bradford 2009; Coicaud 2013; Rocque 2011).

Of particular importance to the current thesis, is the scholarship on the role of legitimacy in the prison context, not only in producing institutional order but also in establishing a moral atmosphere in which prisoners and staff operate (Woolf 1991; Sparks 1994; Sparks et al. 1996; Sparks and Bottoms 1995; Liebling 2004, 2011a, 2011b, 2013; Bottoms 1999; Crewe 2007c, 2009, 2011b; Carrabine 2004, 2005; Bosworth 1996; Bosworth and Carrabine 2001; Jackson et al. 2010; Hulley et al. 2012; Reisig and Mesko 2009; Useem and Kimball 1989; Digard 2010; Franke et al. 2010; Genders 2002). This literature develops a slightly different, although connected, definition from the theorists above (see Sparks et al. 1996; Liebling 2004) that concentrates on procedural, relational, and quality of life aspects. The core concern of such work relates to whether prisoners see the behaviour of staff as justifiable, appropriate, comprehensible, consistent, and fair (Sparks et al. 1996).

Much of the prison legitimacy literature seems to assume that prisoners are a homogeneous group and will react to legitimating or delegitimizing features in similar ways. As such, notions of individual difference and the subjective element of conferring

⁸ Typically, power is said to be legitimate when it conforms to established rules, when these rules can be justified by reference to shared beliefs, and when consent has been expressed by the subordinate party (Beetham, 1991).

legitimacy have largely been ignored in this literature⁹. Ben Crewe, however, states that ‘different prisoners will morally evaluate the prison, and grant it normative assent in different ways’ (2009: 91). He claims that the examination of institutional treatment alone is not enough and that credibility must also be attributed to the view that personal norms, values, and expectations are imported into the prison which will affect the ways in which legitimacy is conferred or withheld (*Ibid*). Prisoners maintaining innocence are, for obvious reasons, likely to fundamentally oppose the legitimacy of the institution, regardless of material or procedural conditions that may ensure the attribution of legitimacy by others in the general population. As a result, what may feel fair and legitimate to one prisoner may feel completely illegitimate to a participant of mine. There is very little discussion in this literature of how a near complete absence of legitimacy will affect prison life and individual compliance.

To date, the two bodies of legitimacy theory, general and prison, have also mainly been considered separately and the literature fails to follow individuals through the criminal justice system. Interaction between the different arms of the criminal justice system thus remains largely unexplored. Accordingly, such theorists presuppose that upon entry into prison all people have a similar baseline from which legitimacy can be built. The theories and empirical work that flow from this literature have not led researchers to consider that individuals maintaining innocence may enter prison with different past experiences of the criminal justice system (the sources outlined in the next chapter suggest incompetence, error, and fraud) to the general population resulting in reduced legitimacy.

⁹ There are some exceptions, most notably in regard to women’s imprisonment (see Bosworth 1996, 1999).

Indeed, the prison is not a standalone institution but is embedded within the wider criminal justice system and participants frequently suggested that their experiences with the police and courts influenced their feelings towards the prison. The pre-prison processes leading towards, and the ultimate outcome of, 'wrongful' conviction leads to an inherent legitimacy deficit in the criminal justice system and the resulting attitudes and behaviours are transferred into the prison, shaping attributions and perceptions of interior prison legitimacy. This overriding sense of injustice thus colours perceptions of legitimacy before the individual even enters the prison. The continual separation of pre-prison and prison experience will therefore only ever produce a limited and incomplete understanding of prisoners maintaining innocence.

Although the current thesis is rooted in the sociology of prison life and legitimacy literatures, it is clear that neither of these bodies of work can fully accommodate prisoners maintaining innocence. Guilt is generally assumed throughout these areas of research and questions of guilt and innocence rarely form any significant basis of discussion, fundamentally limiting its application. Rather, such research focuses on either the general, or specific cross-sections of the prison population, for example, women, the elderly, or racial minorities. Smaller populations, such as those claiming wrongful conviction, are disregarded and instead subsumed under the existing literature without much consideration of their unique experiences. It is thus clear that, not only have the 'wrongfully' convicted been under-examined in the general prison context, but that their voices have not influenced the literature at all. The concepts and theories examined are relevant, but their application differs and they cannot be adopted wholesale. It therefore becomes necessary to understand how these major areas of research pertain to these individuals.

As it stands, there is very little understanding of how prisoners claiming wrongful conviction experience prison. They are part of both the prison and the ‘wrongfully convicted’ populations and have unique attitudes towards the legitimacy of criminal justice institutions. I am therefore attempting to integrate the prisoner maintaining innocence into the sociology of prison life and legitimacy literatures and enhance the wrongful conviction literature, occupying a middle ground between them. This thesis connects and utilises aspects of each in order to fully understand the lived experiences and attitudes of this unique population.

THESIS STRUCTURE

Chapters two and three examine the available literature in more detail and provide a background to the empirical analysis that follows. Chapter two presents a review of the literature on wrongful conviction, drawing on both academic studies and autobiographical accounts. I begin by providing a brief overview of the types of literature that have emerged in this field and consider the major causes of wrongful conviction. I further consider the limited literature available on how wrongful imprisonment is experienced while also examining the effects and long-term consequences. Indeed, such literature establishes that a period of wrongful imprisonment has distinct effects that surpass those of an ‘ordinary’ prison term. However, as I demonstrate throughout, the prison experience, the cause of these effects, is largely ignored and the few studies that do address this problem have severe methodological flaws.

Chapter three sets out the theoretical framework of the thesis and presents a review of the sociology of prison life and legitimacy theory literatures. I begin with an overview of the criminological research available on legitimacy theory, in relation to both the prison and wider criminal justice system. Such discussion informs the sociology of prison life literature that follows. The second part of this chapter documents and provides an introduction to the pains and deprivations of modern imprisonment and broadly mirrors the structure of the chapters that follow. As such, I consider general coping strategies available to prisoners (chapter five) and discuss the literature regarding the maintenance (chapter six) and formation of relationships in the prison environment (chapter seven). Finally, I consider the challenges posed by modern penal power (chapter eight). Throughout these two chapters, I demonstrate that neither body of literature can adequately describe the experiences of prisoners claiming wrongful conviction.

Chapter four details the method of data collection employed to better understand these experiences. To begin, I provide a background to the study and document the aims and research questions, before turning to issues of access, data collection, and sample demographics. I also consider the tools and processes of analysis and data interpretation. The chapter then turns to focus on letter writing as a qualitative method of enquiry. I detail both the benefits to the researcher and the associated benefits to participants and continue by discussing the practical difficulties encountered during the fieldwork period. Throughout, I address the methodological and ethical challenges faced.

The next four chapters present substantive analysis of the data collected, drawing on accounts provided by participants. Throughout, I examine how prison experiences are affected by claims of innocence and the perceived illegitimacy of participants'

convictions. I further draw comparisons with the general prison literature documenting the ‘normal’ prison experience in order to illustrate what is unique to this population.

Chapter five focuses on the coping mechanisms employed by prisoners maintaining innocence. By way of introduction, I examine indications of an inability to cope with the prison environment, before turning to individual coping strategies for dealing with the perceived injustice and illegitimacy of imprisonment for this population. I draw on themes of hope, obsession, rejection of the criminal label, and resistance. I further examine how such prisoners cope with time and emotion. The chapter concludes with a discussion of a specific issue affecting a small number of my participants – coping with ‘wrongful’ imprisonment where the accuser or victim was a family member.

Chapter six examines the relationships between prisoners claiming wrongful conviction and their family and friends beyond the prison wall. It begins by focussing on the pains of separation and the practical and emotional difficulties of visits, before turning to the substantial support offered by the family. As such, I examine the emotional, practical, and financial assistance provided and its importance for prisoners maintaining innocence. Finally, I address relationship breakdown.

Chapter seven focuses on relationships within the prison environment, with both fellow prisoners and wing staff. The first section documents the types of relationships formed with prisoners, considering both day-to-day interaction and more meaningful friendship. I illustrate the motivation for entering into such relationships, while also examining participants’ attitudes towards their fellow inmates and their fellow inmates’ attitudes towards them, given their claims of innocence. The section concludes with a

discussion of more negative relationships, as experienced by some participants. The second half of the chapter concentrates on the relationships formed with wing staff. Again I examine both positive and negative relationships before discussing four general principles that frequently arose in prisoner testimonies – rule interpretation, respect, blame, and power.

Chapter eight examines the institutional consequences of maintaining innocence in the prison environment. The chapter focuses predominately on progression and parole decisions and the factors that both feed into and flow from such decisions. This first section addresses progression directly and provides the main policy background for the areas of discussion that follow. Section two considers notions of risk and examines the assessment of prisoners, offending behaviour programmes, and subsequent classification as ‘deniers’. The final section concentrates on the more ‘everyday’ pressure to admit guilt exerted on prisoners who claim wrongful conviction, examining the Incentive and Earned Privilege policy, the lack of support available, and the corresponding temptation to admit guilt. Throughout I reference applicable legislation and draw a distinction between law and perceived practice.

To conclude, I bring together the major themes that have emerged from the fieldwork and analysis and draw on the comparisons made with the ‘normal’ prison experience, as evidenced in the previous four chapters. In light of this discussion, I further consider the implications of this research and make recommendations as to how both the prison service and academia can better respond to this population. I illustrate that although the current thesis is embedded within three bodies of literature – wrongful conviction, sociology of prison life, and legitimacy – none are capable of fully understanding the lived

experiences of prisoners claiming wrongful conviction. It is to these bodies of literature that this thesis now turns.

WRONGFUL CONVICTION: A LITERATURE

REVIEW

*Know that others have gone before you, you are not the first. If they can persevere, and if
they can survive – so can you.*

Sebastian

INTRODUCTION

As stated in the previous chapter, most wrongful conviction scholars focus on either the causes of these convictions or post-exoneration experiences. The majority of accounts simply omit the years spent in prison, or offer it cursory attention and dismiss it as an unfortunate consequence of the conviction itself. There is thus very little focus on how these prisoners navigate prison life. This failure to engage with the prison experience is surprising, given that this population of prisoners is so likely to have differing experiences to the norm. The ‘post-exoneration’ literature suggests that there are extreme consequences of wrongful imprisonment, exhibited in difficulties once released (see below), but there is very little discussion of what causes these extreme effects. The explanation cannot lie in the nature of the conviction alone – a wrongful conviction without a sentence of imprisonment is no doubt damaging but the outcome is not nearly as severe as when the individual is imprisoned. Greater attention must therefore focus on the prison experience itself.

Even the two studies that specifically examine prison experience (Grounds 2004, 2005; Campbell and Denov 2004) engage only after exoneration. The stated rationale for this decision is that before the conviction is quashed these prisoners are not technically ‘wrongfully convicted’¹ and questions remain as to their guilt, although all exonerees are at some point prisoners maintaining innocence who have simply not had their wrongful conviction formally acknowledged. I suggest that learning only from participants who have already been exonerated and released negatively affects the data produced. Similar problems with these studies regard the small sample sizes, the high-profile nature and resulting unrepresentativeness of their participants, and the lack of a comparison sample. These problems will be discussed more fully below.

Much of the research on wrongful conviction also originates from North America, specifically the United States and Canada, which leads to obvious jurisdictional difficulties. The US literature naturally focuses on American law and tends to concentrate on cases where substantial prison terms or the death penalty were imposed. This focus is, in part, due to the lack of a central organisation, such as the CCRC, through which such convictions can be challenged. Consequently, due to limited resources and support, only highly publicised cases (most commonly involving the death penalty) are ‘championed’ by Innocence Projects and reviewed². It is thus likely that many more mundane American cases go unnoticed and remain unresolved, even when a substantial prison term is imposed (Ramsey and Frank, 2007). The review process performed by the CCRC (and its Scottish equivalent) is available to anyone in the UK and, as such, applicants who do not have the

¹ Although the quashing of a conviction does not necessarily denote innocence (see chapter one).

² Although most Innocence Projects in the United States accept both pure imprisonment and death penalty cases (Truth in Justice, n.d), in reality resource constraints dictate that the majority of the cases examined relate exclusively to the death penalty.

support of journalists and Innocence Projects still have the opportunity to have their case reviewed.

Nevertheless, the US literature is often the only research available and will be utilised in this literature review. The causes of wrongful conviction and the experiences and effects of wrongful imprisonment are likely to be broadly similar across jurisdictions. Specific American policies and practices that do not translate to the British experience will, however, not be discussed.

This chapter thus provides a brief and comprehensive review of the relevant wrongful conviction literature and contains three main sections. Section one provides an overview of the types of literature that have emerged in this field and considers the major causes of wrongful conviction. This preliminary section prepares the ground for the two sections that follow and highlights how prior experiences to prison, in how cases are dealt with, can significantly shape perceptions of the criminal justice system. Section two addresses the too-often ignored question of how prison is experienced and coped with following a wrongful conviction. In pursuit of this aim, I discuss day-to-day prison life and coping strategies, relationships with family, fellow prisoners, and staff, and finally the possible consequences of claiming wrongful conviction in the prison environment, focussing particularly on parole decisions. This structure mirrors the substantive chapters that follow. Section three considers the effects and long-term consequences of a wrongful conviction on the individual. Consequently, I examine psychological problems, readjustment to everyday living, including family life, and the presence of stigma. Throughout the chapter I highlight under-examined aspects and methodological problems

with the main studies, before turning to how the current thesis aims to fill the gap in knowledge surrounding this unique population.

WRONGFUL CONVICTION

According to Richard Leo, a leading US authority on wrongful conviction and false confession, the vast majority of the literature in this area can be separated into three genres – ‘big-picture’, ‘true-crime’ and ‘specialised-causes’ (2005). The big-picture studies tend to follow a ‘familiar plot’ and focus on describing the facts of particular cases, the perceived errors that caused the convictions, the subsequent investigative process and eventual exonerations, and the policy reform that should be implemented as a result (*Ibid*). These studies are reasonably common, although they generally offer little new insight as their themes have become familiar.

The true-crime genre usually concentrates on one major case and offers life histories of those involved. Generally, the exonerees’ background, the conviction process, prison experience, appeals process, and life post-exoneration are all discussed (*Ibid*). This work is predominately undertaken by journalists and exonerees themselves and can be found in most mainstream bookstores. While these case studies are no doubt important in raising public awareness and reach a broader audience than most academic research, their academic value is limited. They are predominately descriptive rather than analytical and rarely reference the academic literature or offer a comparison of their ‘stories’ to the broader empirical data on wrongful conviction (*Ibid*). As such, they cannot be generalised beyond the specific case they document.

The specialised causes literature, mostly undertaken by psychologists, seeks to determine the various underlying causes of wrongful conviction (*Ibid*). These studies often take one potential cause³, such as eyewitness misidentification, witness suggestibility, or false confession, and research it in-depth and across cases using a variety of scientific, psychological, and sociological methods and modes of analysis. Although important, this literature does little to explain the interaction effects between such causes (*Ibid*) and there is thus an inadequate understanding of how factors relate across the various stages of the criminal justice process and how they work together to produce errors. Furthermore, Leo suggests that the causes researched are not actually root causes at all but legal categories (*Ibid*). In order to fully understand the processes at play, it becomes necessary to research the causes of the causes (for example, what generates eyewitness error?) (*Ibid*).

Nevertheless, this body of research, along with big-picture and true-crime accounts, has produced significant and insightful data regarding the causes⁴ of wrongful conviction and has led to important policy decisions. This vast literature points to unreliable eyewitness identification, either through memory errors or police suggestion / manipulation (Leo 2005; Wells and Olson 2003; Etter 2013; Gross et al. 2005; Garrett 2008, 2011); false confessions or perjured witness testimony (Connery 1996; Kassin 1997; Leo 2005; Nobles and Schiff 2000; Garrett 2008, 2011); overzealous, incompetent, or criminal police and prosecution behaviour, including non-disclosure or fabrication of evidence, physical and verbal assault, ‘tunnel vision’⁵, and ‘noble cause’⁶ corruption

³ No direct causal relationships between identified factors and wrongful conviction have yet been proven (see Ramsey and Frank, 2007).

⁴ The suggested causes appear to be broadly similar across western jurisdictions and this section will therefore be cross-jurisdictional and draw heavily on the American material.

⁵ The tendency to focus purely on one suspect and the neglect of possible exculpatory evidence.

⁶ The use of unethical or illegal means in order to achieve the ‘right’ result.

(MacFarlane 2006; Rattner 1988; McMahon 1995; Gershman 1999; Nobles and Schiff 2000); ineffective defence counsel (Finer 1973; Liebman et al. 2000; Radelet and Bedau 1998); improper collection, handling, or retention of DNA evidence (Kirby, 2010); and erroneous or inconclusive expert testimony – either through human error or fraud (Etter 2013; Kirby 2010; Garrett 2008, 2011; Garrett and Neufeld 2009). Additional, but, often considered, less influential factors include plea-bargaining, racial discrimination, community pressure, knowledge of criminal record, judicial errors or unbalanced summing up, and mental incompetence of the defendant (Etter 2013; Huff et al. 1986; Ricciardelli and Clow 2012; Anderson and Anderson 1998).

Ronald Huff et al. (1996), in their survey of 205 American cases, tried to track which causes were most prevalent. They discovered eyewitness misidentification to be present in 52 percent of cases, witness perjury in 11 percent, coerced confessions in 8 percent, and police ‘frame-ups’ in 4 percent. Similarly, Barry Scheck et al. (2001) found mistaken eyewitnesses to be present in a significant number of their sample (82 percent). However, police and prosecution misconduct were far higher, at 50 and 45 percent respectively⁷. Defective forensic science occurred in 34 percent of cases, inadequate defence in 32 percent, false confessions in 22 percent and perjured testimony in 20 percent. These discrepancies are likely due to the difference in age of these two studies and the differing cases included in their samples. Huff et al. surveyed cases dating from 1900, whereas Scheck et al. identified cases through the United States ‘Innocent Network’, founded in 1992. It is highly likely that the causes of wrongful conviction changed

⁷ In his examination of 250 US exonerations, Brandon Garrett found that 16% had confessed to a crime that they did not commit and in all but two of these confessions, details were given that only the true perpetrator would have known. These facts must have therefore been improperly disclosed, in all likelihood by the police (2011).

significantly during this time, as methods of policing and technology advanced⁸. Scheck et al's data was also exclusively gained from the Innocent Network, who carefully screen their cases and potentially select on the basis of 'well-known' problems, while Huff et al's data was drawn from various sources.

The causes outlined above almost certainly worked in combination to produce erroneous results. Indeed, it is not uncommon in the British accounts of high-profile wrongful convictions for multiple sources of error to be identified. As Bruce MacFarlane states, criminal investigations occur in a social world and the actors who make up this social system hold their own views, biases, fears, and judgements (2006). These biases are most likely to emerge through initial police or prosecution misjudgements which then colour the entire process and can lead to the emergence of other factors (*Ibid*). In a human system, even when testimony and evidence are properly collected, and prosecution appropriately conducted, it is still possible that errors will occur.

It is within this context that the wrongfully convicted enter prison. Tom Tyler has claimed that legitimacy⁹ is more likely to be attributed to criminal justice agencies if individuals feel that they have been treated in a procedurally correct way (1990). The sources of wrongful conviction outlined above, however, suggest incompetence, error, fraud, and malice – no doubt breaches of procedural justice. I suggest that these behaviours instil a deep sense of injustice in an individual and create a general legitimacy deficit

⁸ Much research is based on historical cases. There are considerable problems with relying on old cases to identify current causes, as sources identified many decades ago may no longer be relevant as policing and forensic methods evolve. In England and Wales, for example, there has been considerable reform of policing thorough the Police and Criminal Evidence Act 1984. More generally, DNA and forensic science have changed the sources and investigation of wrongful conviction dramatically.

⁹ Legitimacy will be discussed more fully in chapter three.

before they even enter the prison. The fact that there have been fundamental mistakes as to the outcome of the decision is likely to intensify these feelings. Prison experience must therefore be understood with this backdrop in mind, although, as yet, the transfer of legitimacy between the spheres of the criminal justice system, has not been considered in regards to this population (discussed more fully in chapter three).

Indeed, very few wrongful conviction scholars have examined the prison at all or considered the lived experiences of those who maintain innocence in the prison environment. The majority of the research, as stated above, focuses on the causes of these convictions and the experiences post exoneration. Even the big-picture and true-crime studies fail to create meaningful accounts of how it feels to endure a wrongful conviction. Indeed, many accounts simply omit the ‘lost years’ of imprisonment and only engage after exoneration. At best, prison experience is given cursory attention; with little or no detail provided.

WRONGFUL IMPRISONMENT

There is ample literature on the lived experiences and coping mechanisms of ‘ordinary’ prisoners (see Cohen and Taylor 1972; Zamble and Porporino 1988; Medlicott 2001; Irwin and Owen 2005; Crewe 2006c, 2007b, 2011a; Crewe et al. 2014; Liebling 1994, 1999, 2007, 2011b, 2013; Liebling et al. 2005; Mbuba 2012; Rhodes 2004; Carrabine 2004; Bottoms 1999; Clear and Sumter 2002; Clear et al. 1992; Kerley and Copes 2009; Braggins and Talbot 2003). The pain long-term imprisonment can cause and the factors that make up day-to-day prison life are well documented and will form the basis of the next chapter.

However, the prison experiences of the wrongfully convicted are insufficiently researched and, to date, only two academic studies have specifically addressed the unique complexities of prison life for this group.

Forensic psychiatrist, Adrian Grounds, conducted psychiatric assessments of 18 exonerees (2004). These interviews were conducted in order to support compensation claims¹⁰ and his main focus related to the effects of such imprisonment post-exoneration (*Ibid*). Kathryn Campbell and Myriam Denov similarly conducted in-depth interviews with five Canadian exonerees (2004)¹¹ and predominately focused on the coping strategies employed by this population while imprisoned. Autobiographical accounts supplement this research and add detail to areas previously overlooked.

The insights produced by these two pieces of research are unique and of great importance. However, both exclusively relate to exonerees' experiences. Learning only from participants who have already been exonerated and released from prison may provide a distorted understanding of how prison is experienced for those who maintain their innocence. Such accounts rely on memory¹² and important information may have been forgotten, reinterpreted, or distorted in the intervening years between imprisonment and interview and by the very process of exoneration itself. I attempt to resolve this concern by engaging with current prisoners who are therefore experiencing 'wrongful conviction' in the present.

¹⁰ It is therefore possible that any difficulties were 'over-reported' in order to strengthen claims.

¹¹ Although this material is cross-jurisdictional, it is the only research that focuses primarily on the coping strategies on the wrongfully convicted. Only detail that directly translates to the British experience will be included and the particular practices of the Canadian prison service and the effects of these will not be discussed.

¹² See chapter four for a fuller discussion of the problems of relying on memory.

It is also unfortunate that no comparison group was utilised in either study and not enough consideration was given to the ‘ordinary’ pains of imprisonment. Without such a comparison, it is impossible to adequately discern between experiences that are unique to the wrongfully convicted and those that are simply part of long-term imprisonment per se. It is thus impossible to fully understand if, how, and why prison is experienced differently by virtue of the fact that it is imposed unjustly. Throughout this thesis, participants’ experiences will be contrasted with the ‘general’ prison experience, as evidenced by the academic literature, in an attempt to discover what is truly unique to this population.

Due to the small sample sizes, the findings of these two pieces of research must further be used with caution, particularly when generalising to the larger population of prisoners maintaining innocence. All cases were of high-profile individuals who had been convicted of notorious crimes. Little is therefore known about the experiences and effects of prison life on the majority of the 439 British exonerees referred by the CCRC. Even less is understood of the annual 1,300 prisoners who claim to be wrongfully convicted.

Nevertheless, these studies do produce powerful accounts and are the closest we currently get to understanding the lives of those who have been wrongfully convicted. These authors characterise claims of innocence as a ‘burden’ in the prison context and seek to illustrate the consequences and lived reality of pursuing such a claim (Grounds 2004; Campbell and Denov 2004).

PRISON LIFE AND COPING STRATEGIES

The factors that make up day-to-day prison life for the wrongfully convicted appear very similar to those who are ‘rightly’ convicted – they are housed in the same institutions, face the same routines and demands, and suffer several of the same stresses. Indeed, accounts from the studies discussed above commonly identified many of the same problems and experiences as documented in the mainstream prison literature. However, the sheer boredom induced by the undeviating prison regime; the unpredictability of their fellow inmates; and the loss of relationships, liberty, and autonomy were all exacerbated by the illegitimacy, fear, stress, and isolation caused by claims of wrongful conviction (Grounds, 2005).

The claim that wrongful imprisonment was somehow different to ‘rightful’ imprisonment was well illustrated by those who had been imprisoned previously. For example, in his autobiography, Paddy Hill claimed that his previous terms of imprisonment were substantively different from his wrongful imprisonment, both in terms of how others treated him and how he reacted to authority and the regime itself (1995). Certainly the events of arrest, trial, and imprisonment were much more likely to be anticipated and expected. He states that anger overwhelmed him after being unjustly imprisoned and that this rage often exhibited itself against officers and the prison routine (*Ibid*).

The two pieces of academic research and multiple biographical accounts do, however, illustrate that those who are wrongfully convicted find means of coping with and navigating the prison environment. Campbell and Denov were particularly interested in

the coping strategies employed by exonerees while imprisoned and highlight the resourceful strategies that allowed temporary respite from participants' day-to-day realities (Campbell and Denov, 2004). They categorised these strategies as cooperation and belonging, withdrawal, preoccupation with exoneration, and rejection of the criminal label (*Ibid*).

The desire for purpose was a common theme among exonerees, with many involving themselves in religious, educational, and other group activities (*Ibid*; Grounds 2005; O'Brien 2008; Ward 1993). It appeared that these occupations served as a useful distraction from dwelling on their unfortunate situation, allayed the boredom inherent in a period of imprisonment, and fostered a sense of belonging in the prison community (Campbell and Denov, 2004). Exonerees described the importance of distraction in keeping themselves mentally alert (Jenkins and Woffinden 2009; Maguire 1994). Such activities serve a similar purpose in the general prison population (see O'Donnell 2014, 2016; Jewkes 2005; Medlicott 2001; Crawley 2005) but links are not made to this literature, making it near impossible to tease apart what is unique to wrongfully convicted prisoners and what is simply endemic to prison life. There is not enough detail nor large enough sample from which to draw a comparison and no investigation into the appeal of particular activities.

A small number of the research participants in both the Campbell and Denov and Grounds studies simply withdrew from prison life. Such withdrawal could be exhibited through physical segregation or isolation within the social system (Campbell and Denov 2004; Grounds 2004). Such a reaction appeared to be a result of the belief among certain exonerees that they were inherently different to other inmates (*Ibid*). This isolation could

also occur internally, with exonerees suppressing painful emotion and avoiding plans for the future (Jamieson and Grounds, 2005). Such self-reliance often appeared to lead to depression, self-harm, and suicide attempts and all five of the interviewed men in the Canadian study considered suicide during their sentence, although only one made an attempt (Campbell and Denov, 2005). It seemed that a combination of anger, hope for exoneration, and a desire to protect loved ones dissuaded the others (*Ibid*). Suicidal ideation and attempts were also not uncommon in autobiographical accounts (Bunting 2008; Hill 1995; Ward 1993; O'Brien 2008) nor in the mainstream prison literature (Liebling 1992, 2007; Liebling and Ludlow 2016).

A strategy common to all Campbell and Denov's participants and to the majority of Grounds' was a preoccupation with exoneration. Most described how they became completely obsessed with the facts of their cases and devoted hours a day campaigning for their exoneration (Grounds 2004; O'Brien 2008). Often they spent years pursuing appeals, in spite of the fact that they claimed to believe that they would never be released (Grounds, 2005). In all autobiographical accounts, exonerees dedicated themselves to their appeals and fought to retain their commitment (Hill, 1990, 1995; Conlon 1990; O'Brien 2008). They stated that these efforts were often their sole preoccupation (Jenkins and Woffinden, 2009).

The final coping strategy identified was a rejection of the criminal label. Campbell and Denov highlight how entry into prison strips away an inmate's identity and self-image and replaces it with an overriding label of 'criminal' and 'prisoner' (2004). In order to preserve their pre-prison identity and a basic level of control over their self-image, many research participants refused to acknowledge and internalise this label, particularly those

convicted of sexual crimes (*Ibid*)¹³. This often entailed adamant protestations of wrongful conviction which in some cases were accompanied by expressions of defiance (*Ibid*). These prisoners adopted resistant, uncompromising stances in regard to the authority of staff and rules, exhibiting itself through acts of violence, hunger strikes, refusal to follow orders, and legal challenges (Grounds 2005; Hill 1990, 1995; Ward 1993; O'Brien 2008). Such behaviour was considered justified by exonerees given their circumstances.

Attention has thus been given to the day-to-day prison life of the wrongfully convicted and several coping strategies have been suggested. However, I believe the conclusions that can be drawn from these studies are fundamentally limited, not least due to the weaknesses of the method and sample outlined above. Broad overarching categories of 'coping mechanism' were applied but more individual responses that made up these categories were somewhat overlooked. For example, education, drugs, and religion feature in some accounts but these areas are not pursued in detail in the literature. Further, there is no real sense of how adaptive styles change and interact – do certain 'types' of people choose certain strategies, can they work in tandem or are they exclusive, and are certain strategies more prevalent at particular times during the sentence? There is also little discussion of the effects of such coping behaviour, particularly in regards to the effects they may have on relationships, both within the prison and beyond.

¹³ Again, an important strategy in the mainstream population (see de Viggiani 2012; Schmid and Jones 1991; Rowe 2011; Crewe et al. 2014; Crewe 2009; Jewkes 2002, 2005).

FAMILY RELATIONSHIPS

Many of the participants in Grounds' study found maintaining relationships with family and friends difficult and stated that family contact was one of the most distressing aspects of the prison experience (2005). For some, visits could be emotionally unbearable and, as a result, they found it easier not to have them, although this created significant problems when trying to resume family life post-exoneration (see below). For those who became entirely invested in pursuing their appeals, visits were often regarded as distractions that ceased to be important (Jamieson and Grounds, 2005).

It was often the case that both prisoners and their families would hide their feelings as neither party wanted to burden the other with the hardships they were enduring (Hill 1990, 1995; Maguire 1994; O'Brien 2008). This act took a huge toll emotionally and the subconscious withdrawal and mutual misunderstanding that grew from this act often tore relationships apart (Hill 1990, 1995; O'Brien 2008). Family contact was also a source of sadness in that it reminded these men and women just how distant they had become from their family (Hill, 1990). Their absence created a great sense of guilt, regret, and loss. Many felt that their lives had diverged so sharply from those of their families that they no longer truly belonged anywhere (*Ibid*).

How these experiences compare to those of the 'ordinary' prison population has not been examined. Indeed, there is very little work in general on the relationships exonerees establish with their families, fellow prisoners, and staff while imprisoned. In some accounts relationships are ignored completely and in others examples are merely given in order to illustrate the, usually negative, aspects of prison life. There is insufficient

examination of the types of relationships formed, the motivations for entering or avoiding relationships, and the consequences of these relationships.

PRISONER-PRISONER RELATIONSHIPS

Most exonerees claimed to be extremely fearful of other prisoners and described them as inherently violent and unpredictable (Grounds, 2005). Of the eighteen men in the Grounds study, fourteen had experienced terror at being physically assaulted or killed while three men were subjected to serious violence, two episodes of which were of a sexual nature (*Ibid*). Indeed, violence and victimisation arose frequently in the accounts of exonerees and these experiences often still distressed many after release (Jamieson and Grounds 2005; Hill 1995; Conlon 1990). Although violence played a central role when discussing relationships, it appeared that the fear of violence was often worse than the reality. There is very little discussion of how these fears developed, the rationale behind them, and whether they were ultimately justified.

Those who had been convicted of serious offences experienced particular fear and reported humiliation, death threats, and verbal abuse from prisoners and staff alike (Grounds, 2005). Whether this animosity related specifically to their stance as ‘innocent men’ or instead to the notoriety of their crime or prison behaviour more generally is unclear. Older autobiographical accounts also briefly allude to a social hierarchy (Ward 1993; Conlon 1990), although this is not explained in any detail nor is their place in such a system clarified.

Nevertheless, most accounts also suggest that positive relationships could develop, often once exonerees learnt to respond to intimidation more effectively. Friendships provided a useful distraction (Maguire, 1994) and offered emotional support, and physical protection (Batt 2004; Hill 1995; Conlon 1990; Maguire 1994; O'Brien 2008). Of particular value were friendships with other prisoners fighting their convictions (Jenkins and Woffinden 2009; Ward 1993; O'Brien 2008). These connections often provided practical help, encouragement, and support with appeals (Jenkins and Woffinden 2009; Ward 1993; O'Brien 2008).

STAFF-PRISONER RELATIONSHIPS

Most of the information regarding the relationships wrongfully convicted prisoners form with staff is available from autobiographical accounts. Some exonerees claimed that certain wing staff were vindictive, callous, and malicious (Jenkins and Woffinden, 2009). It was stated that staff would abuse their power and authority; show little flexibility regarding rules and the prison regime; provoke and antagonise inmates; and threaten, humiliate, and verbally harass them (Ward 1993; Conlon 1990; O'Brien 2012; Hill 1990, 1995)¹⁴. As a result, many grew to have a general fear, resentment, and resistance towards wing staff and it was not uncommon for prisoners to respond to such officers with violence and contempt (O'Brien 2008; Hill 1990). All found that their guilt was assumed (Mansfield, 1994). These accounts are, however, some decades old and the position, particularly regarding violence, may have changed significantly, as illustrated in the

¹⁴ Weisman has suggested that prisoners are personally judged by staff according to, among other things, their remorseful expressions (2004: 122/3). By failing to exhibit 'appropriate remorse' staff may thus deem wrongfully convicted prisoners as undeserving of compassion (*Ibid*).

general prison literature (see Crewe 2011b; McDermott and King 1988), although the current situation for this specific population is unknown.

Other officers were described as non-judgmental, kind, sympathetic, humane, and respectful (Maguire 1994; O'Brien 2008; Batt 2004; Hill 1995). Exonerees could often recognise officers that were just trying to do their jobs in difficult circumstances (Ward, 1993) and in these cases relationships were generally pleasant (*Ibid*). Relationships were also created with other members of staff. The medical, educational, and chaplaincy staff were largely regarded as supportive and helpful (Ward 1993; Hill 1995; O'Brien 2008; Maguire 1994; Bunting 2008). Psychologists were almost universally disliked (Grounds, 2005).

Realistically, a wrongfully convicted prisoner who does not accept the legitimacy of the conviction, sentence, or the staff to impose rules – and behaves accordingly – is almost inevitably going to forge somewhat difficult relationships. Non-compliance, in both the academic and autobiographical accounts, often took the form of verbal or physical challenges to the authority of officers, which no doubt contributed to levels of tension (Grounds, 2005).

Poor relationships with staff can make significant differences in relation to both minor privileges and major decisions (Crewe, 2011b). However, there is very little academic literature on how refusal to accept guilt relates to inter-personal relationships between staff and prisoners and indeed between prisoners themselves. How does the inherent lack of legitimacy impact on relationships with staff above and beyond normal prison experience, how do staff respond to pleas of innocence, and what are the

consequences of bad relationships for this particular population? These questions remain unanswered in the literature.

CONSEQUENCES OF CLAIMING WRONGFUL CONVICTION

A stress specifically associated with wrongful conviction, as highlighted in the literature, is the maintenance of such a claim. Autobiographical accounts illustrate how claims of innocence created tension with staff, particularly those in the psychology department who often labelled these prisoners ‘deniers’. Significant pressure was placed on exonerees to confess, ranging from inducements regarding in-prison incentives to threats that they would never be released (Batt 2004; O’Brien 2012; Jenkins and Woffinden 2009). Again, most accounts appear rather anecdotal and there is insufficient detail or evaluation of these claims.

Academic accounts highlight how refusal to admit guilt could also make it harder for many exonerees to access conventional routes of progress and cascade through the prison system, although there is little examination of the official policies that influence this area. Certain offence-related offending behaviour programmes required an admittance of responsibility (Grounds, 2005) and it was participation in such programmes that typically enhanced an offender’s eligibility for recategorisation and parole (Weisman, 2004). These courses were largely designed to address criminal behaviour and cognitive distortions that, once corrected, can reduce recidivism (Naughton, 2007). However, by refusing to acknowledge the need for such courses and by failing to attend, prisoners maintaining innocence were placed into direct conflict with a major aim of the institution.

As a result, the Parole Board may have perceived wrongfully convicted prisoners to be unsatisfactorily rehabilitated as they refused to address their ‘offending behaviour’.

Richard Weisman highlights how it is not uncommon among the prison administration in Canada to view protestations of innocence as a diagnostic indicator of psychopathy and antisocial personality (2004). Denial of responsibility and intent are therefore direct focuses for clinical intervention. Even if not diagnosed with a psychological disorder, unrepentant offenders are often viewed as ‘high-risk’ (*Ibid*). The prison authorities accept remorse and acceptance of responsibility as an indication of rehabilitation¹⁵ and those who do not display such emotions are commonly deemed more dangerous than those who do (*Ibid*). Weisman suggests that remorse is thus a ‘major site of conflict’ between the wrongfully convicted and criminal justice officials (*Ibid*: 121).

The Parole Board of England and Wales does accept the unlawfulness of refusing to release a prisoner on the grounds of denial of guilt alone. However, when making parole decisions, the Board is required to consider various reports relating to the prisoner, as set out in The Parole Board Rules (2016). These documents include, but are not limited to, reports and assessments regarding the prisoner’s risk factors, details of interventions undertaken to reduce said risk, an assessment of the risk of reoffending, and comments regarding the prisoner’s attitude towards the index offence (*Ibid*, Schedule 1, Rule 7(1)(a); PSI 22/2015, Para. 14.13/18). Therefore, in practice, both denial of offending and lack of

¹⁵ The psychological literature has illustrated that expressions of remorse can evoke sympathy for and acceptance of an offender (Kilty 2010; Stearns and Parrott 2012); its presence denotes worthiness and signals a person deserving of compassion and mitigation (Weisman, 2004). Conversely, a failure to demonstrate remorse can lead to a characterisation of one that is dangerous, callous, and without conscience (Kilty 2010). Emotional displays of remorse may also signal a shift in motivational state that can be used to predict how an offender is likely to behave (although empirical support for this position is mixed (see Proeve et al. 1999)), thereby impacting on perceptions regarding the risk of reoffending (Stearns and Parrott 2012; Gold and Weiner 2000).

attendance at related programmes can indicate a prisoner's continuing risk to society. A wrongfully convicted prisoner who maintains his or her innocence is thus often regarded by the Parole Board to be insufficiently rehabilitated (Huff et al., 1996) and this classification can impact significantly on parole decisions. Exonerees can therefore serve long sentences, the effects of which have been considered by few scholars.

EFFECTS OF WRONGFUL IMPRISONMENT POST-RELEASE

It is by now well known that most prisoners experience a period of readjustment upon release from prison (Campbell and Denov 2004; Cohen and Taylor 1972; Haney 2006; Singleton et al. 1998). What are less well understood are the re-entry experiences of the wrongfully convicted. As Campbell and Denov note, the effects of such imprisonment are 'likely to resonate in a myriad of ways and for long periods' (2004: 154). It is probable that some of these effects will be similar to 'rightly' convicted prisoners and are, as such, a product of long-term imprisonment itself¹⁶. However, research has illustrated that there are also distinct outcomes for this population (Grounds, 2005).

To date, there have been three major studies that examine these effects and experiences. One, undertaken by Adrian Grounds (discussed above), provides an in-depth evaluation of the psychological effects of wrongful imprisonment on men who had no prior psychiatric histories. He discovered substantial psychiatric morbidity and both psychological and social adjustment problems, not dissimilar to those who had experienced chronic psychological trauma; for example, war veterans (*Ibid*). Two further

¹⁶ Although, again, no comparison has been made in the literature.

studies are worthy of note: Jennifer Wildeman et al. (2011) utilised data from 55 intensive interviews with exonerees from the United States to examine both the short and long-term effects; while Sandra Westervelt and Kimberly Cook (2009) focused on the social adjustment problems of 18 death row exonerees. None of the studies provided a comparison to the 'ordinary' prison experience, while, again, sample sizes are relatively small. Similarly, it is possible that outcomes differ depending on the jurisdiction of the study, particularly the experiences of those who were sentenced to death. Caution must thus be applied when generalising the latter two studies to the UK experience.

PSYCHOLOGICAL EFFECTS

All three studies highlight the severe psychological effects that wrongful imprisonment can have on an individual. Wildeman et al. discovered that a 'substantial proportion' of their participants were suffering from anxiety, depression, and/or post-traumatic stress disorder in the years after their release (2011). These disorders were more prevalent among those who had been released for a shorter period of time, suggesting that the psychological effects of such imprisonment may diminish as the prisoner adjusts to freedom (*Ibid*).

Similarly, Grounds discovered an array of psychological effects that were similar across all his examined cases. He suggests that, over the sentence, problems compounded to produce 'profound' suffering (2005: 15). Twelve of the 18 participants met the criteria for post-traumatic stress disorder, while most reported depression coupled with mood and anxiety disorders (Jamieson and Grounds, 2005). Many exonerees also reported heightened sensitivity which 'instilled in them a profound cynicism and mistrust' of

authority figures, a severe intolerance to any perceived injustice, and a general sense of illegitimacy towards the criminal justice system (Campbell and Denov, 2004: 154).

Fourteen of Grounds' participants also met the diagnostic criteria for 'enduring personality change following catastrophic experience' (Grounds, 2005: 21) as defined by the World Health Organisation¹⁷. Common characteristics include estrangement, emptiness, bitterness, and unexplained rage (*Ibid*). Grounds notes that these reactions appear similar to others who have experienced chronic psychological trauma (2005). However, as no comparison group was utilised, it is not clear whether it was the prison experience as a whole that produced these effects for this population or whether there were particular aspects that created these difficulties, and if so, what they were.

Throughout the autobiographical narratives it emerges that for these prisoners the major driving force in their lives was the desire and determination to be free. However, this preoccupation often meant that they never looked beyond their release and were thus unprepared to face the, often harsh, realities when exoneration occurred. These accounts, and the above academic studies, highlight how complex readjustment can be and just how long the process can take.

¹⁷ Correspondingly, many of the research participants in the Westervelt and Cook study were suffering with loss of self-identity (2009). Their self-concept on entering prison was lost and often could not be restructured on release (*Ibid*). As a result, most struggled to carve out new identities and often fell back on the 'identity' of 'exoneree' itself (*Ibid*).

READJUSTMENT TO EVERYDAY LIFE AND RELATIONSHIPS

All exonerees are released from prison suddenly and without the preparation or support normally provided to other long-term prisoners (Jamieson and Grounds, 2005)¹⁸. They are released with no agency responsible for their aftercare and consequently, there is no assistance in solving major practical problems, such as obtaining housing and employment, with many forced to depend on family members (Grounds, 2005)¹⁹.

Of the 18 men assessed by Grounds, 13 were unemployed two years after they had been released, often leading to a lack of purpose and direction (2005). After lengthy periods of imprisonment, most had no appropriate work skills and substantial gaps in their employment history (Wildeman et al. 2011). All prisoners, regardless of guilt or innocence, are likely to have trouble finding employment, particularly if sentenced to a substantial term. It is therefore not clear whether such problems were a result of being wrongfully convicted, or being convicted *per se*. It is possible that the extreme psychological effects may have created difficulty in gaining or retaining employment, although this is not discussed in the literature.

¹⁸ It is generally accepted by wrongful conviction scholars that long-term policies must be developed to assist the wrongfully imprisoned. This relates to both financial compensation and provision of welfare services (Denov and Campbell, 2004: 105).

¹⁹ Since 1988, most exonerees face significant difficulty in obtaining compensation. Statutory provision is provided through S133 of the Criminal Justice Act 1988. It is stated in S133 (1) that ‘...when a person has been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice, the Secretary of State shall pay compensation for the miscarriage of justice’. In practice, many exonerees fail to qualify for compensation on the grounds that it cannot be shown *beyond reasonable doubt* that there has been a miscarriage of justice. As discussed in chapter one, convictions are not quashed on the basis of innocence but on the safety of the conviction. It is very difficult to prove actual innocence and reach the required standard of evidence, short of identifying the actual perpetrator of the crime (Quirk and Requa, 2012). Such a position has been challenged, see *R (on the application of Hallam) v Secretary of State for Justice*, *R (on the application of Nealon) v Secretary of State for Justice* [2019].

In all three studies, exonerees also faced practical problems in adjusting to the outside world. Ordinary tasks, such as shopping, negotiating traffic and roads, and dealing with technology were complicated for this population and such inability to complete simple tasks evoked embarrassment, humiliation, and shame (*Ibid*; Batt 2004). Many of the wrongfully convicted found it difficult to adjust to the, often significantly changed, world around them and felt lost without the predictable, ordered prison routine (Jamieson and Grounds, 2005). Some claimed to maintain the habits they developed in prison, although this often created conflict within relationships (Grounds 2005; Batt 2004).

In the Grounds study, all participants expressed difficulty in reconnecting with their family and friends (2005). While some prisoners managed to re-establish relationships, many saw them as irreparable (Westervelt and Cook, 2009). They described estrangement and a lack of closeness to those who had stood by them, which in turn created a great amount of guilt (Jamieson and Grounds, 2005). These men and their families often found that they no longer knew each other and relationship breakdown was not uncommon²⁰ (Grounds, 2005). These men were described by their families as withdrawn, restless, irritable, emotionally disengaged, and unable to relate properly or express affection (Grounds 2005; Batt 2004). The causes of such behaviour are likely to be, in part, due to prison adjustment. Emotionally, these men had learned to isolate themselves and, while this withdrawal may have been helpful in surviving the prison experience, it was obstructive when trying to resume family life (Grounds, 2005).

²⁰ Often new friendships were formed with those who had similar past experiences to them and some created 'networks' of exonerees – people who had an implicit understanding of their situation (Wildeman et al. 2011).

Family life had also often changed substantially during the men's imprisonment and families had adapted to living without them, a situation comparable to any term of imprisonment, not just those that had been imposed unfairly. Parents had died, special occasions were missed, and children had grown up (*Ibid*). Frequently, exonerees described themselves as 'dislocated in time' and found little in common with their peers who were at different life stages (Jamieson and Grounds, 2005). Some had lost a generation (Grounds, 2005).

STIGMA

Exonerees often found that they were exposed to public and media scepticism regarding their innocence, as 'technical' decisions were often tainted by unresolved questions of guilt (Quirk, 2007: 766). As Westervelt and Cook highlight, many of the wrongfully convicted in their sample returned to hostile communities (2009) and it has been illustrated that the public regularly remain suspicious and distrustful of exonerees, leading to stigma. Such a situation is particularly true for those convicted of notorious crimes.

This stigma was illustrated well by Rosemary Ricciardelli and Kimberly Clow (2012). They found that although student participants who attended a lecture presented by an exoneree did report more sympathy for those who are wrongfully convicted and were supportive of the government in addressing such convictions; they also found evidence of ongoing stigma (*Ibid*). Negative feelings towards these men and women and lingering perceptions of guilt remained (*Ibid*). Participants felt uncomfortable in their presence, possibly due to the belief that they were somehow responsible for their conviction, that

they had committed other crimes and so deserved to be imprisoned, or that they had been changed by their experiences of incarceration (*Ibid*). It is likely that such views are held more strongly in the general population.

It is clear that the effects discussed in this section are not all exclusive to the wrongfully convicted and can therefore be attributed to long-term imprisonment itself²¹. Nevertheless, there do seem to be distinct psychological effects, that go beyond those experienced by the general population²². There did not appear in the Grounds study to be a relationship between duration of imprisonment and severity of condition, nor did previous incarceration protect from the adverse effects (2005). These points would seem to indicate that there is something unusual, something additional, in the experience of being wrongfully convicted that creates these extreme effects. This knowledge has, however, not led researchers to venture into the prison in order to examine the lived experiences of wrongful imprisonment. I fundamentally question whether it is possible to truly understand the effects of a wrongful conviction if you fail to examine prison experience itself, how it is possible to locate the sources of these unique effects while ignoring the prison, and how you can tailor post-exoneration support without such an understanding.

²¹ For example, all prisoners experience separation from loved ones, loss of time, difficulty readjusting, stigma etc.

²² As stated above, there has been no comparison to the post-prison effects of the rightly convicted. There is thus a blurring between the effects of wrongful imprisonment and long-term imprisonment per se which creates difficulty in determining which aspects are truly the result of wrongful conviction.

CONCLUSION

It is clear that while a small body of research exists on the lived experiences of coping with and the effects of a wrongful conviction, there are still major gaps and areas that have not been pursued in any detail in the academic literature. cursory attention has been given to day-to-day prison life and several coping strategies have been suggested, although there is little real sense of how adaptive styles change and interact. Broad overarching concepts have been applied to this population, although the more individual responses that made up these categories were somewhat overlooked²³, perhaps because in both major studies the sample size was so limited, particularly so for the Campbell and Denov research. The intricacies and complexities in the relationships between coping and the social system are similarly not discussed, and the consequences of such behaviour are rarely explained. For example, violence played a central role in many accounts although it is never made clear how this affected longer-term relationships, privileges, or progression. Relationships with fellow prisoners and staff are likewise given superficial attention, if examined at all, while no links have been made between pre-prison experience of the criminal justice system and attributions of prison legitimacy (see chapter three).

As there is no comparison to the general prison population in either of the studies that examine prison experience, it is also impossible to adequately discern between experiences that are unique to prisoners maintaining innocence and those that are endemic to prison life. There is no discussion of whether particular coping strategies are more often, or exclusively, employed by prisoners claiming wrongful conviction or whether they are

²³ Education, drugs, and religion feature in some accounts but these areas are not pursued in detail in the literature.

used to some extent by all prisoners. The literature outlined above suggests coping mechanisms and relationship difficulties that appear very similar to those employed and encountered in the ‘ordinary’ prison experience. A greater understanding is required of what is unique to prisoners maintaining innocence, what is shared, and why.

Furthermore, in both of the two major empirical studies only small samples were gathered and these were comprised of men in rather exceptional cases – exonerees who were convicted of notorious crimes and spent a considerable amount of time in prison²⁴. What is less well known is the experiences and effects of prison life on the vast majority of the 1,300 cases (of those where the applicant is in custody) that reach the CCRC every year.

Learning only from participants who have already been released and exonerated may also provide a distorted understanding of how prison is experienced for those who maintain their innocence. By only engaging after exoneration, the research becomes inherently flawed as it relies on later justification for behaviour and memories that may be significantly impacted by having a conviction quashed. The process of exoneration and inevitable time for reflection may thus influence the way prison is remembered. Importance may be attributed to events that at the time were not significant or details may be forgotten entirely.

Similarly, although the autobiographical accounts add a more personal narrative to the literature and touch on details not discussed in the academic research, they are all based

²⁴ For example, five participants interviewed by Grounds were from the Birmingham Six or Guildford Four (2004, 2005).

on high-profile cases and entail a significant imprisonment term, usually entirely in 'Category A' conditions. They also rely on memory and tend to be purely descriptive accounts that, understandably, only detail what the author believes to be relevant. As a result, certain topics may be included in some accounts and omitted in others, not because they did not occur but because they were not deemed to 'fit' the overall narrative.

This dissertation will broaden what has already been completed. Participants will be those claiming wrongful conviction while still in prison. This should allow for a more authentic investigation into how prison is experienced at the time, without the interference of hindsight or later rationalisations for behaviour. By focusing on current prisoners a wider population can also be reached, allowing a better understanding to be formed of the 1,300 prisoners applying to the CCRC annually, rather than continually focusing on the exceptional cases.

It is further hoped that more detail will be produced regarding participants' day-to-day lived experiences and focus will be concentrated on the particular aspects that make up the broad strategies of coping. Relationships with family, fellow prisoners, and staff, as well as the perceived institutional consequences of maintaining innocence also form a major part of the study. The research will additionally be enhanced by a comparison with the general prison experience, as evidenced in the academic literature, which will allow exploration into whether prison is experienced differently by those who maintain their innocence by virtue of the fact that it is imposed 'unfairly'.

THE SOCIOLOGY OF PRISON LIFE: A

THEORETICAL FRAMEWORK

'As you were found guilty in court by a jury of your peers we have to treat you as guilty'.

Ashley

INTRODUCTION

The previous chapter has highlighted what we currently know about the prison experiences of individuals who have been wrongfully convicted. This small body of literature has flagged important topics but, as outlined in chapter two, the conclusions we can draw from it are limited. The literature is insufficiently robust and leaves many questions unanswered or unexplored. The most important of these questions is whether the experiences described are simply a consequence of long-term imprisonment per se, regardless of guilt or innocence. The two small studies by Adrian Grounds (2004, 2005) and Kathryn Campbell and Myriam Denov (2004) cannot adequately identify the differences between the populations, those who accept their guilt and those who do not; there is simply not enough detail, nor a large enough sample, from which to compare. Without such a comparison it is impossible to tease out what is particular to the experiences of those claiming wrongful conviction and what is endemic to prison life. It is impossible to understand if and why prison is experienced differently by virtue of the fact that it is imposed 'unfairly'. This is the fundamental question that I aim to answer within this thesis. In order to do this, it

becomes necessary to look to the more general prison literature and this will form the basis of my comparison.

The sociology of prison life literature is vast. Much focuses on the prison experience and coping mechanisms of prisoners. This research encompasses a wide range of topics including adjustment to prison life and strategies of coping with the pains such imprisonment can cause (see Cohen and Taylor 1972; Zamble and Porporino 1988; Medlicott 2001; Irwin and Owen 2005; Crewe 2006c, 2007b, 2011a; Crewe et al. 2014; Liebling 1994, 1999, 2007, 2011b, 2013; Liebling et al. 2005; Mbuba 2012; Rhodes 2004; Carrabine 2004; Bottoms 1999; Clear and Sumter 2002; Clear et al. 1992; Kerley and Copes 2009; Braggins and Talbot 2003); prisoner social systems, social hierarchies, and inmate values (see Sykes 1958; Sykes and Messinger 1960; Jacobs 1977; Crewe 2005, 2007c, 2009); and power relations between staff and prisoner (Goffman 1961; Mathiesen 1965; Sparks et al. 1996; Crewe 2006a, 2011b; Liebling 2000, 2004, 2011a; Liebling and Price 2001; Lerman and Page 2012; Dirkzwager and Kruttschnitt 2012). Within this broad literature, research has been conducted into various groups that comprise the prison population including women (Kruttschnitt 2005; Kruttschnitt and Gartner 2003; Kruttschnitt et al. 2000; Bosworth 1996, 2006; Bosworth and Carrabine 2001; Carlen 1983; Carlen and Worrall 2004; Medlicott 2007), black and ethnic minority prisoners (Edgar 2007; Phillips 2012; Cheliotis and Liebling 2006), and aging prisoners (Crawley and Sparks 2005; Crawley 2007; Jewkes 2005) with the view that these broad groups of people are likely to experience prison in substantively different ways.

Alongside this body of literature exists an inter-connected, although largely separate area of work¹ that focuses on how legitimacy theory relates to and impacts upon the criminal justice system and citizens' perceptions of it. Accordingly, there has been substantial research into the legitimacy of the justice system and its institutions and actors. This has mainly considered the system as a whole (specifically why people obey the law) and particularly police legitimacy (see, *inter alia*, Tyler 1990, 2010; Tyler and Jackson 2013; Beetham 1991, 2013; Bottoms and Tankebe 2013; Bradford 2014; Bradford et al. 2013, 2014a, 2014b; Hough et al. 2013; Jackson et al. 2012; Jackson and Bradford 2009; Coicaud 2013; Rocque 2011). Of particular importance to the current thesis, however, is the scholarship on legitimacy in the prison environment (Sparks 1994; Sparks et al. 1996; Sparks and Bottoms 1995; Liebling 2004, 2011a, 2011b, 2013; Bottoms 1999; Crewe 2007c, 2009, 2011b; Carrabine 2004, 2005; Bosworth 1996; Bosworth and Carrabine 2001; Jackson et al. 2010; Hulley et al. 2012; Reisig and Mesko 2009; Useem and Kimball 1989; Digard 2010; Franke et al. 2010; Genders 2002).

As there is an obvious and inherent legitimacy deficit for prisoners claiming wrongful conviction, it becomes necessary to consider prison sociology and legitimacy theory alongside each other. In this thesis, I attempt to link these two bodies more fully by illustrating how the legitimacy deficit articulated by those claiming to have been wrongfully convicted² impacts considerably on all areas of prison life, including the pains encountered, the coping mechanisms employed in response to these pains, the relationships formed, and engagement with the regime and institution more generally.

¹ There have, however, been limited advances and links created between the two schools, particularly in relation to the prison (discussed below). See most notably Crewe 2007a, 2011b and Liebling 2004.

² As opposed to routine failings experienced by the general prison population.

Although it is important to examine both areas of work it must be stated that neither can fully accommodate prisoners maintaining innocence. Scholars in neither of these areas discuss prisoners who believe that they do not belong behind bars. Questions of whether people have committed the crimes for which they are imprisoned rarely form any basis of discussion and guilt is generally assumed. It is clear that not only have the wrongfully convicted been under-examined in the prison context but that their voices have not influenced the literature at all. This general literature will thus be used as material for comparison and relevant key concepts and theories will be applied to the individuals in this study.

This chapter will frame the current research and I begin with an overview of the criminological research on legitimacy. This concept flows throughout the chapter, informing the sociology of prison life literature, and ultimately all chapters of analysis. The remaining sections correspond to the chapters that follow, loosely mirroring the structure of the thesis. As such, section two focuses on prisoner coping, concentrating particularly on notions of time, identity, and resistance. In section three I examine relationships formed and maintained within the prison environment; with fellow prisoners, staff, and family. Finally, section four documents the changing nature of penal power and examines modern concepts that are hugely significant to prisoners maintaining innocence, namely risk and engagement. These sections will inform the analysis chapters and provide a basis from which to draw a comparison.

LEGITIMACY

Generally defined, legitimacy means authority used rightfully or ‘power exercised in accordance with established rules’ (Bottoms and Tankebe 2012; see also Beetham 1991; Coicaud 2002; Rosenvallon 2011); it concerns the right to govern with acknowledged authority on the basis of claims to justification (Sparks, 2018). As such:

When people are influenced by an authority or institution not by means of the use of power but because they believe that the decisions made and rules enacted by that authority or institution are in some way “right” or “proper” and ought to be followed then that authority is perceived as legitimate (Tyler et al. 2007: 10).

It involves expectations, standards, and critiques in an ongoing and continual process (Sparks 2018; Sparks et al. 1996; Sparks and Bottoms 1996, 2007; Loader and Sparks 2013; Dunn 2013). There is considerable evidence of how legitimacy secures order, law-abiding behaviour and general cooperation, compliance, and support for criminal justice agencies (Bottoms and Tankebe 2012; Rocque 2011; Tyler 1990, 2000, 2003, 2005, 2006, 2010; Sunshine and Tyler 2003; Fagan 2008; Tyler and Fagan 2008; Tyler and Huo 2002; LaFree 1998; Jackson et al. 2010, 2012; Franke et al. 2010; Sparks et al. 1996; Bradford 2014; Hough et al. 2013).

Most ‘general’ legitimacy theorists build from the work conducted by Tom Tyler. He suggests that it is the perceived procedural fairness³ of the system and its actors, as well as any outcome, that enhance feelings of legitimacy and, in turn, secure compliance, determining subsequent behaviour. Procedural justice, it is claimed, is often of greater

³ Broadly understood to mean neutrality of procedure, trustworthiness of the authority’s motives, and the degree to which treatment respects dignity and rights (Tyler 1997; Bottoms and Tankebe 2012; Tankebe 2013).

importance than outcome (Tyler 1990, 1997, 2003, 2007, 2008; Tyler et al. 2007, 2010; Tyler and Huo 2002; Tyler and Fagan 2008; Jackson et al. 2010; Reisig and Mesko 2009; Bradford 2014; Hough et al. 2013; Jackson et al. 2012; Sunshine and Tyler 2003; Murphy et al. 2008; Murphy and Cherney 2012; Reisig and Lloyd 2009; Bottoms and Tankebe 2012; Digard 2010). Many later definitions include a normative dimension, such as the work by David Beetham who claims that rules should be justified by reference to beliefs shared by both the powerful and subordinate alike (1991, 2013; see also Tankebe 2013; Jackson et al. 2012).

At the heart of legitimacy theory is the public belief that criminal justice agents should act appropriately, properly, and justly (Tyler, 2006). There is an obvious application here when considering prisoners claiming wrongful conviction. However, although aspects of general legitimacy theory can be applied to these prisoners they cannot be adopted wholesale. For example, often prisoners maintaining innocence claim to have been treated very badly by the criminal justice system and its actors. The sources outlined in the previous chapter suggest incompetence, error, fraud, and malice; no doubt breaches of procedural justice that will instil a deep sense of illegitimacy. However, given the nature of wrongful conviction and the magnitude of the error, ‘outcome’ becomes significantly more important than these models suggest, overriding concerns of procedural justice. The legitimacy deficit is just too large to be tempered by notions of respect and dignity.

These theories also leave many questions unanswered when considering this population. If people who so fundamentally question the ‘rightness’ of decisions do not ascribe legitimacy to the criminal justice system how will this affect cooperation and compliance within the prison setting? How does lack of legitimacy transfer into

evaluations of staff and prison procedures? Finally, how will their perceptions of the system's legitimacy be affected by continued engagement with it (for example, through appeals and applications for post-conviction review to the Criminal Cases Review Commission)?

PRISON LEGITIMACY

There is also a longstanding body of research into the role of legitimacy in the prison context, commencing with the Woolf Report in 1991⁴ (Woolf 1991; Sparks 1994; Sparks et al. 1996; Sparks and Bottoms 1995; Liebling 2004, 2011a, 2011b, 2013; Bottoms 1999; Crewe 2007c, 2009, 2011b; Carrabine 2004, 2005; Bosworth 1996; Bosworth and Carrabine 2001; Jackson et al. 2010; Hulley et al. 2012; Reisig and Mesko 2009; Digard 2010; Franke et al. 2010; Genders 2002). This literature, while developing a slightly different, although connected, definition of the term from the criminal justice theorists above, illustrates the importance of legitimacy in prisons, not only in producing internal order, cooperation, and an obligation to obey but also in establishing a moral atmosphere within which prisoners and staff operate (Sparks et al. 1996; Liebling 2004; Reisig and Mesko 2009; Crewe 2007a).

In *Prisons and the Problem of Order* (1996), Richard Sparks, Anthony Bottoms, and Will Hay produce an authoritative statement of the relevance of legitimacy in prison and establish an important link between prisoners' perceptions of legitimacy and the acceptance of authority and levels of institutional order. They further identify a number of

⁴ Although Woolf does not specifically address legitimacy, what he outlines is akin to a theory of legitimacy.

facets, both procedural and relational, relevant to the formation of legitimacy, which include fair procedure (again considered more important than outcome), distributive fairness and consistent outcomes, quality of behaviour of officials, and the basic regime of the institution (i.e. a certain standard of accommodation, services, and activities) (*Ibid*: 89; Sparks and Bottoms 1995: 55). The core concern thus relates to whether prisoners see the behaviour of staff as justifiable, comprehensible, consistent, and fair (*Ibid*). There is also considered to be a normative element of legitimacy grounded in shared moral beliefs of what is appropriate, justified, and can be defended externally. Legitimacy is consequently dynamic, conditional, and dialogic in nature. It is constantly reconstituted through interaction and procedure (Sparks and Bottoms 1995; Sparks et al. 1996; Crewe 2007a, 2009; Bottoms and Tankebe 2012; Liebling 2011b).

Alison Liebling has somewhat re-crafted this idea of legitimacy through the concept of ‘moral performance’, aspects of which, she says, ‘render a term of imprisonment more or less dehumanising and or painful’ (2004: 473). Her model is about more than legitimacy but encompasses the concept within its remit. It introduces a range of relational and quality of life aspects, including fairness, respect, humanity, dignity, support, trust, safety, and order (*Ibid*). Liebling has illustrated that these aspects are developed through staff-prisoner relationships and play an important role in the creation and maintenance of legitimacy in prison (*Ibid*, 2011a, 2011b, 2013; Hulley et al. 2012).

Much of the prison legitimacy literature tends to assume that prisoners are a homogeneous group and will accept the status quo if certain features are present. By consistently focusing on the collective rather than the individual, such theorists presuppose that upon entry into prison all people have a similar baseline from which legitimacy can

be built. It also assumes that they react to legitimating or delegitimizing features in similar ways. Notions of individual difference and the subjective element of conferring legitimacy have thus largely been ignored in this literature⁵.

Ben Crewe, however, states that ‘different prisoners will morally evaluate the prison, and grant it normative assent in different ways’ (2009: 91). As such, what feels fair and legitimate to one prisoner can feel unfair and illegitimate to another (*Ibid*). This is not to suggest that institutions cannot be evaluated in general terms and at institutional level but that focus should also relate to the variation of how moral evaluation is formed and how institutional behaviour is perceived differently – explicitly how legitimacy is individually granted (*Ibid*). To this end, he claims that the examination of institutional treatment alone is not enough and that credibility must also be attributed to the view that personal norms, values, and expectations are imported into the prison which will affect the ways in which legitimacy is conferred or withheld (*Ibid*). The views of political prisoners provide an example of this, though the argument can easily extend to a wrongfully convicted one – a person who upon entering prison is likely to so fundamentally oppose the legitimacy of the institution to confine them regardless of other, smaller legitimating features. In these circumstances, it is hypothesised that the perceived profound unfairness inevitably threatens the legitimacy that may otherwise be attributed, regardless of material or procedural conditions (see Crewe, 2011b).

Nevertheless, Crewe suggests that lack of legitimacy, when individualised, does not necessarily negatively affect institutional order. He suggests that power is deployed in multiple ways within establishments (for example, through legitimacy, coercion and direct

⁵ There are some exceptions, most notably in regard to women’s imprisonment (see Bosworth 1996, 1999).

force, manipulation and inducement, or ‘dull compulsion’ (see also Carrabine 2005; Tankebe 2013; Bottoms and Tankebe 2012)) and that different prisoners are likely to be engaged by different factors, according to the attitudes and experiences they import into the prison (*Ibid*: 92; Crewe 2007a). As such, seeming compliance may not be the result of legitimacy at all but due to normative or moral commitment, self-interest, coercion, helplessness, habit, ritual, or fatalistic resignation (Carrabine 2005; Bottoms and Tankebe 2012; Bottoms 1999). Indeed, it is often self-interest and resignation to the power of the regime that secures the compliance of prisoners maintaining innocence (see chapters five and eight). They adapt to the environment in seemingly positive ways without ever assigning it legitimacy.

This literature has obvious application to the current thesis and is of great importance. However, crucial areas are not addressed. For example, there is very little discussion of how subjective individual, rather than collective, legitimacy is granted and how a near complete absence of legitimacy will affect prison life and compliance. Furthermore, the literature fails to follow individuals through the criminal justice system. As illustrated above, there are two main strands of legitimacy theory and, to date, these two bodies have largely been considered separately. Consequently, police, court, and prison legitimacy are mostly considered individually so interaction between the spheres remains unexplored. However, for the purpose of this thesis, the separation is unhelpful. I hypothesise that the pre-prison processes leading towards, and the ultimate outcome of, wrongful conviction lead to an inherent legitimacy deficit in the criminal justice system and that the resulting attitudes and behaviours are transferred into the prison, influencing attributions and perceptions of interior prison legitimacy. This overriding sense of injustice thus colours perceptions of legitimacy before the individual even enters the prison. The

continual separation of pre-prison and prison experience will only ever produce a limited and incomplete understanding of prisoners maintaining innocence. It is therefore necessary to unite these strands and have an understanding of how both operate within the prison environment. It is thus clear that the research into legitimacy, as well as the sociology of prison life literature that now follows, cannot adequately explain the whole lives and experiences of those maintaining innocence.

COPING

Prisons are demanding and dehumanising places to live and much research has focused on describing the isolation, conflict, and pain prison can generate for its inhabitants (Kerley et al. 2006). Famously, Gresham Sykes (1958) has listed five overarching ‘pains of imprisonment’, including the deprivations of liberty, goods and services, sexual relationships, autonomy, and security, that prisoners must face on entry to the prison estate⁶. Adjustment to prison life has often been conceptualised as the degree to which prisoners endure these pains and adjust to the new environment, circumstances, and challenges (Crewe 2009, 2016; Yang et al. 2009)⁷.

⁶ Many more recent pains have been included in later studies, including the pains of overcrowding, lack of privacy, social dislocation, mental and physical deterioration, a sense of unfairness, loss of self-identity and authenticity, loss of agency, and loss of connectivity etc. (Liebling and Maruna 2005; Irwin and Owen 2005; O'Donnell 2016)

⁷ To date, there have been two theoretical models of adjustment – the ‘importation’ model and the ‘deprivation’ model. Proponents of the importation model, such as John Irwin and Donald Cressey (1962) and James Jacobs (1977) suggest that adjustment, to a large degree, depends on the personal characteristics that prisoners import into the prison. Conversely, advocates of the deprivation model, such as Donald Clemmer (1940), Gresham Sykes (1958), along with Sheldon Messinger (1960), and Erving Goffman (1961), emphasise the importance of structural deprivations and the features of the prison environment in dictating levels of adjustment. However, there is now little doubt that prison culture and adjustment is determined by a combination of both institutional and prisoner characteristics (Crewe, 2005).

Traditionally, prison sociologists, particularly Sykes, have suggested that prisoners form a cohesive group in order to cope with the deprivations of prison life (1958). He found evidence of an unwritten code⁸ and it was claimed that this code acted as a direct response to the pains of imprisonment and status in the prison hierarchy depended on conformity to these norms. Recently, however, there has been increased attention on the ‘erosion’ of this code (Liebling and Arnold 2012; Crewe 2006b, 2006c; O’Donnell 2016) and the individualisation of prison experience. It has been suggested that these fractures, dilutions, and strains on traditional inmate culture and social systems are largely the result of improvements in material conditions (Crewe 2005; O’Donnell 2016), the newly important drug culture, marked particularly by the introduction of heroin to the prison estate (Crewe 2005, 2006a, 2006b; O’Donnell 2016), faith (Liebling and Arnold, 2012), and a new form of penal power (discussed below) (Crewe 2005, 2009, 2011b; O’Donnell 2016).

While early studies focused largely on prison culture as a whole, a substantial body of research was also dedicated to variations among prisoners in their adjustment and coping styles. Many general typologies of adaptation exist, based largely on engagement and compliance with institutional goals (Merton 1938; Irwin and Cressey 1962; Goffman 1968; Irwin 1970, 1985; Cohen and Taylor 1972; Jacobs 1977; Crewe 2009; Gooch 2018). Although there is considerable variation between studies, what these typologies illustrate is that prisoners will experience, adapt, and respond to prison life in different ways (Crewe 2005, 2009). Despite such variation, a number of basic adaptive styles can be identified

⁸ Advocating amongst other things resistance to staff, collectivity among prisoners, and disapproval of exploitation and informing etc. (Sykes, 1958).

ranging from conformity and compliance, to rebellion, to withdrawal; although the terms used to describe each group differ.

Such typologies provide a good background from which to work but have many flaws⁹. Most importantly, they are reductive. These broad, over-arching typologies cannot encompass all; there will always be people who simply do not fit. Similarly, human behaviour and reason for action is complex; no one will fit perfectly into a category. Individuals will always exhibit behaviour that does not fit their particular role and by creating generalisations you lose the individual and simplify the situation until it no longer resembles the reality. It is clear that prison is not experienced the same way by all and individuals do not respond to traumatic events, such as a prison term, in identical ways (Liebling and Maruna 2005; Jewkes 2005). Prison is differentially painful depending on the individual circumstances of the prisoner, the particular experiences they face within the prison, and their psychological resources (Liebling and Maruna, 2005). Prisoners maintaining innocence are drawn from a variety of backgrounds and face specific challenges within the prison environment. They are therefore unlikely to fit such structured typologies.

Consequently, what is more significant to the current research are the individual coping mechanisms employed and, ultimately, a comparison between the ‘general’ and the ‘wrongfully convicted’ populations. Therefore, the remainder of this section briefly outlines three of the main coping strategies utilised by prisoners, as evidenced in the

⁹ Including the fact that they are simply snapshots. Roles change over time, they are not durable, and significant overlap can exist within groups.

substantial body of research dedicated to mainstream individual prison coping, namely the management of time, resistance, and identity management¹⁰.

THE MANAGEMENT OF TIME

Ian O'Donnell suggests that successful adjustment to prison life involves discovering and employing ways to deal with 'time's potentially overwhelming burden' (2016: 171). It has been well established that prisoners, particularly those serving long sentences, can experience a form of timelessness in which time slows and warps; leaving an individual in an 'unending present', lacking in chronology and with little or no sense of personal development or purpose (Crewe 2009; Jewkes 2005; Matthews 2005; Medlicott 2001). Prison time thus has little meaning. It is wasted rather than spent, leaving prisoners in a constant state of suspension. People feel frozen in time and unable to link their past to their future (Matthews 2005). Indeed, as Diana Medlicott has summarised, the loss and restructuring of 'empty' and eventless time is both an ongoing and punitive aspect of imprisonment, capable of producing significant pain and stress (2001: 129). Failure to cope with such stress can often result in retreating into the self or exhibiting an obsession and inability to escape thoughts of time (*Ibid*).

It has been suggested, however, that by devising routines to cope with the boredom and repetition inherent in prison life and by undertaking meaningful activity to pass the

¹⁰ This is not to suggest that other means of coping do not exist or that other methods are unavailable, just that this section is designed to give an overview, placing emphasis on where most research has been conducted and areas of likely significance to prisoners maintaining innocence. The following chapter will discuss these coping strategies, and how they are utilised by prisoners maintaining innocence, more fully.

significant amount of time available to prisoners, individuals can develop tools that not only assist in everyday survival but also in the preservation of mental and psychological integrity (O'Donnell 2016; Jewkes 2005). Indeed, in O'Donnell's work *Prisoners, Solitude, and Time* seven strategies of survival are detailed when coping with prison time (2014). These include 'rescheduling' whereby a prisoner uses intervals and markers to gauge the passage of time (see also Medlicott, 2001); 'removal' where routine activities, such as education, body-building, employment, religion etc., are employed to create an endless stream of time-consuming distraction that correspond to familiar pastimes outside¹¹ (see also Crawley 2005; Jewkes 2005; Matthews 2005; Goffman 1961); 'reduction' where a prisoner reduces the time available, for example by sleeping or using drugs; 'reorientation' of time by focusing exclusively on the present; 'resistance' against the regime; 'raptness' and absorption with creative expression; and 'reinterpretation' whereby a prisoner accepts and reimagines their situation and future by finding meaning and a sense of purpose (2014: 222-255).

It has been recognised that the experiences and effect of such timelessness described above and the corresponding coping mechanisms employed are likely to be inherently individualistic and develop over the course of the sentence (Matthews, 2005). As will be examined in chapter five, prisoners maintaining innocence employ sophisticated strategies for dealing with time and these mirror those in the general population (outlined above), although their motivations differ. The use of resistance as a coping tool is similarly used by the 'guilty' and those claiming wrongful conviction alike.

¹¹ 'Removal' was considered to be an important coping strategy among the prisoners maintaining innocence in Campbell and Denov's 2004 study (see chapter two).

RESISTANCE TO ILLEGITIMACY

Resistance in itself can act as a coping mechanism in the prison environment, particularly by individuals who regard the institution as illegitimate (see above). Indeed, there is a small but growing body of literature that explores how methods of individual low-level resistance, such as disobedience, verbal challenges, ‘censoriousness’¹², and non-cooperation, as compared to collective visible outbursts of violence, are being employed by prisoners who question the legitimacy of the modern prison (Mathiesen 1965; Crewe 2007a, 2009; Bosworth 1996; Bosworth and Carrabine 2001; Sparks et al. 1996). Often such exercises are highly effective in challenging individual treatment (*Ibid*), although may have little effect on the institution more generally.

Ben Crewe argues that although prisoners often appear highly compliant, this compliance masks a range of orientations from normative commitment to strategic resistance (2007a: 256). He claims that public defiance and rebellion as resistant behaviours are rare and that a continued focus on these types of behaviours ignores the many other forms of resistance taking place (*Ibid*). For example, studies of women’s imprisonment have demonstrated how resistance can take the form of subtle, relatively trivial acts¹³ (Bosworth 1999; Bosworth and Carrabine 2001) and such acts are similarly important for the prisoners in my sample who skilfully balance compliance and resistance (see chapter five). These behaviours, for Crewe, illustrate how minor expressions of

¹² Censoriousness involves complaints that prison staff are failing in their duties of justice and efficiency and not acting fairly or conforming with the widely accepted principles and norms that govern prison life, whether these be legal or moral (Mathiesen, 1965: 12). It is claimed that individuals can exercise censoriousness in differing ways, ranging from appeals to better nature to formal legal challenges (*Ibid*: 13).

¹³ It is suggested that women assert control through their presentation of self-identity, including physical appearance and projections of self-confidence, agency, independence, choice, and autonomy (Bosworth, 1999: 9).

resistance assist in maintaining personal integrity and place boundaries on power (2009). He concludes that the principal forms of resistance are ‘manipulative, performative and censorious modes of counter-discourse’ rather than overt rebellion and that these behaviours are individualised, reflecting the personal motives for their use (2007: 273). Of course, overt rebellion in the form of violence, damage to property, hunger strikes etc. does occur and are effective means of gaining attention, although at the cost of long-term benefits, such as privileges and progression (Crewe, 2007a), as illustrated in the autobiographical accounts discussed in chapter two.

IDENTITY MANAGEMENT

A similar pain that must be endured and adjusted to by both the guilty and ‘innocent’ alike is the shame associated with a term of imprisonment. Indeed, imprisonment has been described as a ‘massive assault’ on the identity of an individual (Berger 1963: 100; Schmid and Jones 1991: 147) during which time the self is ‘mortified’ through the loss of independence, autonomy, social status, and dignity (Goffman 1961: 24; de Viggiani 2012: 272). Much research has focussed on how male prisoners react to this identity stripping, and adjust to prison life more generally, by adopting a traditionally masculine façade consistent with the norms, customs, attitudes, and behaviours identified as the dominant institutional culture¹⁴ (de Viggiani 2012; Schmid and Jones 1991; Rowe 2011; Crewe et al. 2014; Crewe 2009; Jewkes 2002, 2005). During this process of ‘front management’, it

¹⁴ These ‘fronts’ thus typically centre around toughness, violence, aggression, exploitation, machismo, and control; the concealment of weakness, fear, and pain; emotional management and indifference; exaggerated criminal reputation; competitiveness; and heterosexism and homophobia (de Viggiani 2012: 277/87; Crewe et al. 2014).

is claimed, that a prisoner suspends his ‘true’ pre-prison identity and replaces it with an alternative ‘false’ identity, specifically designed for the prison environment, through which he can interact with others and become situated within the social world (Schmid and Jones 1991; Jones and Schmid 2000; Goffman 1959, 1963; de Viggiani 2012). This coping strategy is thus an active process and many prisoners recognise that they, and others around them, are merely ‘fronting’ and ‘wearing a mask’¹⁵; never really presenting their true selves, thus creating difficulty when judging and evaluating character for the purposes of relationship formation (de Viggiani 2012: 277; Crewe 2009; Liebling and Arnold 2012).

This suspension of previous identity and its subsequent public replacement, however, is often categorised as one of the most common strategies for coping¹⁶ and a key survival mechanism through which to avoid exploitation (termed the ‘protection’ function by Crewe et al. 2014) and maintain masculine status and self-esteem (the ‘compensation’ function (*Ibid*)) by presenting a socially acceptable ‘front’ which serves to disguise weakness, powerlessness, anxiety, and vulnerability¹⁷ (de Viggiani 2012: 277; Jewkes 2002, 2005; Newton 1994; Crewe et al. 2014; Crewe 2009; Toch 1992). It has further been argued that prison identities are seldom for the benefit of others alone, as the previous functions described would suggest, and that transformations of the ‘self’ are often more fundamental than superficial masking (see Crewe et al. 2014; Johnson 1987; Newton

¹⁵ For more detail on the differences between ‘fronting’ and ‘masking’ see Hochschild (1979) and Crewe et al. (2014). Fundamentally, fronting involves creating an inauthentic identity whilst masking requires the concealment and suppression of an authentic identity, or at least aspects of it (Crewe et al. 2014: 64).

¹⁶ Identity management will be discussed in relation to my participants in chapters four and six. While there are again similarities to the mainstream population, in that prisoners maintaining innocence reconstruct their identity and regulate their emotions, there are also fundamental differences that will be examined.

¹⁷ Although, most prisoners are aware of the risks and possible consequences of appearing too aggressive in front of prison staff. Crewe et al. characterise the ensuing situation as a ‘tightrope of impression management’ whereby a prisoner must ensure that he appears neither too passive nor too hostile (Crewe et al. 2014: 63).

1994). Such identities, it is claimed, serve as a defence mechanism against feelings of social rejection and self-doubt inherent in a period of imprisonment (*Ibid*). Similarly, Elaine Crawley and Richard Sparks (2005), illustrate how prisoners often refused to accept the ‘prisoner’ identity as their master status and instead viewed themselves in personal, positive, and non-criminal terms. This rejection of the criminal label is particularly important to the current thesis and will be discussed more fully in chapter five.

Emotional regulation can thus serve to protect against becoming overpowered by feelings of distress and lack of control (Crewe et al. 2014). However, the pressure to remain in control emotionally and to continually present a fabricated version of the self is capable of producing significant psychological pain (Ferszt et al. 2009; de Viggiani 2012; Jewkes 2002, 2005; Liebling and Maruna 2005). Indeed, both Ben Crewe and Yvonne Jewkes have found that long-term prisoners, many of whom claim to have maintained their public façade for years, often express concern that they can no longer distinguish between their ‘true’ selves and their constructed social identities (Crewe 2009, 2014; Jewkes 2002).

Importantly, questions regarding guilt and innocence do not enter into this literature, and similarly do not feature in any of the coping research outlined above or the relationships research outlined below. Although there are similarities, there are also fundamental differences between these two populations which cannot be adequately understood from the general literature alone. All concepts and theories relate to prisoners maintaining innocence but are interpreted and enacted differently by them. This literature is thus used as a basis for comparison and chapter five will examine how such coping strategies pertain to these individuals.

RELATIONSHIPS

The relationships prisoners form among themselves and with staff has long been of interest to prison sociologists and there is a vast literature documenting the intricacies of these relationships (see, for example, Clemmer 1940; Sykes 1958; Irwin and Cressey 1962; Mathiesen 1965; Jacobs 1977; Cohen and Taylor 1972; King and McDermott 1990; Sparks et al. 1996; Jewkes 2002; Liebling 2004; Crewe 2009). There also exists a smaller and more recent literature that focuses on the maintenance of relationships beyond the prison, particularly with family members (see Ferszt et al. 2009; Greer 2000; Clone and DeHart 2014; Genders and Player 1990; Crawley 2004; Condry 2003, 2007; Condry et al. 2016; Smith et al. 2007; Christian 2005; Hostetter and Jinnah 1993). It is to these three areas of research that I now turn, in order to, again, provide a body of comparison.

PRISONER-PRISONER RELATIONSHIPS

Gresham Sykes described the prison as a social community where prisoners were divided into social roles and hierarchies which, although often hostile to each other, acted cohesively and in solidarity against the prison authorities (1958). Sykes suggested that this solidarity was a vital mechanism of coping with the pains of imprisonment (*Ibid*). However, more contemporary¹⁸ studies have suggested that relationships between prisoners are now more fractured than in the past and that the traditional prison hierarchy,

¹⁸ Although Sykes' claims were also met with opposition at the time. Most notably, Mathiesen (1965) claimed that prisoners were relatively divided and collectively weak while Clemmer (1958) suggested that prison relationships tended to be superficial and dishonest and he classified the social world more generally as disorganised and 'ungrouped'.

and its attendant notions of solidarity, appears to have dissolved (Liebling and Arnold 2012; Crewe 2005, 2009). This has largely been attributed to the rise of hard drugs, most notably heroin (Crewe, 2005), faith (Liebling and Arnold, 2012), and the elements of soft power outlined below that lead to individualisation and cooperation with staff (Crewe 2005, 2009, 2011b; O'Donnell 2016). Given this apparent erosion of prisoner solidarity and its relative lack of importance in modern prison life it becomes more significant to understand individual interpersonal relationships, rather than broader notions of social hierarchies and inmate codes.

The prison environment is a difficult one in which to form friendships. While such friendships have the capacity to provide physical safety and protection from exploitation, material provision, and social support; they must be formed under conditions of low trust, defensiveness, and suspicion (Crewe 2009; Greer 2000; Liebling and Arnold 2012). The environment, to a certain extent, also forces a basic level of interaction while the elements of 'soft power' outlined below contribute to the formation of relationships by requiring prisoners to be sociable; refusal of which will inevitably impact negatively on official reports¹⁹ (Crewe, 2009). As such, the deprivations and emotional character of prison life create impediments to forming friendships with others but also enable them and dictate their necessity. Indeed, Ben Crewe illustrates how such an atmosphere gives rise to and shapes a variety of relationships that carry varying burdens, obligations, and levels of commitment and are subject to various limitations²⁰ (*Ibid*: 302; see Greer 2000 for a discussion of the patterns found in women's prisons). These relationships have been shown

¹⁹ Prisoners however often find themselves in a 'catch 22' situation, where the isolated are deemed 'anti-social' but the sociable are considered 'influential' and thereby high risk (Crewe, 2011b).

²⁰ It should be noted that this research was undertaken in a Category C male prison. It is likely that relationships are somewhat more tense and instrumental than Crewe suggests in higher categories (see Liebling and Arnold 2012; Morris and Morris 1963).

to grow around similar histories²¹, experiences²², or future outlooks; orientations and approaches to ‘doing time’; shared interests; drug use²³; or regional, religious, and ethnic networks (Crewe, 2009).

Importantly, many of these relationships can be characterised as containing an emotional dimension, however limited, enabling emotional, informational, and instrumental support (*Ibid*: 332/3; Clone and DeHart 2014; de Viggiani 2012). Formation of some social relationships is thus highly desirable and it has been suggested that the support garnered from interpersonal relationships, or simply the belief that such support is available, can assist with institutional adjustment and coping and can act to diminish stress and trauma, reducing the impact of violence and other deprivations on an individual’s psychological well-being (Clone and DeHart 2014; Jiang and Winfree 2006; Liebling 1992; Hochstetler et al. 2010; Pettus-Davis et al. 2011; Cochran and Mears 2013; Dirkzwager and Kruttschnitt 2012).

Nevertheless, violence is commonplace and many prisoners deeply mistrust all but a handful of their fellow inmates (Crewe 2009; Greer 2000; Liebling and Arnold 2012; Clemmer 1958; Morris and Morris 1963). They may express concern about the dangerousness, credibility, and reputation of those among whom they live (*Ibid*). Bullying too, although difficult to quantify and measure in the prison context (in part due to varying definitions and methodological flaws of self-reported data), is considered to be an intrinsic

²¹ These histories and experiences could relate to social background, criminal experience, and offence type (Crewe, 2009: 330).

²² Shared experiences were stated to be particularly important in the formation of friendships within women’s establishments (see Clone and DeHart, 2014).

²³ Although these associations are highly transitory and shallow, depending on the level of drugs within the prison, and tend to sever ties with others who are not involved in the drug subculture (Crewe 2005, 2009).

part of prison life (Ireland 1999, 2000, 2002; Ireland and Power 2004; Ireland and Qualter 2008; Allison and Ireland 2010; Nelson et al. 2010). Research illustrates that prisoners most likely to be targeted are those who do not repay debts; the weak, vulnerable, and unable to cope (or those exhibiting unusual behaviours); those with little prison experience; informers; sex offenders; drug users; those with few friends; introverts; those not drawn from the local area; and those serving short sentences (Ireland 2000; Ireland and Archer 1996; Power et al. 1997; Beck 1992; Nelson et al. 2010). As such, victims are more likely to be prisoners that do not integrate fully into the prison community (Nelson et al. 2010: 662), such as prisoners maintaining innocence.

Responses to actual, and fear of, violence and bullying have been divided into two main categories in the literature – ‘passive precaution’ (involving less socialisation or ignoring others, avoidance of certain areas of the prison, spending more time in cells, avoiding activities, crying, self-harm or threats to self-harm, and requesting both informal and formal protection, including transfer to another establishment) and ‘aggressive precaution’ (involving ‘getting tough’ by employing more aggression, defending themselves, getting fit, and keeping a weapon) (Ireland and Ireland 2000; McCorkle 1992; Nelson et al. 2010). It is claimed that older, fearful, and isolated inmates commonly employ avoidance behaviours while younger inmates are more likely to be aggressive in their responses (*Ibid*). It is thus clear that some level of social support is desirable, if only to prevent exploitation. If such assistance is not available, greater levels of support may be required from staff.

STAFF-PRISONER RELATIONSHIPS

Staff-prisoner relationships play a central role in prison life, determining levels of order and safety and impacting on prison experience, quality of life, and institutional culture (Goffman 1961; Mathiesen 1965; Sparks et al. 1996; Crewe 2006a, 2011b; Liebling 2000, 2004, 2011a; Liebling and Price 2001; Lerman and Page 2012; Dirkzwager and Kruttschnitt 2012). These relationships are generally regarded as more positive in England and Wales than in many other jurisdictions and have improved considerably in recent decades, with sharply declining levels of hostility, brutality, aggression, and other forms of mistreatment²⁴ (Crewe 2011b: 455/6; McDermott and King 1988). Although the power of prison officers has reduced appreciably in the modern penal context and instead largely works through the psychological means of self-regulation (see below), staff still hold considerable discretionary power affecting areas of prison life that are of great importance to prisoners (Crewe 2011b; Liebling 2000). Relationships formed with staff, and their use of authority, thus play a crucial role in determining not only the experiences and coping mechanisms employed but also the progression of prisoners, including those maintaining innocence.

Much research suggests that staff-prisoner relationships are relatively friendly and relaxed, or at least courteous, and that staff are considered more approachable and less authoritarian than in the past, bound by a shared environment and often similar backgrounds (Hulley et al. 2012; Crewe 2005, 2009, 2011b; Liebling 2000). Staff can offer

²⁴ This is largely considered to be the result of improvements in officer recruitment and the greater regulation and oversight of staff (Crewe 2011b; McHugh et al. 2008; Crawley 2004).

important emotional²⁵ and practical support that not only aids adjustment to prison life but may also benefit psychological health, while the appropriate use of flexibility and discretion can have a significant positive impact on the life of a prisoner (Clone and DeHart 2014; Dirkzwager and Kruttschnitt 2012). Nevertheless, there is always a degree of instrumentalism and artificiality present in such relationships – on the part of officers, relationships serve to identify security concerns and maintain order and on the part of prisoners, engagement is necessary for material enhancement and progression (Crewe 2011b; Liebling 2000).

However, a body of literature exists which suggests that relationships are far from positive. Staff have been shown to over-exert their authority by being ‘deliberately “heavy” or provocative’ either through dislike, indifference or because they take pleasure in the use of power (see chapter two) (Crewe et al. 2011: 109). More generally, Scott illustrates how through processes of ‘othering’ and the ‘insidious use of humour’ prisoners can be disrespected, degraded and humiliated, having to earn and deserve a sense of worth through submission to officers (2009, 2011; see also Crawley 2004).

Similarly, discretion can also mask unfairness and inconsistency. Officers can abuse their power in important ways with significant consequences for prisoners and their corresponding attributions of legitimacy (Crewe 2009, 2011b). As opposed to physical brutality, which as noted above is now rare, these new abuses operate within the system and are near impossible to prove, leaving prisoners with few means of challenging decisions (*Ibid*). The prisoners most likely to be affected by such negative discretion are

²⁵ Such support is variable and it is usually considered that only exceptional staff offer this level of support and only when other sources, such as family and other prisoners, are unavailable (Clone and DeHart, 2014).

those that are disliked by officers or those that do not accept the authority of the institution or its actors – prisoners maintaining innocence may fall into either category. Furthermore, even if not flagrant abuse of power, discretion is capable of causing uncertainty, ambiguity, and unpredictability in the prison environment and the personal judgement intrinsic in such decision-making means that relationships with staff are inherently precarious (*Ibid*).

Nevertheless, Crewe et al. have suggested that more often staff avoid the positive or negative extremes when forming relationships and are instead competent, confident, and knowledgeable; ‘delivering regimes that tend to be safe and reliable and exercising power in a manner that is relatively fair and consistent’ (2015: 333). It is claimed that these qualities are, to a certain extent, capable of counteracting the negative attitudes and ‘traditional cultures’ outlined above and of enhancing the legitimacy of the institution (*Ibid*). In the seminal paper *Distinctions and Distinctiveness in the Work of Prison Officers*, Alison Liebling claims that an important distinction is to be made in the work of prison officers that shapes the ‘moral and social climate’ of the prison, directly shaping prison experience and methods of coping with it – the distinction between ‘good’ and ‘right’ relationships (2011a: 484). ‘Right’ relationships, Liebling suggests, are preferable. These relationships are neither too formal or informal nor too close or distant. Instead they are civil, friendly, and flexible, but are also based on the appropriate use of authority²⁶ and rule enforcement²⁷ (*Ibid*; Crewe et al. 2011; Bottoms and Tankebe 2012: 140).

²⁶ The consistent, clear, and justifiable use of authority (Liebling 2000, 2011a).

²⁷ See Watchel and McCold (2001) for discussion on supportive limit-setting.

‘Right’ relationships also have an element of respect. Academics frequently raise the significance of respect when discussing how staff behaviour can impact on prisoners’ quality of life. Traditionally, the term focused on considerate, fair, and courteous behaviour by officers (Hulley et al. 2012; Tyler 2010). It was a recognition of human rights and basic human dignity (*Ibid*; Butler and Drake 2007).

While these interpersonal aspects of respect are still important, Hulley et al. suggest that another facet of respect exists in the prison environment, namely ‘organisational respect’ or effectiveness (2012: 7). This is defined as a ‘willingness and ability among staff to assist and support prisoners in relation to their daily needs and requests’ (*Ibid*: 11). As such, respect is exhibited through effective, timely, and honest processing of prisoners’ queries and requests (*Ibid*). It is suggested that failure to act in this way causes considerable frustration, communicates a lack of care, and in the context of ‘soft power’, can have significant implications for an individual’s future and progression, particularly for those serving indeterminate sentences (*Ibid*). In the modern penal context, where prisoners are expected to demonstrate active risk reduction, dependence on staff to provide information on relevant courses and sentence conditions is likely to be high (*Ibid*; Crewe 2011b). Prisoners maintaining innocence have further unique needs (see chapter eight) and in order to progress must be signposted to relevant organisations and procedures. When officers are interpersonally respectful but lacking in the necessary competence or knowledge to assist, prisoners are likely to view them as dishonest and, as a consequence, illegitimate (Hulley et al. 2012). Therefore, both interpersonal and organisational respect, or lack thereof, will be discussed in chapter seven.

From the above discussion it is clear that staff behaviour and the relationships officers form with prisoners can dramatically shape prison life and have profound implications for prisoners. Staff attitudes and the way power is exercised, including uses of authority, discretion, and respect, will significantly impact on experiences of prison, the pains encountered, and responses to them; contributing to levels of distress, self-esteem, and feelings of safety and fairness. These will be discussed in relation to my participants in chapters seven and eight. Relationships of similar importance, that likewise impact on prison experience and levels of distress, are those maintained outside the prison walls.

FAMILY RELATIONSHIPS

The literature regarding family relationships within the prison environment is somewhat limited. Research has been conducted on these relationships but such studies are largely framed from the perspective of the family member, rather than the prisoner (see Condry 2003, 2007; Condry et al. 2016; Minson and Condry 2015; Smith et al. 2007; Christian 2005; Hostetter and Jinnah 1993; Kotova 2018). This work focuses on how family members navigate the prison system and the added strains, not only on their relationships but, on their lives more generally. However, they do not comprehensively address how the prisoner feels. Such topics are similarly not broached in the mainstream prison sociology literature. These relationships are given cursory mentions in some texts, if at all (see Clone and DeHart 2014; Genders and Player 1990; Crawley 2004; Crewe 2006a, 2009; Ferszt et al. 2009; Greer 2000).

However, from the limited research available, maintenance of family relationships and previous friendships, through visits, telephone calls, and letters, are noted to be extremely important to most prisoners (Ferszt et al. 2009; Greer 2000). Indeed, Stephanie Clone and Dana DeHart, when examining female imprisonment, suggest that prisoners may use family contact as a major source of support when feeling overwhelmed²⁸ (2014; see also Genders and Player 1990; Crawley 2004) and as noted in the previous chapter, prisoners maintaining innocence often rely heavily on family members not only to provide vital legal, financial, and practical assistance but also significant emotional support. Emotional and practical²⁹ difficulties in maintaining these relationships are inevitable (Crewe, 2006a) and as a result, some may remove themselves emotionally or terminate their relationships completely (see chapter two) (*Ibid*; Genders and Player 1990). If this is the case, it is likely that these prisoners search for more support than is the norm within their prison relationships, both from staff and other prisoners.

As this section illustrates, there is a full body of literature to draw from when examining the relationships prisoners form. However, it is a fairly general literature. Although there are particular studies which focus on women, overall there is little recognition within criminology that different groups of prisoners will form and maintain relationships in different ways. Certain groups, here I would include prisoners maintaining innocence, are likely to navigate their relationships in ways that do not fit the norm, with other prisoners, staff, and their families. There are likely to be differing motivations for

²⁸ Such support, Clone and DeHart suggest, can be divided into three main types – ‘emotional’, ‘instrumental’, and ‘informational’ (2014: 509).

²⁹ Practical difficulties most often relate to the timing of telephone calls or difficulties with visitation, including financial, time, and travel constraints (Greer, 2000). Emotional difficulties usually relate to the stress of managing difficult relationships and the unwanted dependence such relationships can create (Crewe, 2006a).

entering into such relationships, different strategies for maintaining them, and they are likely to be different in terms of ‘substance’ and commitment.

Furthermore, all three sets of relationships outlined in this section are to some degree overlapping, operating alongside each other and compensating for each other’s deficiency. As such, they are capable of being moulded and developed to suit the needs of the individual prisoner. For example, more weight may be attributed to family relationships if institutional relationships are lacking and vice versa. This is not an area that is discussed fully in the literature³⁰ and it is largely unknown how relationships across these three sets interact.

It is clear that the literature cannot be applied wholesale to prisoners who are claiming wrongful conviction. It is a useful body to use as a comparison but it simply cannot adequately explain how these prisoners navigate their social relationships. How far this literature applies forms the basis of chapters six (family), seven (prisoners and wing-staff), and eight (higher-grade prison officials).

MODERN PENAL POWER

Chapter eight of this thesis focuses on the consequences of maintaining innocence in the prison environment. As such, it encompasses modern concepts of risk, engagement, and self-regulation; concepts that are intrinsic to a modern form of penal power, namely ‘soft

³⁰ There has been some limited investigation. O’Donnell (2016) and Greer (2000) suggest that given that the prison is now more ‘porous’ and less socially insular, relationships with family and friends beyond the walls can be better maintained, thereby reducing the overall need for emotional connection within the institution.

power'. As stated at the beginning of this chapter, the pains of imprisonment have been a longstanding concern of prison sociologists with writers such as Gresham Sykes (1958), Erving Goffman (1961), and Stanley Cohen and Laurie Taylor (1972) documenting the deprivations, humiliations, and anxieties inherent in a period of imprisonment. However, since the mid-twentieth century, when these landmark texts were written, penal power has transformed considerably. Ben Crewe has highlighted how power has shifted from physical brutality to a form of 'soft power' (2007a, 2009, 2011a, 2011b). It has been argued that, although the pains identified in earlier work still exist and still significantly impact on the lives of prisoners, these modern practices have created new 'burdens and frustrations that differ...in their causes, nature and effects' (Crewe, 2011a: 509/12). These burdens work alongside existing pains to determine the experience of imprisonment (*Ibid*: 512). It is claimed that although "softer", more civilised and less authoritarian', power has transformed into something that is 'insidious, intangible, opaque and highly effective' (Crewe, 2007a: 256).

Importantly for this thesis, an integral part of 'soft' power is its aim to encourage prisoners to take responsibility for their own imprisonment (*Ibid*). Policies are designed to compel prisoners to regulate and govern their own behaviour and engage positively with the regime (Crewe, 2011b). As such, it is less coercive and 'heavy' than previous regimes but far more intrusive, 'suffocating', and 'tight' (*Ibid*: 460). Prisoners need to demonstrate publicly and formally that they are compliant and addressing their offending behaviour, although how they are expected to do this is often unclear (Crewe 2007a, 2011a). Accordingly, passivity and obedience are no longer sufficient ways of enhancing living standards or facilitating earlier release (Crewe 2011a, 2011b). It has been argued that this has caused resentment among prisoners who question the legitimacy of the scope of

conduct now regulated and the right of the prison to enforce such levels of self-government (*Ibid*).

The general legitimacy of the institution has thus come under threat by ‘soft power’. Power is understood to operate ‘at a distance’, somewhere beyond the wings, although near impossible to actually locate. Officers’ power too now lies in the pen and their ability to negatively comment on a prisoners file rather than through violence. Such characteristics makes it difficult to challenge effectively and creates a structure that is anonymous and inflexible (*Ibid*; Crewe 2009). Crewe claims that such power is indirect, deferred, and demanding (Crewe 2007a, 2009). As a result, many prisoners experience power in the modern prison system as dishonest and manipulative. Prison life feels more uncertain than in the past and the impact of behaviour can have long-lasting effects and delayed repercussions (Crewe 2007a, 2009).

The burden of control in prison, Crewe claims, has thus ‘relocated and reshaped’ in modern times (2011a: 519). This has led to a significant new set of frustrations termed ‘the pains of self-government’ (*Ibid*; Crewe 2009: 144) and structures the environment in profound ways, impacting on methods of coping and adjustment, relationships with both staff and inmates, and the extent to which legitimacy is granted.

As will be discussed in chapter eight, modern penal power has direct influence on prisoners maintaining innocence, significantly impacting them in distinctive ways (particularly if indeterminately sentenced). Many have trouble addressing their ‘offending behaviour’ and associated risk, and the frustration and uncertainty of soft power is often

exacerbated by the perceived injustice of their situation. Again, however, this minority group within the prison is entirely ignored in the literature.

CONCLUSION

This chapter has provided a comprehensive overview of the relevant literature on the sociology of prison life and legitimacy. ‘Wrongfully’ convicted prisoners face many of the same problems ‘rightfully’ convicted prisoners face and it is thus important to document how such research may relate. However, prisoners maintaining innocence suffer distinct pains and the magnitude of the perceived injustice and the inherent legitimacy deficit is likely to affect all areas of prison life, including coping strategies, the formation of relationships, and attitudes towards power and justice.

Therefore, although the current thesis is rooted in the sociology of prison life and legitimacy literatures, it is clear that neither of these bodies of work can fully explain the lived experiences or attitudes of prisoners claiming to be wrongfully convicted. As demonstrated, such research focuses on a cross-section of the prison population or general groups that constitute it, for example women, the elderly, or racial minorities, rather than examining smaller individual populations, such as those maintaining innocence. Consequently, the theories and empirical work that flow from this literature have not led researchers to consider that ‘wrongfully’ convicted individuals may enter prison with different past experiences to the general population resulting in reduced legitimacy, face different challenges, and adapt and cope in different ways. Guilt of participants is assumed throughout this work so its application is fundamentally limited. As was suggested at the

beginning of this chapter, it is clear that not only have the wrongfully convicted been under-examined in the general prison context but that their voices have not influenced the literature at all.

The extant research on prisoners, therefore, cannot be applied wholesale to this population of prisoners maintaining innocence. Instead, we need to understand how these major areas of research pertain to these specific individuals. So, while many of the major concepts and theories are relevant to prisoners maintaining innocence, there are subtle differences, which will be examined throughout the thesis. As such, this body of literature will form the basis of my comparison. It is thus hoped that the current thesis will add to the prison, legitimacy, and wrongful conviction literatures, whose contributions but also deficits have been evidenced in the previous two chapters, and occupy a middle ground between them, connecting and utilising aspects of each in order to fully understand the lived experiences of those claiming wrongful conviction in the prison environment.

WHEN ACCESS IS DENIED: LETTER WRITING AS A METHOD OF ENQUIRY

I feel like crying right now so this is so hard to write.

Adrian.

INTRODUCTION

As little previous work has focused on the lived experiences of claiming wrongful conviction in the prison environment, a method was required that could produce in-depth information on participants' feelings, experiences, and perceptions; a method that could adequately capture the complexity of their lives. The established method in the social sciences for meeting these aims is the semi-structured interview – a method well-known for producing rich qualitative data. However, during initial attempts to secure access to prisoners, it became clear that the 'controversial' nature of the topic and the prospect of the prison estate being exposed to negative attention severely restricted the likelihood of access being granted. I therefore decided to employ letter writing, specifically first-person written accounts, as a method of enquiry.

Although capable of producing insightful and powerful data, letter writing – broadly including written accounts, poems, diaries, autobiographies, and life histories – is often overlooked in preference for in-person interviews. These methods have been particularly under-utilised in the field of criminology. The idea that writing could offer an

alternative to speaking thus challenges the dominant and privileged position of the interview within the social sciences and qualitative research more generally (Elizabeth, 2008).

Qualitative methods, particularly interviews, are valued for their ability to create depth and understanding; to capture reality as the participant experiences it, and provide the context and meaning behind such events (Bachman and Schutt 2011; Rubin and Rubin 2012). The aim of most qualitative work is to develop a comprehensive picture of the participants' world, or a particular event in their lives, in their own terms and to authentically reflect their lived experiences (*Ibid*). As I illustrate throughout this chapter, self-focussed, personalised, and descriptive written accounts are just as capable of producing such data as in-person interviews.

This chapter describes the methods of data collection and analysis I employed. I justify their use and explain the steps I took during the fieldwork period. Throughout, I address the methodological and ethical challenges faced. Section one details the data collection process. I begin by documenting the aims and research questions of this thesis before turning to issues of access, the process of data collection, and an overview of the sample demographics. I conclude with an examination of the tools and processes of analysis and data interpretation. Section two focuses on account writing as a qualitative method of enquiry. I detail both the general benefits as a research method and the associated benefits to participants. I continue by discussing the practical difficulties encountered during the fieldwork period, particularly the distance between the researcher and the researched and the challenges of truth and subjectivity.

THE DATA COLLECTION PROCESS

AIMS AND RESEARCH QUESTIONS

The central purpose of this research is to better appreciate the lived experiences and coping mechanisms of prisoners claiming wrongful conviction. Given the relative lack of academic research in this area, the current research aims to understand the day-to-day life of prisoners maintaining innocence and the consequences that these claims can have in the prison environment. Building on the research outlined in the previous two chapters, I am thus attempting to integrate these prisoners into the sociology of prison life and legitimacy literatures and highlight what is unique to this population. In order to achieve these aims, I invited prisoners who are claiming wrongful conviction to produce a written account of their prison experience and experiences of the criminal justice system more broadly. Questions related to four main areas – prison experience and coping; maintenance of relationships within the prison walls and outside them; attitudes towards fairness, justice, and legitimacy of the prison and the criminal justice system; and finally, feelings about, and expectations of the future.

As the research is situated within the prison and to avoid distortions of memory¹, I wrote exclusively to current prisoners in England and Wales. The majority of them had applied or were in the process of applying to the Criminal Cases Review Commission. Some had made multiple applications. These applications concerned the convictions they were imprisoned for at the time of fieldwork, not the type or length of their sentence. A very small minority were in the process of their first appeal. These participants were

¹ For a fuller discussion see chapter two.

included as I decided their experiences could help create a better overall picture of the events, processes, and emotions a prisoner maintaining innocence must go through during their sentence.

ACCESS

As stated above, I had initially hoped to obtain direct access to the prison estate in order to conduct face-to-face interviews. However, after several informal preliminary enquiries, it was clear that direct access would not be permitted². As it was of vital importance that participants be in prison at the time of research I decided that letter writing would be a suitable alternative³, capable of producing rich, qualitative data.

I pursued three main routes to recruit a sample⁴. A large proportion of participants responded to advertisements in various prison newspapers and wrongful conviction charity / campaigning group newsletters. These included *Inside Time*, the prison newspaper

² I was denied institutional research access. I could, however, have visited individual participants. These visits would have been included in their general allowance of visiting orders, thereby denying their family or friends. Given the importance of family relationships (see chapter six) I doubt that many of my participants would have agreed to this. Visits to Category A institutions would also require multiple security clearances by the police – one for each individual prisoner I visited.

Alternatively, I could have approached individual governors. Participants were, however, housed in 41 different institutions and letter writing allowed me to communicate with all 64 participants without having to negotiate access 41 times.

³ Letter writing allowed me the freedom to set the research agenda. If granted institutional research access, the study must fit within particular institutional strategies, which may unnecessarily limit the research.

⁴ I had hoped that the CCRC would help me recruit participants, either by sending details of the research to applicants or by providing it at one of their prison ‘clinics’. Unfortunately, there were no upcoming prison clinics during the fieldwork period and the CCRC did not agree to include information about the project with their application forms as they were afraid it might cause some confusion among prisoners. In hindsight, it is also possible that including research documents with CCRC material would have led some participants to question my independence or the nature of the research by suggesting I was in some way affiliated with the CCRC.

distributed to every prison in Britain with an estimated readership of 50,000 prisoners; *SAFARI* newsletter (Supporting All Falsely Accused with Reference Information); *MOJUK* newsletter and email list (Miscarriages of Justice UK); and *FACTion*, the newsletter distributed by the organisation FACT (Falsely Accused Carers and Teachers). These adverts briefly outlined the purpose and aims of the research, criteria for inclusion, and details of the task to be completed. They also made clear that I was not in a position to provide legal support and that participation would in no way affect participants' cases or CCRC applications.

I also approached various representatives from charities, campaigning groups, and legal organisations and asked them to provide details of the research to their members and clients. These included *The Centre for Criminal Appeals* (CCA), a not-for-profit organisation offering both investigation and legal representation in suspected wrongful conviction cases. The CCA distributed leaflets to their clients and contacted potential participants on my behalf. Similarly, contacts from *Cardiff Law School Innocence Project*, *INNOCENT*, *Inside Justice*, *Miscarriages of Justice Organisation UK*, *FASO* (False Allegations Support Organisation), and *Falsely Accused HSA* distributed leaflets and information about the research to prisoners and families they were working with. Additionally, an appeal for participants was presented at the Criminal Appeal Lawyers Association Conference and sent to university innocence projects throughout the UK. In the majority of cases I was contacted directly by the participant. However, on occasion, family members, who had seen the recruitment information, made contact on behalf of their relatives.

The final method of recruitment I used was to contact known prisoners maintaining innocence directly. After a basic internet search, including *MOJUK* website; the *Innocence Network UK* dossier of cases; and individual campaigning websites, I sent initial letters of inquiry to those prisoners whose contact details were available, explaining the nature of the research. Some of this contact information was out of date, prisoners having been released or moved to another prison. On occasion, prisons forwarded this correspondence to the prisoners' current locations.

FIELDWORK PROCESS

Although account writing was the method employed, I used a slightly different strategy than most who utilise this method. Participants were given reasonably clear guidelines prior to writing their accounts and, in the majority of cases, I replied with further questions, creating a series of letter exchanges⁵. The method was thus akin to conducting an interview via the medium of letter, rather than simply analysing a single narrative account. Letters produced important narrative data but also allowed a dialogue to develop that in some senses paralleled the practice of a face-to-face interview.

Research packs were sent once initial contact had been made and participants had expressed an interest in taking part. These included an information sheet, a consent form, and a question sheet (see appendix A). The information sheet fully disclosed the purpose of the research, the methods employed, what was required, the risks of taking part, and the

⁵ All participants wrote to me at least twice. 9 participants wrote two letters (14%), 23 participants wrote three (36%), 15 participants wrote four letters (23%), 9 participants wrote five (14%), 4 participants wrote six (6%), 2 participants wrote seven (3%), 1 wrote nine (2%), and 1 wrote eleven letters (2%).

potential uses of the information provided. Consent was gained through a written process and forms were sent for prisoners to complete and return. Participants were thus fully informed of the nature and consequences of the study before granting consent.

Stamped addressed envelopes and writing paper were also sent to avoid unnecessary cost to participants. In certain cases, where prisoners requested help or advice, either legal or personal, I sent a contact sheet listing the addresses and telephone numbers of relevant organisations that could assist with their queries. These contact details covered both wrongful conviction support and practical prison support more generally and included charities, campaigning organisations, and bodies offering legal representation. Although the advertisement made it clear, it was often necessary to reiterate that I was not qualified to provide legal advice or assistance⁶.

Throughout, I made efforts to convey the importance of the study and the University of Oxford logo was displayed on all correspondence to add credibility to the research. It was, however, made clear that involvement was entirely voluntary, that participation would not affect participants' legal cases in any way, and that no personal information would be shared with any third party, including the CCRC. Furthermore, the right to withdraw was always available and if at any time participants felt uncomfortable with the process or what they had revealed they could withdraw their consent to participate. A particularly advantageous aspect of letter writing in this context is that there was no pressure to respond – participants could simply choose not to reply.

⁶ In certain cases, it was obvious that the prisoner wanted formal support from the University of Oxford, 'a prestigious institution', to aid them in their campaigning efforts.

The question sheet was nearly identical for every participant⁷, focussing on the same themes to create consistency in the subjects covered. It consisted of a series of broad, standard, open-ended topics of discussion with a small number of prompt questions to guide the prisoner in telling his or her story. Participants were relatively free to discuss what they felt was of importance while also encouraged to concentrate on particular areas of their narrative. Although they were told in the information sheet that they could refuse to answer any question or ignore a particular topic entirely, very few did. The vast majority wrote on all subjects that I had requested and no topic appeared to be beyond discussion, with most tackling difficult and emotional areas.

Responses ranged in length from one page to sixty, some typed, the vast majority handwritten. As participants could, to a large extent, dictate how they interpreted topics and structured their accounts, I had little control over what was produced. In some cases, this flexibility did create letters that were not particularly focussed or relevant or instead fixated on a particular aspect of the experience while ignoring all others. For example, a very small minority focused purely on the participant's legal case and the faults that led to conviction, although they were tailored in such a way as to fit the parameters of the research – highlighting how the injustices they had suffered during initial arrest and trial had shaped their perceptions of fairness and justice of the wider criminal justice system.

Personalised further questions were sent to nearly all participants (91%), 86% of whom replied, with a handwritten letter thanking them for their contribution thus far. Responding was consequently not only time consuming but also emotionally demanding,

⁷ As the fieldwork was a continual process, it was possible to slightly alter the research tools before sending them to later respondents. On occasion, the question sheet was modified in response to participants – questions or topics were clarified and research themes were opened up and added. The information sheet was also amended in response to participant queries.

with the constant need to be respectful of participants' experiences without appearing to minimise or judge them. More generally, these further questions requested detail, elaboration, and clarification and were used to confirm understanding and query any ambiguities within accounts. Replies thus added a certain richness to the data. Further questions also allowed me to redirect and focus particular accounts (see above).

Given the nature of letter writing and the time available, I could thoroughly reflect on accounts before replies were sent – a luxury denied in face-to-face interviewing. This meant that further questions were more considered than would otherwise be the case and I was able to fully explore avenues perhaps not obvious at first reading. Moreover, I could draw on themes and areas of interest from other participants' accounts in order to establish whether these were universal themes, that had just failed to be mentioned in initial narratives, or were unique to certain individuals.

In addition to written responses, I also received various pieces of documentary evidence, which included case files; forensic evidence reports; psychological reports; Parole Board decision letters; prison leaflets; newspaper articles; diaries; poems; and sample letters to MPs, solicitors, campaigning groups, and various prison governors etc.⁸ These documents helped me to construct a fuller and clearer picture of prison life and acted as a partial form of data triangulation (see Yeasmin and Rahman, 2012)⁹. After replies to

⁸ Just under half, 42%, provided supplementary information (27 participants). The vast majority of these participants sent two or more sources of additional data.

⁹ I decided not to triangulate with other potential data sources, such as campaigning and social media sites. Campaigning websites tend to be focussed on the facts of the case and the supposed errors that led to conviction. My research is not an evaluation of participants' cases but is instead situated within the prison and primarily addresses prison experiences.

Similarly, I could have approached family members or prison staff to 'cross-check' information. However, I wanted this research to concentrate on the prisoners and their perceptions. I did not want to dilute their testimony or create a project that was too large to give adequate attention to their accounts of their own lives.

further questioning had been received, a handwritten thank you card was sent to end the correspondence¹⁰. I decided to handwrite these letters in order to create a more personal research experience for participants, particularly as they had often written of their private lives in great detail to a complete stranger.

The fieldwork period began in November 2015 and lasted a year. Letters, unsurprisingly, arrived in waves corresponding to when advertisements or appeals were placed, with most received during January – July 2016. By the end of September 2016, the volume of initial letters had begun to trickle out, all avenues of access had been attempted, and the data appeared to have reached saturation point (Bachman and Schutt, 2011).

SAMPLE DEMOGRAPHICS

The sample included 64 individuals, 61 men and three women (5%). The number of women in the sample is proportionate to the general prison population (Allen and Dempsey, 2016: 6). The age of participants ranged from 28 to 77, and averaged¹¹ 49 years old. This is a fairly high average given the age distribution of the national prison population (*Ibid*). However, given the substantial time served by many participants and the rise of

¹⁰ Some participants continued to write, occasionally updating me on their situations. Two participants in particular, however, wrote far more frequently and on topics that were not relevant to the research. For these participants, I continued to reply until the fieldwork period was over – once I had received all accounts and answers to further questions from my sample. I then sent a letter informing them that the research was over and that I would no longer be in a position to reply to any future letters. This situation was ethically and emotionally difficult. These people wanted an ongoing correspondence and I did not want them to feel that once I had got what I needed (their account) I was no longer interested in them. I thus tried to end the correspondence on a positive note, stating how helpful they had been and assuring them that I would share my findings with them once the thesis was complete.

¹¹ Based on mean average.

prisoners being sentenced in later life for non-contemporary ‘historic’ sexual offences, this is not entirely surprising.

Participants were drawn from across the prison estate (located in 41 prisons, although some were relocated during the fieldwork period) and were fairly evenly distributed between Category A (34%), B (25%), and C (38%) establishments (only two participants were located in Category D prisons). Of the female participants, two were located in restricted status establishments and one in a closed prison.

The majority were imprisoned for very serious crimes, most commonly for murder (41%) and sexual offences, both contemporary and historic (36%). Just under half (47%) were serving life sentences, with tariffs ranging from three and a half years to natural life, and five were serving sentences of Imprisonment for Public Protection (IPP)¹². Of the life and IPP participants, eight were ‘over tariff’¹³, having been denied parole, often substantially and up to 20 years. Of those serving determinate sentences, only 12 were sentenced to less than ten years.

Time served varied widely, ranging from six months to 35 years, and participants were at very different stages of their sentences (two were released during fieldwork). This allowed for a good overview of prison experience and progression. Mean average time

¹² IPP sentences were introduced by the Criminal Justice Act 2003 and were designed to protect the public from serious offenders whose offences did not warrant a life sentence. Offenders sentenced under this legislation serve a minimum tariff and apply for release through the Parole Board (Beard, 2017). Although abolished in 2012, there remain many prisoners sentenced under IPP conditions.

¹³ Seven of these were life sentenced, one was an IPP prisoner.

served at the time of fieldwork was eight years. Only seven participants (11%) disclosed that they had been imprisoned previously¹⁴.

ANALYSIS

All letters were fully transcribed, before being coded and analysed using NVivo qualitative data analysis software. I employed an iterative approach of qualitative content analysis which allows for ideas developed from previous research to be explored in the transcripts while also accommodating new and unexpected themes¹⁵ (Noaks and Wincup, 2004). During the analysis stage, while it was important for me to take the participant seriously and be sympathetic to their views and recollections, I also had to keep an appropriate distance in order to look beyond immediate explanations for behaviour (Bachman and Schutt, 2011). Specific statements and stories are designed and used to perform specific tasks and analysis must relate not only to the face value of the statement but also to what is achieved by using it, what function it has, and ultimately why that particular story has been emphasised (Sandberg, 2010).

I utilised a form of grounded theory and the process began with open coding in which line-by-line themes, ideas, and concepts were identified (Esterberg 2002; Ryan and

¹⁴ The characteristics of my sample suggest that participants are atypical of the prison population in terms of literacy, offence type, and prior prison experience. It would be useful to know whether they are more representative of CCRC applicants. The CCRC does not, however, provide data to allow such a comparison (data relates to the cases referred to the Court of Appeal rather than total applications). Limited information does exist elsewhere, for example Hoyle and Sato claim that a quarter of the applications to the Commission concern sexual offences (2019: 142), which would help explain the high proportion of such cases in my sample.

¹⁵ As such, initial coding related to concepts from existing literature, areas that I questioned directly during fieldwork, and themes that naturally arose from the data.

Bernard 2000). Grounded theory is based on the premise that research and analysis of data does not involve testing a hypothesis but discovering hypotheses implicit in the data and developing 'increasingly richer concepts and models of how the phenomenon being studied really works' (Ryan and Bernard 2000: 783; Glaser and Strauss 1967). Recurring themes and trends emerged and developed throughout the material and these key factors and common properties helped me to organise the data, through more focused coding, into concepts which were categorised and refined (Bachman and Schutt, 2011). These themes took the form of processes, actions, consequences, emotions, relationships, and conflicts. Throughout the process it was not uncommon for important arguments to reduce in significance and for seemingly small matters to become more significant.

The major themes and subthemes were then connected and examined in terms of their relationships and patterns emerged that could be compared across cases and from which conceptual models were built and explained (Esterberg, 2002). Although it was important throughout to preserve the integrity of the accounts, as with all analysis there was a degree of personal judgement as even the simplest of texts can be open to multiple interpretation (Ericson et al. 1991). It was therefore necessary to consistently reassess the data in an ongoing analysis and take account of anomalies across and within the letters and also within my own subjective interpretation. This process was legitimised by evaluating alternative explanations and searching for negative cases and disconfirming evidence in order to avoid any bias and from which to revise the explanatory framework (Bachman and Schutt, 2011). This qualitative data and the subsequent explanatory models were then compared to the literature regarding the experiences of prisoners who do not dispute their conviction. I decided to undertake a comparison with the literature, rather than a control sample of 'guilty' prisoners, as a great deal of research already exists regarding 'normal'

prison experience. The focus of data collection was thus solely on prisoners who maintained their innocence and, as stated above, I utilised account writing as a method of enquiry.

BENEFITS OF THE LETTER WRITING METHOD

A major advantage of letter writing was that it was capable of reaching otherwise unreachable populations. First and foremost, it avoided difficulties of access to prisons and enabled me to conduct research with current prisoners, an issue of particular importance in the current thesis¹⁶. Further, it allowed communication with participants from a variety of research sites. Prisoners claiming wrongful conviction are not located in certain institutions; they come from across the prison estate, all security categories, and all geographical areas. Letter writing enabled me to make and maintain contact across this wide site and did not restrict the research to certain areas or certain prisons. In theory, it facilitated access to every prison without the need to negotiate with individual governors or the National Offender Management Service and without the expense of travelling to each research site.

Furthermore, rather like the semi-structured interview, letter writing had the flexibility to ensure that the research went beyond fixed questions and rigid categories of behaviour. As relatively little has been written on the prison experience and coping mechanisms of those claiming wrongful conviction it was useful to provide space for participants to raise issues that they thought were relevant (see Alvesson, 2011). Therefore,

¹⁶ See chapter two for a fuller discussion of this point.

general themes and topics taken from the previous literature could be discussed in a flexible way while new and unexpected ideas could emerge and be elaborated upon with follow-up questions, adding both detail and a richness of thought (Bachman and Schutt, 2011). As prison experience and coping is an inherently personal and individual issue, complex experiences could be articulated without restraining categorisation as the participant was allowed to define and develop issues of importance to them (Fontana and Frey 2005; Alvesson 2011). They were able to write freely, employing their own concepts and terminology and space was left open so they could, to a certain extent, define the questions that they wanted to be asked. Both the topics and the order in which they were tackled could be interpreted flexibly to suit the participant and this flexibility mitigated possible researcher bias endemic in direct questioning.

Participants were also not constrained by time. Unlike a face-to-face interview, where time may be limited to an hour or two, participants could spend as long as was needed, or as long as they wanted, to complete the research task. They were not rushed and had time to consider the questions and their responses to them, a particularly valuable feature when discussing sensitive and emotive topics, although one that could cause a degree of premeditation (Nelson, 2013). This time may also have been particularly helpful for less literate participants who were allowed the space to think about what they wanted to write and how they wanted to word it before they did so, without the pressure to respond immediately. Indeed, many participants, like Patrick, who was serving a life sentence for murder, were grateful for the time they had to reflect:

It is much easier to put pen to paper giving ample time to think. In a speech or statement, my thoughts appear briefly in focus then dissolve into confusion again before I can adequately express them.

It was clear that some had spent a considerable amount of time on their accounts and this allowed them to cover the topics in as much detail as they felt necessary. In many cases this detail was considerable; more than could be covered in a traditional interview. Similarly, as there were no time restrictions, the relationship with particular participants was ongoing over a period of months. After I had received accounts and responses to further questions some participants continued to write, providing updates as their situations changed, as they reached certain milestones, and as they progressed or were refused progression through the prison system. This created a continuing dialogue and ongoing conversation in contrast to the one-off interview transaction. However, one or two continued to write more frequently, discussing matters beyond the bounds of the research. It was obvious that these people were looking for a personal connection and an outside contact. Responding to these participants was not only time consuming but emotionally demanding (see above).

Due to the emotive nature of many of the topics, it was also possible that some participants found it easier to write about their experiences than to talk face-to-face. Speaking can be dangerous, particularly in the prison environment, and the speaker may be disbelieved, judged, criticised, rejected, or humiliated (Bolton, 2003). Writing appears safer¹⁷ (*Ibid*). There is no social interaction or direct audience capable of criticising or inflicting harm. I was not looking to judge their past or present decisions and participants were guaranteed confidentiality and anonymity (although note concerns below). This comparative safety encouraged and allowed participants to express highly personal,

¹⁷ Although, of course, writing leaves evidence which perhaps negates this relative safety. Once written, accounts become permanent, incapable of being unwritten, and once sent the writer has little to no control over its use.

traumatic experiences and emotions without the pressure of direct questioning inherent in a face-to-face interaction and without fear of my reaction.

As stated above, confidentiality was assured to all participants¹⁸, even those who did not want it¹⁹. There was, however, one area of confidentiality that I could not control. Some participants expressed concern that their accounts would be read by prison authorities. There is a policy across the prison estate that both incoming and outgoing mail can be read, essentially subject to spot-checks, and, as such, I could not ensure full confidentiality. Indeed, during the fieldwork period, it was obvious that some letters had been opened. It was thus a concern that what they wrote, if read by prison officers, could have implications not only for their general prison life but also for their future, particularly with regards to parole hearings. In terms of the research, it is possible that some participants self-censored and were unwilling to share contentious or private details, fearful of the consequences that candid 'truth' telling could have on their progress, and as a result may have produced more guarded accounts.

Nevertheless, all participants were aware of this risk and most were commonly writing letters to their family, almost certainly containing more critical content than was sent as part of this study. Participants were under no pressure to address topics that they considered likely to cause them difficulty within the prison if read. Additionally, in order

¹⁸ All information provided was fully anonymised and personal details were protected throughout all stages of the research. During transcription, accounts were attributed an ID code and any identifying information, for instance name; location; and specifics of the offence committed, were removed. I replaced all original names with pseudonyms, not only participants', but other relevant third parties, such as family members, lawyers, police officers etc. The original letters, transcripts, signed consent forms, and list of ID codes were locked in a secure filing cabinet. Likewise, electronic transcripts were maintained in a password-protected format and on password-protected computers or data protected USB sticks.

¹⁹ Some wanted publicity for their case and to raise their public profile. They wanted the world to know they were maintaining innocence.

to circumvent the possibility of staff opening their accounts, some participants used ‘Rule 39’. Prison Rule 39 ensures that confidential legal correspondence is not read. Although not covered by this rule, it is likely that the University of Oxford address helped in allowing these letters to pass through unopened. All mail entering the prison was marked ‘Private and Confidential’ and when replying to those who had used Rule 39 I purposely did not include quoted material from original accounts.

In spite of these confidentiality concerns, accounts from participants were full of rich, meaningful narratives and incredibly personal and detailed information. Additionally, all were, unsurprisingly, critical of the prison system and the criminal justice system more generally so there was no real sense that participants were unduly censoring themselves. They were articulate and insightful, writing in considerable detail and depth. Their accounts presented a powerful and intimate view of their social world and experiences. Even those who were perhaps less inclined to write reams were persuaded to elaborate on their points with further questions. These questions allowed for a fuller understanding of what they were experiencing.

Vivienne Elizabeth (2008) suggests that data collected through interviews ‘tends not to be able to capture the intangible dimensions of our lives – our emotions, imagination and memories – as well as free-writing’. Writing as a method derives its value from its ability to expose the ‘real’ lived experiences of participants and allows for credible analysis and conclusions to be drawn from data that feels more authentic and unrehearsed (*Ibid*; Eisner 1997b). It has the capacity to produce ‘highly self-revelatory’ accounts based not only on experiences and events but also on the place and meaning of such experiences within the lives of participants (*Ibid*; Portelli 2005: 2).

As the account continued and the handwriting deteriorated, it did appear that participants lost the sense that they were taking part in research. They seemed to forget that someone would be reading their descriptions and instead got lost in recounting important episodes of their lives. Tensions and contradictions were revealed, emotional reactions explained, and behaviours defended and justified. Letters, at first sight appearing as messy and illogical paragraphs, contained an internal logic, the thought process of the participant recorded and exposed on the page.

BENEFITS TO PARTICIPANTS

Although the current research had no direct, tangible benefit – time and contribution were not compensated – other individual, less apparent benefits may have resulted. First, and arguably most importantly, the research gave a voice to those that took part. In prison, maintaining innocence is largely a denied experience. The prison authorities, the wider criminal justice system, and the public work on the premise that the court produced the correct decision and, as such, there is a reluctance to acknowledge that anyone could be wrongfully convicted. There is scepticism about those who protest their innocence and often their experiences and emotions are negated and rejected. Instead, some are deemed liars and fantasists, they are in denial, lacking in remorse, and consequently high risk (see chapter eight). Their stories are uncomfortable and throw into question the practices and processes of entire police forces, forensic scientists, and all branches of the legal profession and judiciary. They have a status as undeserving and, accordingly, very few are prepared to listen to them.

In his work on illness, Arthur Bochner highlights how constructing and communicating personal narratives are wilful acts designed to make a participant's situation meaningful and operates as a defence to suffering in silence (2001). Participants in the current research were given the opportunity and freedom to tell their story and express themselves fully, knowing that I saw value in their experiences and opinions. Many stated that they had simply never been asked how they felt about their conviction or how it had affected their lives and were grateful that someone was genuinely interested and taking their version of events seriously. Often for the first time, their accounts were not minimised or dismissed, they were recognised and heard. Someone was listening and entering into a dialogue with them that had previously been refused, as illustrated by Andrew, who had served 20 years of a life sentence for murder and conspiracy to rob:

I have been fighting to overturn my wrongful convictions for nearly two decades now and in that time no one has ever asked me the questions you propose...I have found that no one in the 'system' concerns themselves with such questions. Perhaps that is because they would have to acknowledge that I might actually be suffering a miscarriage of justice. No one wants to acknowledge that.

Some may have had contact with innocence projects or lawyers but these conversations were, by their very nature, legal. They were unable to discuss their experiences of prison, their emotions, their fears, their relationship problems. Many appeared to treat me as an 'understanding stranger', a sympathetic outsider who was interested in their story and aware of the problems they were facing but who ultimately had no authority and was not in a position to directly judge (Dexter, 2006). As a result, participants were generally more than happy to write openly about the difficult situations they had encountered and may have gained comfort, support, and reassurance during the process of sharing (Couser, 1997). This was the case for Stanley, who had served 14 years for rape:

It was good to ‘talk’ about the state of my life...Thanks for being my sounding board.

Further to having a voice, participants gained meaning from knowing that their experiences and accounts had value, that their stories mattered (Bochner, 2001). They wanted to bring their suffering to light, control how others saw them, and counter the rejection and stigmatisation that they felt (*Ibid*; Kehily 1995). They sought to impart their knowledge and teach others of the dangers of wrongful conviction. As a result, some participants formed false expectations regarding the impact of the research and wanted it to have a direct influence on policy (see Bosworth et al. 2005). Ashley, an IPP prisoner who had served five years, expected political implications and reform to develop as a result of his participation:

So that the people in power will listen when you tell them what you have learned from us and about the way the system is broken and needs fixing.

It was thus necessary for me to be realistic about the practical applications and possible outcomes of the research when responding to participants. It was important to manage their expectations and be open and clear about the limitations of such a study and the likelihood of it having direct effect on prison and criminal justice policy.

Another important benefit to participants, linked to the above discussion, is that account writing as a method transferred control and ownership to the individual in a way that traditional interviews cannot. Although the question sheet directed them to an extent, participants were free to choose which points were most relevant to them and could place the emphasis on what they thought was important. They were not constrained by the topics listed and most, if not all, chose to disregard certain aspects of the question sheet, add topics of their own, and elaborate on the issues which had most effect on them personally.

These elaborations differed by individual, depending on their particular focus, and allowed a unique insight into their lives and thought processes. Participants thus had a role in driving the content of the research and were consequently able to tell their stories in a manner that was faithful to understandings of themselves (Anderson, 2002).

Vivienne Elizabeth (2008) highlights how writing is in and of itself an act of agency; an opportunity to narrate personal experiences in personal terms. Such agency is an important element in overcoming traumatic experiences, particularly if words have previously been manipulated or if agency has been denied in the past. Participants' accounts were theirs, and although guided, directed, and subject to my interpretation, they retained ownership of them in a way not possible with an interview transcript (Plummer et al. 1993).

Evidence similarly suggests that personal and expressive writing can enhance the writer's psychological, emotional, and physiological well-being. Many studies have documented how writing can have a therapeutic effect on those dealing with stressful and traumatic experiences (Smyth and Greenberg 2000; Bochner 2001; Ellis and Bochner 2000; Bolton 2003, 2004; Penn 2001; Pennebaker 1993; Pennebaker and Seagal 1999; Richardson 2000; Kiesinger 2002), regardless of age, gender, education, or class (Smyth and Greenberg, 2000). I hoped that letter writing could benefit individuals by offering an outlet through which to express their painful experiences, reflect on their situation, and consider aspects of their lives that they had perhaps never previously considered. Many contributors stated that they had found participation to be a positive experience. Bradley, who had served 12 years of a life sentence for murder (with a 15-year tariff), acknowledged a therapeutic element of writing his account:

I found it an interesting, thought provoking exercise. It's helped me step back and take a broader perspective of my situation and time in prison.

As Kathleen Pithouse-Morgan et al. illustrated in their own study, the exercise of writing can force participants to take time to reflect on and communicate previously silenced experiences and feelings (2012). This can provide the opportunity to re-evaluate and find new meaning in often complicated emotions and responses to them (*Ibid*). Additionally, as account-writing incorporates a sense of sharing it may have allowed a release of anger and pain as a form of catharsis (Plummer et al. 1993; Richardson and Adams St. Pierre 2005) as mentioned by a number of participants, including Dylan who had served nearly two years of an eight-and-a-half-year sentence for rape:

I guess writing to people helps me to bring my feelings to the surface so that I have to deal with them, confront them and resolve them.

Writing is, however, not without its risks and these may attenuate the emotional benefits somewhat. As John Lowman and Ted Palys suggest:

Since the interaction would not have happened if we had not initiated it, a tremendous ethical burden is placed on us to ensure no adverse effects befall the participant because of our entry into their lives (1999: 30).

Due to the nature of the 'wrongful' conviction experience, and prison experiences more generally, it was necessary for participants to recall, consider, and record very personal, emotive, and traumatic events, ones that may well have triggered painful memories. It was therefore possible that participants may have encountered distress when completing the task and were thus at risk of re-traumatisation, leaving them feeling overwhelmed and helpless (Connolly Baker and Mazza 2004; Richardson and Adams St. Pierre 2005; Pithouse-Morgan et al. 2012). This risk was intensified by the fact that participants were

still living the traumatic experience. Indeed, some, like Reggie, revealed that they were emotional as a result of discussing the topics covered in the research:

Anytime I narrate my story it leaves me with almost a nervous breakdown.

In this respect, letter writing as a method had both positive and negative aspects. Generally, letters did not appear as intrusive as interviews. Participants were in control as to the topics they discussed and there was far less pressure, as compared to an in-person interview, to respond to difficult subjects. If participants found themselves upset, they could simply take a break and return to the task when in a better frame of mind or decide to end the account. On the other hand, participants were largely alone in their cell at the time of writing, often late at night. In an interview situation if a participant is exhibiting signs of distress the interviewer can offer reassurance or, to a certain extent, comfort. They may steer the questioning away from the emotive topic and ultimately they have the power to end the interview completely. They may also suggest an immediate referral to a support service. Such strategies are not available for a writing task and ultimately I had no control in diffusing or mitigating distressing situations. Such lack of control, on my part, was highlighted by Howard, who had served 15 years of a life sentence (with a 25-year tariff) for murder:

My personal strategy is to literally switch it off, I am writing this in the early hours as it is switched back on and once on it becomes so very difficult to turn off, which is why you could find difficulty recruiting 'customers', as the constant remembrance of injustice can actually start eating you.

In an attempt to diminish the risk posed, I explained in the participant information sheet that distress could result from providing a written account. I further stated that participants were under no pressure to respond and could withdraw from the research at any point

without the need to provide a reason – participants could simply choose not to reply. I also made clear that participants could omit topics if they felt they were too sensitive or likely to cause them undue harm. I hoped that assurances of anonymity in the final thesis would create a context of emotional safety, capable of allaying fears of external judgement.

This risk of harm was, in part, another reason why I always responded to letters. I did not want participants to be left emotionally raw and hurting without any acknowledgement from me. Where possible I tried to end my correspondence on a positive note, detailing how helpful they had been and how valuable their contribution was. Finally, if any individual claimed to be experiencing distress I sent a contact sheet specifying how to access emotional support.

DIFFICULTIES AND DISADVANTAGES OF THE LETTER WRITING METHOD

There were a number of practical difficulties encountered during the fieldwork period, some of which were peculiar to letter writing, others which were more general features of qualitative work. Many of these difficulties were relatively small and do not seem to have affected the sample of participants or the accounts they produced.

Perhaps the biggest limitation of letter writing as a method was the need for participants to be literate. In order to undertake the research task, participants needed a certain level of competence in written English. In a prison sample, such a problem becomes

significant as literacy skills are far lower than in the general population²⁰. However, prisoners maintaining innocence regularly undertake educational activities while imprisoned, frequently pursuing qualifications in law, a subject that involves a great deal of reading, in order to assist their campaigning efforts (see chapters two and five). As a result, it may be that, as a group, they are slightly more literate than the general prison population.

Nevertheless, some prisoners could obviously not respond at all. The very fact that advertisements were in newspapers prevented the illiterate from taking part while the written nature of the task may have deterred those with only basic literacy skills. Consequently, there was a natural and inevitable self-selection²¹ of more educated prisoners and although their experiences were no more or less valuable than others, they were better able to articulate these thoughts and feelings on paper²².

In order to overcome some of the problems associated with literacy, I ensured that the participant information sheet, consent form, and particularly the question sheet were kept at a fairly basic level. I used relatively simple language, frequent spacing between the topics, and a standard font. I hoped that these features would enable prisoners with rudimentary skills to participate while the general nature of the topics and opportunities for elaboration would also appeal to those with more advanced ability. Replies with further

²⁰ Although letter writing to friends and family is a major means of communication within the prison.

²¹ Similarly, some prisoners will refuse to take part, particularly if worried about the impact participation may have on their prison lives and appeals (see confidentiality concerns outlined above).

²² Written quotations that appear in the substantive chapters tended to be taken from those participants who expressed themselves best and were most articulate (although 70% of participants have at least one quote in the thesis). Many highlighted the same ideas in their accounts but I selected the quotes that were the easiest to understand and those that made the point in the clearest and most succinct way. I very occasionally 'tidied up' spelling and punctuation for readability but this was not the norm.

questions could be tailored to the individual participant's level, based on an evaluation of their skills from the initial account.

From the accounts I received, there appeared to be a good cross section of abilities. Accounts varied in length, ranging from one page to sixty, and differed vastly in terms of spelling and grammar, with some letters resembling streams of consciousness and others nicely crafted accounts. For some participants English was not their first language. However, all participants were able to effectively convey their experiences and express their emotional reactions. Even those with basic literacy skills were able to contribute fully to the research and all accounts were tremendously informative and valuable.

Another difficulty of letter writing as a method, particular to the prison context, was that letters did not always make it through the system to their intended recipient. As stated above, ingoing and outgoing mail could be read by prison staff and ultimately prohibited from leaving or entering the prison. On at least one occasion the account had been stopped from leaving the prison entirely, due to its 'contentious' nature. On others, outgoing initial letters responding to the advertisement were stopped in the mailroom and ingoing question sheets were not passed on to participants. When informed about this – often by family, friends, or even MPs representing the participants' constituencies – I sent duplicates. However, it is impossible to know with any certainty how many letters were stopped that I remain unaware of. Somewhat connectedly, a small number of prisons had a policy of restricting the number of pages that could be sent out, usually to four²³. When this was the case, participants often sent multiple letters.

²³ Although I could find no official rationale for this, I was told by various participants that this was due to security concerns – presumably it is too time consuming for officers to read lengthy letters during the spot-check process.

Finally, the possibility of interpretation or, more importantly, misinterpretation, on both sides of the research project, must be considered. It is possible that ambiguous wording of questions or topics led to accounts that do not accurately describe the reality of participants' experiences (Alvesson, 2011). Participants will inevitably subjectively interpret the questions to suit their own understanding of the wording or topic more generally. However, I argue that this can be a positive attribute. Indeed, I purposely kept topics relatively open in order to allow participants to interpret them according to their own frames of reference. Similarly, 'specialised' terms, such as fairness and justice, were kept vague in a deliberate attempt to understand participants' meanings of them.

Nevertheless, the wording of particular questions was not always straightforward. As an example, particular concern was raised over the term 'wrongful conviction'. Some prisoners, both those who participated and those who did not, were troubled by my use of the term. They stated that they were not 'claiming wrongful conviction' but 'maintaining innocence' and saw a fundamental difference between the two expressions. The former was viewed as a derogatory term which suggested that I was questioning their innocence and led some, such as Jamie, who had served 13 years of a life sentence (with a 20-year tariff) for murder, to interpret my tone and position in a negative way:

Also I've been sceptical about whether to do this or not as over the past 12+ years I've lost trust in people and especially just a name on a piece of paper, please don't be offended by this as it's my issue and not yours. I've re-read your letter a couple of times and tried to work out why you're doing your research into innocent people in jail, as you used the words 'those claiming wrongful conviction'.

As a result, particularly in replies, I took great care over the wording of questions so as to not cause offence.

Likewise, it was more difficult in letters than in interviews to ensure that my interpretation of the accounts was objective. Unlike in a face-to-face interview situation, emphasis and tone needed to be inferred in the abstract. It was far harder to gauge and ‘read’ the situation and emotion behind a piece of writing, or even a phrase, as context was often missing and again had to be inferred. As Alessandro Portelli states ‘the same statement may have quite contradictory meanings, according to the speaker’s intonation, which cannot be detected in transcript’ (1981: 98). He continues that it is possible for a participant to recount in a few words events that they ascribe great importance to, while dwelling at length on brief, unimportant incidents (*Ibid*). It was possible that these nuances went unnoticed in the written accounts I received.

DISTANCE BETWEEN THE RESEARCHER AND RESEARCHED

Another particularly distinct aspect of letter writing as a method was the distance between the participants and myself during the fieldwork period. In qualitative research utilising observation or interview both parties are, in the majority of cases, present in the same physical location. The lack of proximity when using letter writing as a means to interact with participants introduces fundamental differences and adds another dimension to the research project that must be considered, one that both complicates and alleviates certain difficulties.

At a basic level, there is a difficulty in building rapport with participants, often cited as a critical aspect of interview practice (Bachman and Schutt 2011; Noaks and Wincup 2004; Neuman et al. 2004). Participants were asked to write a substantial account,

detailing their often painful and traumatic experiences, to a complete stranger who they had never seen and did not know if they could fully trust. Unlike in an observation situation I could not immerse myself in the prison in order to build such trust. Kathleen Pithouse-Morgan and her colleagues (2012) suggest that, as a result of being unable to ascertain the trustworthiness of the researcher, participants may try to safeguard themselves from being too vulnerable. It is thus possible that participants excluded material that they deemed too sensitive or dangerous for the public domain (see Kehily 1995; Portelli 2005).

Allessandro Portelli, when discussing approaches to oral history, suggests that it is, however, the researcher's 'openness to listening and to dialogue, and the respect for the narrators, that establishes a mutual acceptance based on difference [which] opens up the narrative space' (2005: 3). In this account, it is claimed that similarity, and equally rapport, are not the only means available to establish trust and enable full participant expression (*Ibid*). Portelli asserts that it is a shared will to listen to and accept each other critically that creates the common ground necessary for meaningful discussion (*Ibid*). In the current thesis, when initial accounts were written no rapport had been developed but the fact that I was in a learning situation, prepared to listen to and respect the participant's knowledge, created an openness in which difficult topics could be and were expressed, as illustrated by Kieran, who had served three and a half years of a 15-year sentence for affray and carrying an offensive weapon:

I don't know you Emma but I am sat here writing away and I feel I could tell you anything.

In any event, it was not impossible for a relationship to develop and for rapport to be built through mail. Some participants were undertaking degrees, were university graduates or had children who were; others had written or were in the process of writing books and

could thus identify with the writing process; some had previously been research participants with academics known to me; and others simply had similar interests. All of these details, when developed through ongoing correspondence, allowed rapport to be built. They were tiny details in the overall picture but ones that made the process seem more of a conversation, rather than a transaction.

The distance also had distinct benefits. In face-to-face interview situations, participants can be influenced by the personality and social identity of the researcher. It is well established that such ‘interviewer effects’ can affect the data provided (Bourdieu and Wacquant 1992; Noaks and Wincup 2004) and it is necessary to understand and account for the fact that participants will observe and judge an interviewer’s personal characteristics and behaviours when responding (Portelli, 2005). The perceived attitude of the researcher can similarly influence interviewees into reacting in a certain way based on what he or she believes the ‘correct’ response is.

It is thus obvious that any interview is a piece of social interaction. In some respects, letters were no different but interviewer effects were minimised considerably. The distance afforded in the present thesis allowed free expression, unhindered by my presence. Accounts were not affected by my personal traits as participants were unable to ascertain, and therefore unable to make judgements, about characteristics such as age, race, social class, appearance, experience, or expectations²⁴.

²⁴ Although it is possible that participants formed their own views about these characteristics based on what little information they did have i.e. the ‘typical’ Oxford student.

Likewise, written accounts were ‘not influenced by another’s interjections or their looks of surprise, puzzlement or amusement etcetera’ (Elizabeth, 2008). Participants were not reacting to my presence or altering their accounts based on perceived cues. Due to my absence, the accounts were uninterrupted by moments of self-consciousness and attempts to ascertain if responses were being correctly understood. Of course the absence of an attentive listener limited the opportunities for reassurance and may have led to participants reciting ‘stock’ stories (*Ibid*; Kehily 1995; Brison 2001). I, nevertheless, suggest that the distance inherent in the letter writing process removed many of the barriers encountered in traditional interview practice. The method was therefore capable of producing less contaminated accounts as I was less able to influence the narrative.

TRUTH, SUBJECTIVITY, AND VALIDITY

Participant honesty is not a problem purely associated with letter writing, but with all research. In the current thesis, due to the personal nature of the accounts, it was impossible to validate the information participants presented or assess the truthfulness of the claims they made. Such difficulty related to both minor points in individual narratives and more fundamental ones, for example whether participants had in fact applied to the CCRC. Traditionally, this problematic aspect of research has been overcome by employing methods of triangulation (Richardson and Adams St. Pierre, 2005). Using such an approach, a researcher will employ various methods in order to ‘validate’ their findings by cross-checking information with other sources (*Ibid*; Portelli 2005). However, letter

writing was the predominant²⁵ means of data collection in my research. Consequently, questions may be raised as to the validity of the data presented and its ability to ‘represent accurately those features of the phenomena, that it is intended to describe, explain or theorise’ (Hammersley, 1992: 69).

During the research task, participants were aware that they were writing for an audience. It has been well established in the methodological literature that particular aspects of writing, including fluency, content, style, structure, and language selection, are influenced by the audience, the participant’s relationship with them, and the context of the conversation (Connolly Baker and Mazza 2004; Plummer et al. 1993; Nelson 2013). It is possible that participants attempted to anticipate what was relevant and of interest to me when writing their accounts, emphasising particular aspects of their experience but repressing others in an effort to ‘get it right’ (see Portelli 1981; Pithouse-Morgan et al. 2012; Onyx and Small 2001; Kehily 1995). ‘Voice’ is malleable and dynamic and can thus alter depending on, and in response to, the audience (Nelson, 2013).

Sveinung Sandberg advances the argument by suggesting that all interaction is essentially a performance constructed between the researcher and the researched (2009). Participants, it is claimed, attempt to present themselves as interesting and inevitably construct their identity in a particular way to enhance and strengthen their positive characteristics while ignoring their negative (*Ibid*; Järvinen 2000; Kehily 1995). Sandberg draws on Goffman’s approach of interaction as performance controlled by impression management (1963). Such impression management is often deemed more relevant for

²⁵ Although I did also receive various forms of documentary evidence, for example case files, psychological reports, Parole Board decision letters, and letters to the Ombudsman etc. Such documents added validity to the findings and allowed a partial form of triangulation.

stigmatised individuals, here I would include prisoners maintaining innocence, who feel uncertainty as to how they will be judged and therefore try to present themselves in a favourable light, often resulting in ‘defensive covering’ (Goffman, 1963: 25/29).

The researcher too may directly influence which narratives are told (Sandberg 2010; Järvinen 2000; Portelli 2005). In the current thesis, accounts were guided by particular research questions and, as such, certain stories would inevitably be excluded, resulting in accounts that were partial and incomplete (see Pithouse-Morgan et al. 2012; Portelli 1981). As Alessandro Portelli highlights, it is impossible to exhaust the entire memory and life experiences of a participant, and data produced will therefore always be the result of a selection process undertaken by both the researcher and participant during a collaborative interview exchange (1981). I did, however, hope that the open nature of the question sheet and the freedom given for participants to discuss the topics most relevant to them, would diminish my ‘influence’ somewhat.

Even if these aspects of performance management could be controlled for – that is, if the researcher could be removed from the interaction – the possibility still remains that accounts may not accurately reflect the truth. Participants may wilfully lie about their situation and position in an attempt to garner support or reduce stigma, although it has been suggested that this concern is largely exaggerated in the criminological literature and frequently unfounded²⁶ (Sandberg, 2010). Similarly, participants may simply be too close to their own story to accurately recognise their own bias. More likely, however, is that memory and experience can be distorted through a natural, unconscious process, resulting

²⁶ Richardson and Adams St. Pierre further propose that our ‘true selves’ are always partially present in what we write, no matter how we try to suppress it (2005). Our voice is fundamentally related to our identity and it is thus difficult to conceal it completely (see also Nelson, 2013).

in differences between behaviour and attitude, between ‘what people do’ and ‘what people say they do’ (*Ibid*).

Memory²⁷ can play a crucial role in the shaping of self-narrative (Kehily, 1995). During the process of discussing past experience there is a ‘propensity to twist and turn, reinterpret and falsify, forget and repress events’ as present individuality and identity are constructed from the recreation of past events (Duarte Esgalhado 2001: 239; Kehily 1995). A writer will always write from a certain personal, social, historical, and political position (Duarte Esgalhado, 2001). People change over time²⁸, reinterpreting and re-judging events to suit their new position. Memory is thus flexible, selective, and ultimately temporary, capable of huge lapses and complete clarity (Kehily, 1995). As such, it has been established that experience is open to contradictory interpretations governed by personal and social interests (Richardson and Adams St. Pierre, 2005).

Nevertheless, as Margaretha Järvinen highlights, human life is incoherent, containing inter-connections between seemingly irrelevant experiences (2000). It consists of ‘confusion, contradictions, and ironies, and of indecisiveness, repetition, and reversion’ (*Ibid*: 372). Behaviour, opinions, and values are commonly in flux. Inconsistencies and reinterpretations of events may therefore not be evidence of inaccuracy or lying but instead an accurate reflection of participants’ often complex lives (*Ibid*). When it comes to personal experience there is no one truth, but multiple, often competing truths (Richardson and Adams St. Pierre, 2005) and there is no such thing as ‘getting it right’.

²⁷ Memory is not simply a ‘depository of information’, but an active and ongoing process of creating and reconstructing meaning, of discovering, recovering, and presenting the self, and working and reworking personal experiences (Portelli 2005: 5; Kehily 1995; Bochner 2001).

²⁸ Although, it is arguable that participants’ stories may become arrested at the climactic moment of their personal experience, for example, when convicted (see Portelli, 1981).

Narrative may also be distorted through the telling of well-worn, stock stories, ultimately influenced by the social context and the particular situation (see Sandberg 2010; Kehily 1995). As Sveinung Sandberg highlights, participants are limited in their use of language and meaning and thus rely on thinking patterns, performances, and stories that they have used before in similar situations, such as interviews with police officers, probation officers, or counsellors; conversations with family and friends; or even scripts rehearsed in solitude (2010; Järvinen 2000). It is thus likely that participants select, structure, and relate particular well-told stories at the appropriate time, compressing events into an illustrative and easily recounted narrative that can be retold repeatedly (Kehily, 1995). These narratives can, however, easily be reformulated with specific aspects being ‘omitted, embellished, reframed and adapted’ to suit the particular question being asked and to create context-specific stories relevant to the goals of the research (*Ibid*; Sandberg 2010). There is further, nothing to suggest that these summations are fundamentally untrue.

Jenny Onyx and Jennie Small similarly dispute the claim that memory and personal descriptions of experience are unreliable (2001). They suggest that the memories described by participants are true memories in that they are not fabrications or fantasy and thus even if objectively untrue, statements may be psychologically true (*Ibid*; Portelli 1981). What matters, therefore, is that participants truly believe that these memories accurately reflect their experiences and have constructed them based on their own interpretation of life events (Onyx and Small, 2001). This raises a crucial question – does it matter if participants are not telling the ‘truth’?

Sveinung Sandberg suggests that criminologists are too concerned with a positivist notion of the truth and whether participants tell the truth (2010). Indeed, for many researchers obtaining the truth is the 'hallmark of sound research' but taking this rigid stance inevitably leads them to overlook what subjective accounts can teach (*Ibid*; Bochner 2001). While narratives may not represent the 'true' lives of participants what they instead offer is an insight into participants' perceptions of their lives; a personal construction of events that reflects participants' experiences as they understand them. As such, accounts may expose less about actual events and more about their subjective meaning, significance, and interpretation (Portelli 1981; Bochner 2001). They detail not just how people acted, but why they acted that particular way, what they intended, and what they believed they were doing. Everyday experience thus becomes the basis of knowledge and, as a result, narrative accounts can create data that is more authentic as it focuses on a fuller understanding of participants' lives, how they view the world, the meanings they attribute to their experiences, and how their actions and reactions make sense to them (Nelken 2010; Bochner 2001).

More fundamentally, it has been suggested that the truth itself is unknowable and Arthur Bochner questions if there is a categorical difference between what is true and what is constructed (2001). If narrative as a method is criticised on the grounds of being untrue or inauthentic it must be because accounts do not accurately represent the lives or experiences they are supposed to represent (*Ibid*). If this position is to be accepted and adopted, the vital question then becomes what are such accounts to be compared against, what is 'reality'?

CONCLUSION

To conclude, although it is clear that letter writing as a method does present some distinct difficulties, particularly regarding the validity of the data, it is a method capable of producing important archives of rich, raw, painful, and beautiful data, made all the more personal by the penmanship of the authors – their lives writ large on the page. It is a valuable tool through which to communicate with participants and this was evidenced by the accounts that were produced. Participants were generous with their time and experiences, covering difficult topics without knowing me personally and fully engaging in the written task. It is hoped that these accounts, and the research more generally, authentically reflect their experiences and capture a complete illustration of this particular period in their lives. I further hope that this thesis illustrates the strengths of carefully considered narrative accounts. In prisons research, where restrictions on access are ever tighter, letter writing should be viewed not just as a ‘Plan B’ but as a significant qualitative method of enquiry.

INJUSTICE, HOPE, RESISTANCE: COPING WITH

‘WRONGFUL’ IMPRISONMENT

There is a certain paradox that whilst on the one hand I abide by the prison rules and regime, I do not accept them or adopt them as valid. They remain illegitimate tools of an autocratic regime.

Sebastian

INTRODUCTION

As is well documented, prisons are demanding and dehumanising places to live (see chapter three). Much research has focussed on describing the isolation, conflict, and deprivations inherent in prison life. Famously, Gresham Sykes (1958) described five overarching ‘pains of imprisonment’: the deprivations of liberty, goods and services, sexual relationships, autonomy, and security, that prisoners endure. Other pains have been suggested in more recent studies, including those associated with overcrowding, lack of privacy, social dislocation, mental and physical deterioration, unfairness, loss of self-identity, loss of agency, and loss of modern means of communication (see Liebling and Maruna 2005; Irwin and Owen 2005; O’Donnell 2016).

Throughout this chapter, and this thesis more generally, I argue that although all prisoners encounter such matters, the everyday pressures and the impact of a custodial sentence for those who believe their imprisonment to have been imposed unfairly, surpass

that experienced by the general population. For these men and women, the pains of imprisonment are exacerbated by a strong belief that they are serving a ‘wrongful’ conviction and the associated sense of injustice and illegitimacy inherent in this claim. In order to survive their incarceration, such prisoners develop a range of strategies in order to cope with their experiences. Although many strategies look similar to those employed by the general prison population, as this chapter makes clear, the reason behind their use and their emotional impact on the individual are different¹. Prisoners maintaining innocence frame their experiences in terms of injustice and resentment. Such emotional matters are the dominant lens through which they navigate and view prison life. Therefore, although there are shared experiences for these two populations, there are also unique challenges and responses to them.

This chapter focuses on such coping mechanisms. By way of introduction, I begin by examining the difficulties some people find in coping with the prison environment, before turning to individual coping strategies. As such, section two considers the strategies for dealing with the perceived injustice and illegitimacy of participants’ imprisonment, drawing on themes of hope and obsession, and compliance and resistance. I further examine how these prisoners cope with time and emotion, concluding with a discussion of a distinct experience shared by some of my participants – coping when the accuser or victim was a family member.

¹ This chapter, as with all the chapters that follow, draws on accounts from participants. Discussion is thus related to their perceptions and claims. There may well be other explanations for their behaviour but I am relying on their narrative and how they articulate their experiences in letters.

INABILITY TO COPE

The claim made above, that ‘wrongful’ imprisonment is somehow different, harder, than rightful imprisonment is well illustrated by those participants who had been imprisoned previously. Seven of the 64 disclosed that they had been imprisoned prior to their current conviction and all stated that they had admitted guilt during those periods. All considered their previous sentences to be, to some extent, justifiable. However, the perceived injustice of their current conviction significantly impacted on both the general prison experience and the pains encountered, as illustrated by Andrew, who had served 20 years² of a life sentence for murder (with a 25 year tariff):

I have been in prison before this happened to me...The experience is different this time because previously I was guilty. That makes all the difference. When I was guilty I could hate being locked up while tempering that with the knowledge that I had committed the crime and so was where I was through my own fault. I could concentrate on doing what was required of me to get out as soon as possible. No doubt you have heard the phrase ‘the sleep of the innocent’. Well, I can tell you that, in prison, it is the guilty man who sleeps well. The innocent man suffers the stress, anxiety and rage of the wrongly convicted and to him sleep comes hard.

While Andrew, and the other six participants who had been in prison before, claimed to have previously adjusted to prison life with relative ease, they found their current sentences much harder to deal with, both in terms of their own reaction and how others treated them (as discussed in chapters seven and eight). They wrote of how previously they felt more competent in managing their sentence, in undertaking what was necessary to get by and progress, and in remaining relatively stable emotionally. They acknowledged and accepted responsibility for their situation and thus, to a greater or lesser extent, accepted the legitimacy of their conviction. However, during their ‘wrongful’ imprisonment they

² As will be discussed more fully in chapter eight, Andrew remains a category A prisoner after 20 years. He believes this to be a direct consequence of maintaining innocence.

stated that they felt overwhelmed by a sense of injustice that stopped them from being able to react as they had done previously. For these men, the regular pains encountered were exacerbated by the fear, stress, bitterness, anger, and isolation that were a direct product of the perceived injustice and illegitimacy of their conviction and sentence. Dealing with these feelings was an additional aspect of their imprisonment that had to be endured, one that is not experienced to the same extent by the general population.

These participants further suggested that their inability to react as they had done during previous sentences was not only due to the perceived unfairness of their treatment but also reflected their shock and disbelief at having been imprisoned for a charge for which they maintained their innocence. The general prison literature makes clear that it is normal for guilty prisoners to feel desperate and depressed upon reception to prison (Liebling, 1999). However, arrest, trial, and subsequent imprisonment are much more likely to be anticipated by guilty offenders, particularly if they have been accused of a serious crime. As such, they are better able to prepare themselves emotionally and practically for a period of imprisonment. An innocent defendant, believing that the criminal justice system will be able to distinguish between guilt and innocence, may not be fully able to make these preparations and instead, relies on the belief that they will be found not guilty.

Participants commonly wrote of how they had felt completely overwhelmed and unable to cope upon reception to prison, as illustrated by Arthur, who had served two years of a 15-year sentence for rape and sexual assault:

The bottom falls out of your world...whilst walking around prison in a state of perpetual shock, looking like a zombie or like you've just had a frontal lobotomy...It is difficult to

describe but I have an ever-present, ongoing, nagging, aching in the pit of my stomach which is a physical manifestation of a great cloud of feelings: righteous anger, disbelief, helplessness, devastation, fear, sadness, loneliness, shock, despair, astonishment, tenderness, pain, worry, brokenness, hurt.

As Arthur highlights, the unexpectedness of his imprisonment caused him to enter into a state of shock and disbelief. As the weeks and months passed, however, this disbelief turned to anger and pain. Expressions of the emotional impact of being imprisoned for a crime of which you maintained innocence were common in the letters I was sent. Most, if not all participants discussed their feelings of anger, bitterness, fear, frustration, and despair. Some asserted that they had experienced panic attacks, flashbacks, and intense anxiety. Nevertheless, while these feelings were mentioned in the majority of accounts, some appeared better able to manage such emotions. After an initial period of disorientation, most were able to employ effective coping strategies to aid their eventual adjustment.

It was clear, however, that a small minority of participants were not coping with their sentence and instead these negative emotions dictated their everyday lives and dominated their accounts. For Connor, who was serving a 19-year sentence for rape, such emotions appeared as strong five years into his sentence as they were at the beginning:

I have had phases of emotions since my first day in prison, some days it's really difficult and I feel myself 'welling up' for no apparent reason or I can feel so depressed that I feel physically weighed down...I think depression has become deeper / more intense as time has progressed.

For Connor, and others like him, depression lasted beyond the initial entry into prison and became a long-term or recurring state. These participants believed that they were in an impossible position. They were trapped, 'unjustly', and there was very little they could do to alter their situation. Such feelings of powerlessness had the capacity to not only remain

but worsen as the sentence continued and their ‘injustice’ remained unacknowledged³, impacting on personality and identity. Indeed, it was common for participants to state that they had irrevocably changed.

The most extreme manifestation of these feelings was self-harm and suicidal ideation. Twelve of my 64 participants admitted to self-harming or attempts at suicide, often on multiple occasions. Frequently, it was suggested that such attempts were the result of temporary episodes of anxiety brought on by either the relatively early stage of their sentence or by setbacks in their progress. For some, self-harm was a lasting problem, as illustrated by Ellie. Indeed, Ellie who had served 12 years for the murder of her son (and is currently over tariff), claimed that she had only stopped self-harming in the last year:

When I first came into the prison system I spent the first couple of years feeling bouts of anger at the injustice done to me, by the courts and the prison system. I developed intense frustration with the level of discrimination and victimisation I encountered... Ultimately it was at this time, due to mounting frustration, that I began to self harm by cutting and / or burning myself...I have previously made suicide attempts. I have not significantly self harmed for almost a year now.

Self-harm is a common feature of prison life and affects many prisoners regardless of their guilt or innocence⁴ (Liebling 1992, 2007; Liebling and Ludlow 2016). However, participants suggested that the self-harm incidents they wrote about were intrinsically related to the frustration and despair of maintaining innocence and of being imprisoned for a conviction which they believed to be fundamentally illegitimate. They felt their

³ Depressive states were often exacerbated by external setbacks, both in personal progression through the prison system and the appeals process.

⁴ Between September 2016 and September 2017, 42,837 incidents of self-harm were reported. This translates to a rate of 501 incidents per 1000 prisoners. The number of prisoners who self-harmed within this period was 11,248 (a rate of 131 prisoners per 1000, equating to 13%). Those who self-harmed did so, on average, 3.8 times. This is an increase on previous years, in terms of both overall incidents and numbers of prisoners engaging in self-harm. In 2017, 70 self-inflicted deaths were recorded. (Ministry of Justice, 2018).

claims of wrongful conviction were disbelieved by most in the prison system, staff and prisoners alike, and therefore found very little support available. The prison and its staff operate on the certainty of guilt and, as a result, had little to offer participants by way of practical or emotional assistance (see chapters seven and eight).

Nevertheless, even during these difficult times, hope could be found and I argue that it is the generation of hope that is key to coping with a perceived unjust conviction, as illustrated by Phil who claims that it was a sense of hope that ultimately dissuaded him from committing suicide. Phil, who was serving a life sentence for ‘joint enterprise’⁵ murder, was perhaps the most militant of my participants. As will be detailed elsewhere, his aggressive insistence of his innocence often led to conflict with the prison authorities and has resulted in him spending the last six years in solitary confinement. This solitary confinement has no doubt contributed to his suicidal thoughts (Shalev 2014; Ross et al. 1978), although, he suggests in his letters, the hope of exoneration persuades him not to act on them, at least at the present time:

I have attempted suicide ten times so far... I still contemplate death daily, and if I were not so certain my innocence will be proven I would have killed myself long ago.

This quote, written by a participant who had at times been in the most extreme state of depression and anxiety, prove that it is possible to contain and control depressive thoughts. Indeed, it was participants’ hope that the truth of their ‘innocence’ would, one day, be

⁵ A common law doctrine that assigns liability to all participants involved in a ‘criminal enterprise’ for *all* the consequences of that enterprise, regardless of the individual role played.

exposed and that mistakes would be rectified⁶, that distinguished those who appeared to cope relatively well from those who were consumed by feelings of anger and despair.

COPING

HOPE AND OBSESSION

The continuous generation of hope has been identified as a factor in increasing coping ability and reducing negative emotions in the general prisons literature (Nedderman et al. 2010) while, conversely, feelings of hopelessness, it has been illustrated, contribute to a general lack of adjustment to the prison environment and to the practice of self-harm (Rivlin et al. 2013; Blaauw 2005). This is no different for prisoners claiming wrongful conviction. However, for these prisoners their hopes relate predominately to their case and eventual exoneration.

Indeed, the participants who claimed to be coping and seemed better adjusted to prison life were all adamant that they would one day be exonerated; their imprisonment was a temporary hiatus in their lives rather than a permanent situation. This view was perhaps most strongly stated by Brendan, who had served 13 years of his recommended 26-year sentence for murder. Brendan was, however, unique among participants in that his conviction was quashed in 2006, although he was later convicted again at retrial. This

⁶ Depressive feelings could often emerge and return when hope seemed most distant, for example after rejected appeals.

partial exoneration if anything seemed to provide a particular impetus to continue fighting his conviction:

Hope only comes from looking forward. It is inconceivable to me that I will not win my appeal and have the opportunity to rebuild my life.

Martin, who was serving a 33-year sentence for various sexual offences, had similar hopes for his future, although unlike Brendan, he foresaw a time when his hope would diminish. He predicted that this loss of hope would directly affect his ability to cope. Martin had admitted to being suicidal in the past:

I pray and hope the truth comes out as soon as possible. I've mentioned the word 'hope' many, many times but at this moment in my life it is one of the most important words that is applicable...I try to be optimistic and pray that the truth comes out and that this won't be my life for the next 20 years. I guess though, the longer I go into my sentence and, if all hope of proving my innocence is lost, I am sure that my outlook, naturally, will change.

The majority of participants, however, claimed that they would persist with their campaigning efforts even in the face of repeated setbacks. Although most were realistic about their prospect of success, all continued to persevere with appeals and CCRC applications. They focussed on the future, made plans with their loved ones for their lives post-release, and were generally optimistic about their ability to alter their situation (at least publically), adamant that their ordeal would end. This hope for the future gave most research participants momentum and a will to fight their conviction. Indeed, it was the desire to quash their conviction that was the driving force behind many of these prisoners. This determination to fight was thus generated and sustained by hope, but also created hope itself, with both concepts mutually reinforcing each other.

Consequently, most were completely preoccupied with their cases and appeals, like the exonerees in both Grounds (2004) and Campbell and Denov's research (2004). Many described how they became consumed with the facts of their cases and devoted hours a day campaigning for their exoneration. Some stated that they dedicated themselves almost entirely to their appeals, fixating on the smallest of details that could potentially prove their innocence, and fought to retain their commitment – endlessly reading and re-reading statements and reports and sending letters to MPs and influential members of the public. Statements like Andrew's were very common:

First and foremost I concentrate on keeping my case 'live'. It is not enough simply to 'maintain innocence', I must be doing something tangible to bring my case back to the Appeal Courts.

For some, like Sebastian, a 28-year-old who had served six years of a life sentence for the murder of his father, campaigning efforts were inextricably linked to ability to cope. Indeed, campaigning became Sebastian's motivation to improve his emotional state and sustained him through times of emotional difficulty:

In the meantime, I slowly rebuilt myself, fuelled by a determination to prove my innocence and the realisation that in order to do so I needed to take hold of myself and my emotions to function. The only way forward was to focus on my appeal. There was certainly hope, but this was underwritten by the practical motivation to do something, to retake control of my life in a situation of powerlessness.

As Sebastian and Andrew illustrate, actively campaigning for exoneration not only aided their emotional stability and mental strength but also increased their levels of control when control would otherwise be at its weakest. They were doing something, they were fighting, they were not allowing their perceived unjust treatment to go unnoticed or unexposed. Such campaigning was also an attempt to regain control of their self-image and recast the corrosive shame they felt onto both those who had convicted them and those who had

doubted their later pleas. *‘Yes, there’s a sense that I want to prove all those doubters wrong too – they have tried to shame me, but really they are the ones who should be ashamed’* (Sebastian). This resilience and refusal to capitulate thus acted as an emotional buffer, generating positive feelings of being proactive and in control, while reducing feelings of powerlessness.

Nevertheless, preoccupation could turn to obsession. This obsession had the potential to become unhealthy and the relationship between hope, empowerment, and active engagement in the appeals campaign became blurred. On these occasions, undertaking case work became destructive, impacting on family relationships, participants’ self-care, and engagement with others and the regime more generally. Indeed, as Charlie stated, for some *‘everything comes second to the MOJ campaign’*. This obsessive focus on appeals could reach the stage where it was no longer about bolstering levels of hope and empowerment but instead became an addiction, only serving to increase levels of frustration. Initial hope gained from engagement with campaigning thus fed the obsession but, due to the extended nature of such a campaign and inevitable setbacks, left the prisoner with a warped and damaged coping system, liable to collapse at any point. Some, such as Phil, recognised this obsession and claimed to focus on injustice to *‘an unhealthy [degree]’*.

For a small minority of prisoners, such active campaigning appeared to trigger depressive states, affecting their mood and causing them to dwell on the relative helplessness of their situation. Some, like Sebastian, were able to remove themselves emotionally from the task, stepping back from the personal aspects and instead approaching it as an academic exercise:

I began applying a business-like mindset to the campaign and developing strategies for market penetration. Harnessing social media has been an important part of that endeavour. In many ways, a pragmatic approach de-emotionalises the whole thing for me. I've found that distancing myself from the case helps me work on it without getting upset every time. I have to be professional about things otherwise I'll never get anything done.

However, as Connor suggests below, some found it just too difficult emotionally to pursue their case within prison:

I have spent more time going over my case too but struggling to find anything I haven't already explored, I don't want to ruminate on it though so I don't really look too often.

It appeared that Connor, along with a handful of others, while stating that they had not given up on 'justice', had transferred responsibility, either to third parties such as family or legal teams or their future selves. Indeed, some claimed that they would only be able to effectively campaign for their exoneration once released. In reality, it was likely that on some level these participants had resigned themselves to serving their full sentence. However, it was difficult to admit this to themselves without causing distress and so they appeared to simply defer the emotional burden to a later time. This self-deception enabled them to block off the negative feelings of inevitable setbacks and rejection while also allowing them to avoid feelings of despair and hopelessness outlined in the first section. These participants, therefore, seemed to occupy a middle ground between complete despondency and a more proactive mentality.

Hope is important for all prisoners regardless of their stance as 'innocent' or 'guilty' (Liebling 1994; Crewe 2011b; Kerley and Copes 2009; Clone and DeHart 2014; Crawley 2004). However, those maintaining innocence have a unique way of generating hope – through active campaigning of their case. While all prisoners hope for release, those claiming wrongful conviction occupy an unusual position. For guilty prisoners, release is

to be expected at the end of their term or through parole and they work towards this. For my participants, release could theoretically be long before the official end of their sentence if their conviction is overturned. These men and women were thus not only working towards their end date but also their ‘exoneration date’. Their hopes of release were more immediate but also more unobtainable. Technically, they could be released fairly soon but they had to acknowledge that this was very unlikely to happen. As a result, the hope generated by campaigning efforts appeared particularly powerful but was always relatively precarious and liable to collapse.

COMPLIANCE AND RESISTANCE

Like hope, the use of resistance as a coping tool is well established in the general prisons literature (Crewe 2005, 2007a, 2009; Bosworth 1996; Bosworth and Carrabine 2001; Sparks and Bottoms 1995; Sparks et al. 1996; O’Donnell 2016; Mathiesen 1965). This is no different for prisoners maintaining innocence, however, for these prisoners such resistance is exclusively framed through the lens of injustice⁷ and innocence.

Although – as stated below – behaviour was generally good, this often covered a range of stances and masked subtler resistant activities. As writers such as Ben Crewe (2007a) and Mary Bosworth (1999; Bosworth and Carrabine 2001) have highlighted, in the prison context, resistance can take the form of relatively trivial acts that assist in

⁷ Of course, resistance is also a means for challenging injustice for the general population but it does not seem to be to the same extent. ‘Normal’ prisoners do not appear to respond, particularly to small injustices, with the same ferocity, the same dogmatic and inflexible approach, that prisoners maintaining innocence claimed to employ.

maintaining personal integrity. For Bradley, who had served 12 years of a life sentence for murder (with a tariff of 15 years), such resistance took the form of low-level non-cooperation and served to reinforce his identity as an ‘innocent’ prisoner⁸:

Because I’m wrongly convicted I’ve refused to co-operate in many ways. I won’t wear prison clothes... I won’t share a cell...I won’t do anything to assist with the running of the prison. I claim it as a form of conscientious objection. I can’t refuse to work at all. That would be contrary to prison rules and I’d leave myself vulnerable to punishment.... These small acts of defiance have helped my morale over the years and constantly fighting helps to guard against institutionalisation.

As Bradley highlights, such non-cooperation, or ‘small wins’, were also capable of boosting morale and the constant game of one-upmanship served as both a distraction from feelings of hopelessness and as a means of enhancing mental integrity. These acts further allowed participants to retain a sense of identity, not only as an individual but also as an ‘innocent man’. Indeed, for Sebastian, small acts of defiance were a means of distinguishing himself from the general prison population. This reclamation of his personal identity was extremely important to Sebastian and he was perhaps the participant who most strongly rejected the criminal label (see below):

There’s no doubt that the very act of campaigning for justice is a form of defiance and resistance against perceived oppression and injustice. I think I attach a great deal of symbolism to my own personal integrity, comportment, grooming, attire etc. in here. I refuse to be assimilated with the rest of the population here so I perhaps go out of my way to stand out to some degree.

For these participants, personal decision-making relating to areas such as grooming, clothing, refusal to help the prison run, locking their door before an officer etc.⁹ all

⁸ On occasion, this led to confrontation with prison staff (see chapter seven).

⁹ Ashley Rubin (2015) suggests that such behaviour is better labelled ‘friction’ – automatic acts that occur in controlled environments that can serve to maintain autonomy. She claims that the term ‘resistance’ should be reserved for acts that are ‘consciously political, grievance- or justice-orientated’ (*Ibid*: 27). This distinction, however, becomes blurred when considering prisoners maintaining innocence. These prisoners

afforded a sense of control and autonomy and provided an outlet through which to express the perceived illegitimacy of their sentence. They disputed the right of the prison to hold them and claimed to use such behaviour to signal their discontent. This subtle resistance and refusal to assimilate thus placed boundaries on the power attributed to the authorities and operated as a means to maintain personal integrity. More fundamentally, as suggested by Sebastian, campaigning for exoneration also operated as a means of resistance (see chapter eight). Therefore, although participants appeared highly compliant, this masked their true stance towards the authorities.

Indeed, as a response to the perceived injustices in their own case, a sizeable number of participants appeared to develop a heightened awareness of injustice generally and an inability to accept even the smallest of transgressions by prison staff. These participants were usually the most active in their own campaigning efforts and most forceful in their protestations of innocence, as evidenced by their accounts. They asserted that they frequently used institutional means, such as internal complaint forms, complaints to the ombudsman, judicial review, and eventual challenges to the European Court to highlight the injustices they perceived to be inherent in the system. For Brendan, legal challenges signalled a reclamation of control over his life and was an attempt to regain a level of autonomy that he believed had been taken from him on arrival to prison:

Another coping strategy has been to learn about the rules and the law. Being armed with this knowledge has allowed me to fight a range of prison related issues. I currently have 2 private law claims and a judicial review pending. Many prisoners bemoan the lack of control they have on their own lives. I believe this control can be retuned, but it requires a lot of sacrifice, work and patience.

use such 'frictional' behaviours, not only to aid feelings of control, but to intentionally defy and disrupt the regime in order to signal the perceived illegitimacy they face. There is thus a dual-function to their behaviour which is consistently motivated by 'injustice'.

For Phil, there were more practical motivations for challenging the prison authorities:

When the rules are not followed or regime not implemented as it should be, I feel injustice which leads me to challenge it through complaints then the courts. It's as if I have to stop all further possibilities that the authorities will wrongly punish me in any possible way.

As Phil identifies, it was a common belief that small transgressions would eventually lead to bigger ones and ultimately abuse by the prison authorities. He felt it was inherently illegitimate that he was imprisoned and would not endure additional punishment if it could be avoided. It was considered that presentation of a litigious tendency avoided such exploitation, while also increasing levels of control and a sense of agency.

It was generally these small acts of defiance and legal challenge, an individualised form of resistance, rather than large scale outbursts that allowed participants to retain this sense of control. That is not to say that violent confrontation and more militant strategies did not occur, just that they were not the norm. Indeed, only a handful of participants asserted that they had ever employed these means of resistance. Three claimed to have been on hunger-strike, while another three claimed to have been extremely violent, rebelling against the 'enemy' and refusing to engage with the system. Jamie, who had served 13 years of a life sentence for a murder where no body had been found, illustrated how he used violence not only as a signal of his discontent but also as a means of getting his own way:

I spent just under 5 years at Wakefield and continued to attack nonces and show bad behaviour, I had a total disregard for the regime and in all my time there I only spoke to no more than 5 other prisoners, in the end to get a transfer closer to home I attacked a Muslim in for terrorism and spent 5 months in the segregation block.

Jamie's stance, although more radical and aggressive, mirrors the more restrained resistance outlined above. Fundamentally, Jamie believed the institution to be illegitimate and therefore considered that the rules did not apply to him. He also confessed to obtaining an illegal mobile phone and '*convinced myself I deserved to have one because I was innocent*'. In this situation, Jamie's 'innocence' operated as a technique of neutralisation (see Sykes and Matza, 1957). Ultimately, he understood that he was breaking the rules but used his claims of innocence as a means to minimise and justify his wrongdoing, both to himself and me. His maintenance of innocence thus became a moral stance; in his view he was not a criminal and should therefore not be subjected to the same rules and restrictions as rightly convicted prisoners.

General violence and rule breaking further acted as a response to the feelings of powerlessness (for example, over where Jamie was located) and injustice while symbolising individual autonomy. This behaviour compensated for the illegitimate subordination inherent in a period of 'wrongful' imprisonment and was employed as a means to gain control of a participant's situation. Indeed, such disruption usually peaked at times when control felt weakest, for instance if progress with campaigns was slow or when appeals were rejected. These protests, while no doubt effective in gaining attention for the perceived injustice they were facing, were often quickly dealt with¹⁰. Most participants, including Bradley, thus viewed such outbursts as imprudent and reckless:

Fighting back is difficult. Staff are trained to cope with most things. Violence or emotional outbursts will only make things worse.

¹⁰ One participant, Phil, had been in segregation for the past six years for breaching prison rules.

Even the strategies of low-level resistance outlined above, such as non-cooperation and legal challenges, could have institutional consequences and most who undertook such a course of action were aware of the need for their behaviour to stay on the right side of the line. Most understood that they must exercise caution and played within the rules of the establishment, pushing the boundaries but never so far as to have serious consequences. For Simon, who was serving seven years for rape, this meant exhibiting the necessary deference to prison authorities while pursuing legal complaints:

I operate cleverly but straight to the point with respect. I obey all rules and don't try to react by being an outlaw. I know I can never beat the system but can use the law against itself so I will not stop until I get answers.

Simon, and many others, were thus mindful that the system was too powerful to flagrantly oppose and understood that 'troublemakers' would be dealt with swiftly. Indeed, participants generally had a highly sophisticated understanding of their circumstances; while keen to display opprobrium reflective of their perceived unfair imprisonment, they recognised that to draw too much attention to themselves could see them labelled as troublemakers and lead to negative consequences. However, by working within the framework of the institution and by using institutional means to challenge the behaviour of their captors they were able to signal their resistance and gain a level of control (see Mathiesen, 1965) while appearing respectful and compliant and thus avoiding the negative attention that accompanies overt disciplinary infractions.

Indeed, most were at pains to convey that they were model prisoners, followed prison rules and, as a result, were 'adjudication free'¹¹. Participants sought not only to

¹¹ A prisoner may receive an adjudication if they have committed a disciplinary offence by breaching certain prison rules.

avoid the above-mentioned negative institutional consequences but also utilised good behaviour as a means to retain a sense of their pre-prison identity. Many stated that they had never been in contact with the criminal justice system before and claimed to have been law-abiding citizens prior to their imprisonment. As a result, for participants such as Sebastian, agitation towards the authorities in response to their perceived illegitimate conviction would not only be acting out of character but also confirming the opinions of those who were convinced they were guilty:

Equally, as a means of emphasising my personal integrity, and proving something of a point – I ensure that I am beyond and above reproach by doing things by the book. Conversely, prisoners maintaining innocence who do breach the rules play into the hands of those who would wish to characterise them as lawbreakers.

Similarly, Ellie believed that a small transgression of the rules could act as a signal to others that she was a ‘lawbreaker’ and could lead to questions regarding her personality, trustworthiness, and ultimately her innocence:

A further reason for adhering to prison rules is that I believe that if you break a ‘small’ rule it is easier for people to imagine that you will break a ‘big rule’. Therefore, with this logic, if I break prison rules it is easier for people to believe I am in fact guilty of murder as a rule breaking shows a disregard for others and authority as well as showing an egotistical approach to situations.

Sebastian and Ellie’s quotes above serve to illustrate that participants were often acutely aware of how others – particularly those in power – viewed them and, as a consequence, they claimed to adhere to the majority of prison rules, even if they considered it fundamentally illegitimate that they be bound by such rules. It appeared there were two main motivations behind such behaviour. The first was the recognition that they must, to a certain extent, ‘play the game’. Although all who took the time to write to me disputed the legitimacy of the institution, they felt the need to engage with it and the prison

authorities as they had little other choice. Their primary aim was to secure their release and this aspiration to be released at the earliest opportunity overrode other concerns, even if that meant completing their full sentence. For these participants, particularly those serving life or IPP sentences, basic engagement was thus a necessity. If they were to have any chance of release through the usual channels they had to engage with, rather than rebel against, the system¹². Overt disciplinary infractions and the resulting consequences would thus hinder their ultimate aim, while also making it harder to campaign effectively.

Secondly, participants appeared to utilise good behaviour as a signal to the prison authorities, prison population, and society more generally that not only were they ‘innocent’ but also fundamentally good people. As such, they refused to internalise the ‘criminal’ label by becoming the antithesis of what they believed a prisoner to be and sought to distinguish themselves from others.

This rejection of the criminal label is another coping mechanism that has been highlighted in the literature on exonerees (Campbell and Denov 2004; Grounds 2005). It is well known that a term of imprisonment is a ‘massive assault’ on the identity of an individual (Berger 1963; Schmid and Jones 1991), during which time an inmate’s self-image is replaced with an overriding label of ‘criminal’ and ‘prisoner’. While this is true for all prisoners, stigmatisation by others as ‘criminal’ was profoundly uncomfortable for some participants and intensely agitated them.

¹² Nevertheless, as discussed more fully in chapter eight, there were limits to this engagement. For example, although most were happy to build working relationships with staff and comply with prison rules and their sentence plan, all refused to participate in activities that required an admittance of guilt e.g. offending behaviour programmes.

Most strongly resented the criminal label attributed to them and as such refused to acknowledge or internalise it. Defiant expressions of innocence were common. These protestations, and their stance as ‘wrongfully convicted’ prisoners more generally, served as a tool to dismiss such labels and further protect participants’ integrity. ‘Innocence’, in and of itself, seemed to become a major structuring factor in these prisoners’ identities. It was an aspect on which many appeared to become fixated and, indeed, became a kind of identity in itself. First and foremost, they were ‘innocent’. This was how they viewed themselves and it was how they distinguished themselves from those around them (more fully discussed in chapter seven). Consequently, their very identity became a form of resistance.

One participant, Sebastian, went so far as to draw distinctions between those who were truly deserving of the label ‘innocent’ and those who were not:

You need to differentiate between innocent first-time ‘offenders’, and innocent ‘offenders’ with previous convictions. The former have a completely different experience to imprisonment than the latter. For the latter, prisons aren’t new to them, and neither is crime. They live criminal lifestyles, they understand prison culture, they understand the language of violence. They feel hard done by but often accept it with an air of nonchalance, ‘well I didn’t actually do this one, but then they didn’t catch me for the other’. To me, unless they are serving long sentences unjustly, they aren’t truly ‘innocent’ – they’re just unlucky. The sentence mitigates prior injustices when they have escaped justice. One aberration of justice erases another.

For Sebastian, those who had been imprisoned previously or who had lived criminal lifestyles prior to their current conviction were not truly innocent and he thus declared that there were levels of innocence, a hierarchy, within the prison environment. He felt that truly innocent prisoners differed from others in not only their experiences but also their responses to them – the burdens were harsher, the deprivations more keenly felt. Sebastian, therefore, drew clear distinctions between both himself and guilty prisoners and also those

who had somewhat tainted wrongful conviction claims¹³. He believed that the latter group were diluting what it was to be an ‘innocent’ prisoner. While it was common for participants to draw a distinction between themselves and prisoners who admitted their guilt (see chapter seven), very few took Sebastian’s extreme stance. The majority could identify the failing in others’ cases and drew parallels with their own. They did not feel that a previous criminal lifestyle justified being wrongly imprisoned.

Furthermore, Sebastian’s claim, that prisoners who maintained their innocence but had criminal histories differed in their experiences to the ‘truly’ innocent, appeared to be largely unfounded. Generally, I did not see a stark difference in the letters of those who had been imprisoned previously and those who were serving their first sentence¹⁴. Of course, those who had been in prison ‘rightly’ on a previous occasion were more aware of how to navigate prison life and social relationships but this distinction seemed to level out once first-time inmates learnt to cope after the initial period of imprisonment. As stated above, all participants claimed to have difficulty adapting to their current sentence, regardless of previous experience with the criminal justice system. Indeed, as is a common theme throughout this chapter, and the thesis more generally, claims of innocence dominated their experiences and although the burdens had already been encountered by those imprisoned previously, they were constantly tinged with notions of injustice and their status as ‘innocent’ men.

¹³ Such comparisons are well established in the social psychology literature. For example, Festinger (1954) suggested that we compare ourselves to others for the purposes of self-evaluation while Wills (1981) states that often such comparisons are to those who are in worse positions when we are experiencing negative emotions. Similarly, Maruna (2001) has suggested that prisoners too highlight differences between themselves and ‘more serious’ criminals in an attempt to ease stigma. By drawing these distinctions, Sebastian is increasing his own feelings of self-worth.

¹⁴ Such a claim is reliant on participants’ articulations of their experiences in letters. A stronger difference may well have been observed in the prison itself.

To sum up, it is clear that resistance, compliance, and rejection of the criminal label (see Berger 1963; Schmid and Jones 1991; Jewkes 2002) are all utilised as coping mechanisms for prisoners maintaining innocence. These are techniques that are similarly employed by the general population. However, as is consistent throughout this chapter, the motivations and results are subtly different. Prisoners in my sample used such strategies to signal the injustice they perceived and to distinguish themselves from the general prison population. Again, their experiences were framed by the illegitimacy they felt and the perceived injustice of their conviction overrode all other concerns, structuring their responses to the prison system. For example, most appeared highly compliant, similar to the mainstream, but they did this not only to avoid negative consequences, but also to signal to others their ‘innocence’. Similarly, there appeared to be, unsurprisingly, a stronger resistance to the criminal label and an intense desire to distinguish themselves morally from others, to the point where ‘innocence’ became an identity in and of itself. It is thus clear that the coping strategies employed, also evident in the way these prisoners cope with time and emotion (see below), are, on the surface, very similar to the rightfully convicted population, although for those claiming wrongful conviction there is a consistent additional component and ‘innocence’ and injustice always play a role.

TIME AND EMOTION

As documented in chapter three, research suggests that successful adjustment to prison life involves discovering and employing ways to deal with ‘empty’ time (Medlicott 2011; O’Donnell 2016; Crewe 2009; Jewkes 2005; Matthews 2009). The loss of productive time and the restructuring of eventless time is both an ongoing and punitive aspect of

imprisonment, capable of producing significant pain and stress. This must be endured by the innocent and guilty alike.

Nevertheless, participants in the current research study were adept at employing strategies to deal with time. Participants were capable of devising routines and undertaking meaningful activity to pass the time available to them, similar to exonerees in the wrongful conviction literature (Campbell and Denov 2004; Jenkins and Woffinden 2009) and rightfully convicted prisoners in the general literature (O'Donnell 2016; Jewkes 2005). This not only alleviated the day-to-day boredom they experienced but also preserved their mental and psychological integrity. Indeed, most filled their time with routine occupations¹⁵, such as work, education, the gym, religion, music, writing etc. to create the illusion that time was passing quickly¹⁶.

These interests served not only to consume time but also operated to deflect feelings of frustration and anger, distract participants from the perceived injustices they faced, and, to some extent, helped them come to terms with their sentence. Indeed, while all prisoners, regardless of guilt or innocence, must manage time and the means of doing so are similar for both populations, for those maintaining innocence the frustration caused by 'lost' time was heightened. Many participants wrote of the time that was 'taken' or 'stolen' from them, time that could not be replaced even if they were later exonerated. Again, they did not believe that there was a legitimate reason why they should be imprisoned, why they should be having to endure this loss of time. The decision to imprison them was, to them, so deeply wrong that prison time was not only 'empty' time

¹⁵ Corresponding to O'Donnell's 'removal' strategy (see chapter three).

¹⁶ These activities further allowed a degree of focus and contentment and as such will be examined in more detail below in terms of their providing emotional outlets.

(Medlicott, 2001) but fundamentally wasted time. As a result, many, such as Sebastian, vowed to use their time wisely and productively:

In the meantime, as long as I'm in prison, I want to use my time constructively. It's already an incredible waste, so I can't justify compounding that by not doing anything. I've filled my time with purposeful study and self-improvement.

Likewise, Brendan viewed the productive use of time as integral to his coping:

This sort of thing is key to me coping in prison. I will not allow the system to steal my life from me. The acquisition of knowledge and skills is pivotal to my belief system. I want to come through this chapter in my life and be able to look back at that time as not being wasted.

As Sebastian and Brendan illustrate, it was not simply enough to waste time; it needed to be spent constructively. Participants needed to feel that their lives were not completely over, that there were valuable achievements still to accomplish. As a result, many appeared to undertake a process of personal betterment, where they sought to make beneficial changes to their lives. They claimed that they wanted to reframe their experience in terms of positives rather than negatives and wrote of 'investing' in themselves. Indeed, many stated that their wrongful conviction was easier to deal with if they reframed it as a positive opportunity to better themselves personally, often in ways they would not have had time to do outside. In this sense, education was paramount.

Similar to the general prison population, many participants described education not only as a positive means of using time, but also as a positive emotional outlet. Obtaining educational qualifications, or even undertaking informal learning, gave prisoners a sense of purpose and progress that sustained hope and morale for the future. Some recognised that keeping their mind active was an important means of avoiding mental deterioration

and institutionalisation. Education also acted as a distraction to feelings of self-pity and depression and had the power to transcend the monotonous and at times dangerous existence of prison life, as illustrated by Nigel, who had served five years of a natural life sentence:

Education helps me cope as it provides me with focus and in many ways anchors me in a reality that is removed from all the prison politics, noise, paranoia and false bravado. Taking a degree with the O.U. is probably the most positive thing I have done in my whole life. By educating myself I can keep telling myself that prison life is not an entire waste.

Education thus offered an escape and was capable of refocusing concentration onto something that was positive, future-orientated, and innately individual. For some, this concentration, and education more widely, was inherently linked to their position as a prisoner maintaining innocence and participants discussed the need to remain mentally alert in order to effectively fight their conviction. Many pursued formal criminal justice, law, or politics qualifications in an attempt to more fully understand the processes that had caused their conviction and to provide information and tools on how to challenge them. This was not only a practical benefit in terms of their campaigning efforts but also served as an emotional aid by providing continued motivation to fight their conviction and a corresponding sense of progress. Indeed, education was often used in conjunction with campaigning and appeal work, as illustrated by Phil:

Researching helps by providing greater possibilities to win an appeal, and allows you to take ownership of your case...Education helps by developing your understanding and allowing your mind to make connections between material which could lead to an appeal.

Religion too acted as an emotional aid and offered an outlet for participants' frustration, again similar to the mainstream population (Kerley and Copes 2009; Thomas and Zaitzow 2006). Around a quarter of participants, to varying degrees, claimed to partake in religious

activities and draw on their spiritual beliefs in order to cope with their conviction. From their accounts, these prisoners appeared to gain strength from their philosophies. Such religious endeavours appeared to help these men and women reinterpret their situation in a more positive and manageable way. Indeed, the certainty of religious doctrines and ideals – particularly notions of hard work, perseverance, self-discipline, acceptance, honesty, and justice – offered comfort, reassurance, and the will to continue fighting, as illustrated by Sebastian. Sebastian found that religious norms provided motivation and a sense of hope for the future:

My faith also encourages me to maintain the moral high ground in my campaign for justice, not to compromise my principles; and so I continue because it is inherently the right thing to do, a 'just cause'. In many ways it is my own personal crusade. When at times I feel I am flagging, when the demoralising forces kick in and I become demotivated, this is one of the spurs that makes me pick myself back up and re-enter the arena.

These religious norms thus provided a base from which to make decisions and played an important role in creating feelings of control, dignity, meaning, and direction, as also noted in the mainstream prison literature (Kerley and Copes, 2009). Similarly, Ellie believed that her conviction, and to a lesser extent the prison authorities, were sent to test her strength of character and commitment to these values. She found that belief in a higher power and 'plan' helped to combat feelings of helplessness:

I find that, at times, I convince myself that negative experiences are happening simply because my Gods and Goddesses are testing me and providing me with the opportunity to prove my worth... When I have been tempted to falsely claim guilt I have turned to my faith.

Participants further explained that their faith often operated as a defence to the isolation inherent in their claims. For Sebastian, religious texts offered countless role models on

which to base his own behaviour during his suffering and in many ways structured his response and emotional reactions to his perceived wrongful conviction:

Theism makes you keenly aware that your own problems are relatively insignificant...The Bible is full of incredible people who endured trials far worse than my own. It is a reminder that I am not alone, others have been there before me, and it is a reminder that anything other than patience and acceptance – ultimately, of God's will – is futile. We achieve nothing through melodrama or histrionics, anger or resentment, bitterness or self-pity.

As Sebastian suggests, participants' beliefs were thus capable of restructuring their responses, positively, to the illegitimacy and injustice inherent in their claims, allowing them to face their conviction in a more hopeful and constructive mind-set. Their perceived wrongful conviction was interpreted as a challenge to be met. If others had survived and flourished through hardship they could too.

Equally, creative expression, in the form of art, music, reading, writing etc., had the power to ease stress, aid relaxation, and refocus the mind in a more positive direction. Again, due to the limited options available, this too is a coping mechanism employed by the 'rightfully' convicted (Crewe 2009; O'Donnell 2014¹⁷) and its use and effects were not unique to prisoners maintaining innocence. Artistic endeavour was inherently personal and was thus capable of exposing and reconfirming a participant's inner, non-criminal, identity. Some wrote of not having the time to undertake such activities prior to imprisonment and were content to be employing their skills and filling their time in productive and emotionally uplifting ways.

Furthermore, and perhaps most importantly, participants spoke of the transformative effect of creative expression. For Ashley, who had served 5 years of an IPP

¹⁷ Defined as 'raptness' by O'Donnell.

sentence, music was ‘*a form of escapism*’ that allowed temporary respite from his situation and surroundings. Artistic expression of all forms countered the sensory deprivation of the prison and defended against the mundanities of prison life. For Sebastian, such work had the ability to transport him beyond the walls:

My core outlet was probably music... I found music to be a precious source of solace and connection with humanity. In the midst of all this destruction and in an environment permeated by depravity and gratuitous violence, I was able to find something wholesome and pure. In these moments I could transcend my existence behind the cold walls and barbed wire of my oppressors, and feel free again.

These activities were thus not only ways for participants to express themselves emotionally but operated to refocus their attention beyond the prison. Participants often claimed to briefly forget about the negative, and at times hopeless, situation they were in and became completely absorbed in the activity at hand. In the austere and aesthetically-bland environment of the prison such work had the power to transform their mood. As Sebastian illustrated, these creative activities could increase levels of confidence and an individual’s sense of worth. Like education, art signalled to these people that they were still capable of achieving something while being incarcerated.

Finally, the gym and physical activity more generally were key to most participants’ physical and mental health, similar to the mainstream population (Crewe, 2009). Nearly all participants used the gym and commented on how physical exertion alleviated the stress and frustration inherent in a period of, what they believed to be, wrongful imprisonment. Indeed, most asserted that the gym bolstered positive emotions, as illustrated by Phil:

The gym helps by keeping your energy level and spirit up, as well as making sleep easier. It also reduces the feelings of depression and gives your mind a chance to relax.

Undertaking physical activity was thus capable of refocusing participants' attention away from their conviction, offering respite from their mental fight by tiring the mind and body, and as such ensured that they found temporary relief from dwelling on the perceived unfairness of their situation. Again, it was a means of enjoyment, providing satisfaction and a sense of achievement.

Many stated that they had used the gym prior to their conviction. For Joe, who had served 16 years for murder, physical activity allowed him to retain a sense of the life he had lost and, like creative expression, meant he could transcend the prison walls mentally:

Since being remanded I have used the prison gym as a means to cope with the darkness that overshadows each day. When I am training in the gym I am not in prison. Having run a karate club and raced downhill mountain bikes before prison, lifting weights in the gym gives me a vague grasp to the life I had taken away from me for no reason at all.

For Joe, the continuation of his gym routine allowed him to retain some normality in his life. Indeed, for him and many other participants, physical exertion was the easiest way to salvage aspects of their pre-prison routines and identity.

From the above discussion, it is clear that education, religion, creative expression, and physical activity all acted as emotional outlets and were positive ways in which participants could reclaim and express their non-criminal identity. These pastimes enabled participants to refocus their thoughts and energy into positive and worthwhile causes, however briefly. They were able to gain a sense of meaning and purpose from these endeavours and, as such, they were vital coping mechanisms. These coping strategies appear very similar to those employed by the general prison population. Indeed, both groups had, on the surface, similar motivations for wanting to use their time in a

constructive way and gained similar levels of emotional fulfilment from their activities. This was particularly true for creative expression and use of the gym.

However, there were subtle differences, which have been highlighted throughout this section, where participants' claims of innocence directly impacted on their use of time. When participants wrote of time, their accounts were again consistently coloured by their claims and they spoke of the life that had been unjustly taken from them. Additionally, particularly in relation to education and religion, there were differences in the motivation and effects of these activities. As an example, education was pursued, although not exclusively, as a means of aiding campaigning efforts while the emotional relief gained from religion appeared to revolve almost entirely around their 'innocence'. Indeed, faith provided encouragement to continue fighting their conviction and religious doctrine and texts were interpreted to fit their individual situation and difficulties. This section thus highlights that the way prison time operates and affects prisoners is largely similar across populations. However, for those claiming wrongful conviction, their beliefs and stance as an 'innocent person' is so all-consuming that injustice and illegitimacy frame their entire existence, subtly impacting on particular aspects of time and coping.

BETRAYAL AND INJUSTICE: 'WRONGLY' ACCUSED BY FAMILY OR PARTNERS

Matters of coping were complicated significantly when the participant was either accused by a family member of sexual assault (as occurred on at least five occasions) or was convicted of killing a family member or sexual partner (occurring on at least five further

occasions). None of the five men who were convicted of sexually assaulting a relative had contact with their accuser. Four of these men remained in contact with other members of their family. All were deeply distressed by the situation and could not understand why their daughter / wife / sister had made such claims. None so much as Martin, who had been convicted of sexually abusing his daughter:

I miss her, of course. She's still my daughter. Do I still love her? Yes. She's still my flesh and blood. Will I ever forgive her if she told the truth? Yes, I would. All I want is to see her and ask her why? WHY? There have to be reasons for her to do what she did.

Often these participants spent a considerable amount of time trying to comprehend how their loved one could 'falsely' accuse¹⁸ them of such a heinous act. Some tried to recall details of their past in an attempt to ascertain what triggered the accusation or what could have motivated it. Martin, above, was the only one who ever stated that he still loved, and considered reuniting with, his daughter. He was deeply conflicted emotionally and although he stated that he *should* hate her, his natural instinct as a father would not allow it. It appeared that for the other four men these women were no longer a part of their life, their 'transgression' was too large to forgive. Indeed, one participant never referred to his 'victim' as his daughter or step-daughter, labelling her only as his 'accuser'. Nevertheless, the fact that these men were, in their view, wrongly imprisoned as a result of an accusation by a person they loved, hurt them all the more and led to a complex mix of emotions not otherwise experienced in either the general or 'wrongfully convicted' populations.

However, these emotions paled in comparison with those who had been convicted of killing family members. Often these were the most harrowing accounts to read. Patrick,

¹⁸ Of course it is impossible for me to know whether such accusations were false.

who was serving a life sentence (with a tariff of 25 years) for the murder of his wife, described how her loss impacted on his emotional state. This situation, and his wife's death, were relatively new for Patrick, having served only 18 months:

...for me imprisonment is only secondary and in itself is merely temporary, unlike the loss of my wife...It is my philosophical perspective of a meaningless life without her. I immensely miss her presence, far more than my own freedom, and I come no closer to overcome my grief.

This grief often appeared to remain raw, even after lengthier intervals of time, as illustrated by Sebastian who had been imprisoned for six years:

Losing my father in such horrific circumstances, the compounding sense of loss was crippling, I felt utterly alone and completely lost. Trying to come to terms with a violent bereavement is hard enough as it is, but it has really been quite impossible to find any sense of closure while I'm in here – because, not only have I been unable to make any meaningful act of remembrance, (I was prevented from attending the funeral, and have yet to visit dad's graveside) – but my very existence continues to be defined by my father's death, so I think about him constantly, unable to move forward...There's been no opportunity for adjustment in that typical sense, so the process of bereavement is in hiatus.

As Patrick and Sebastian illustrate, the pains of imprisonment were typically considered secondary to the loss of a loved one. The fact that they were convicted of their murder meant that the acute sense of loss remained a constant feature of their lives, lives that appeared to have been arrested at the climactic moment of their relative's death. As Sebastian stated, he felt defined by his father's death and unable to move beyond it as it continued to colour every aspect of his life. His father's death is inextricably linked to the desperate position he now finds himself in.

Sebastian further illustrates how these participants often expressed that they could not effectively grieve in the prison environment. He felt this was as a consequence of not being able to attend the funeral. Ellie, who was convicted of killing her son, felt similarly.

However, she further believed that the refusal to allow her to attend the funeral was as a direct consequence of maintaining her innocence:

...it was felt that as I maintained innocence I should not be permitted to attend...I was also told by another member of staff that if I had admitted guilt and done some of the offending behaviour programmes I would have been given permission to attend his funeral with staff escorting me. She went on to tell me that as I maintained innocence 'it would not be fair to others' if I attended the service.

Ellie felt that she was being further punished for maintaining innocence. It was heart-breaking for her to be told that she could have attended the funeral if she had only cooperated by completing offending behaviour programmes, which she considered tantamount to an admission of guilt (see chapter eight). Indeed, she felt this was an attempt by the prison authorities to pressure her into confessing. At the time of writing, Ellie had served 12 and a half years and is currently 'over tariff'.

It is likely that the ultimate decision to refuse attendance at the funeral was, in part, due to what was perceived to be a lack of remorse exhibited by Ellie¹⁹. It has been well established in the criminological and psychological literatures, that expressions of guilt and shame for wrongdoing can evoke sympathy and compassion for an offender (Kilty, 2010). Ellie exhibited no remorse and so was likely considered undeserving of compassion. Indeed, she stated that she was told by one officer that she would not be able to attend the funeral as she would '*not be given permission to gloat*'.

Ellie, along with the rest of the prisoners who were convicted of murdering a family member, knew that their grief would have to be addressed at some point but did not believe

¹⁹ It is also likely that estimations of her risk were another factor in the decision. As will be illustrated in chapter eight, maintenance of innocence can affect such estimations.

it possible in the prison environment. At no point, however, did these participants state that they ever considered capitulating and ‘falsely’ admitting to the murders. Indeed, all asserted that they would never give up on appeals and claimed that this was not only in an attempt to overturn their conviction but also to keep the justice system focused on the crime in order that they might learn how and why their loved one had died, and who had been responsible. All had a strong motivation to discover the ‘truth’ about their family member’s death and seemed to believe that this was in some ways more important than their emotional well-being or prison progression.

CONCLUSION

Throughout this chapter I have explored the specific coping mechanisms of prisoners maintaining innocence. Although these prisoners are housed in the same institutions and face many of the same pressures as the rightfully convicted, the perceived injustice of their conviction overrides and exacerbates the pains experienced. Indeed, they inherently question the legitimacy of their sentences and the resulting legitimacy deficit informs all other aspects of their experience and causes them to view the prison in a unique way. While they appear to adapt relatively well to the prison environment, they never fully accept it or grant it legitimacy in any meaningful way.

This chapter further illustrates that prisoners claiming wrongful conviction find means of coping, often employing resourceful and sophisticated strategies, that allow temporary respite from their day-to-day realities and the existential threats to their personalities and self-image. These coping mechanisms appear remarkably similar to those

employed by the rightfully convicted, particularly in relation to dealing with time and emotion. This is not surprising given that in the prison environment there are only limited options available to them and, as such, avenues of coping are restricted.

Indeed, generating hope, undertaking subtle acts of resistance, rejecting the criminal label, and employing strategies for the meaningful use of time are used by the guilty and those claiming wrongful conviction alike. These mechanisms preserve what little control prisoners have and allow them to reframe their situation in a positive way, granting a degree of emotional contentment. These are strategies that are capable of diverting attention away from the hopelessness of their current situation and allow them to reclaim and express their 'true' non-criminal identity. In this respect, they operate in identical ways for both populations. Indications of an inability to cope are likewise similar, given that there are only a limited range of responses available.

However, there were some strategies that were unique to this population. This is most obvious with the use of campaigning as a means of coping. The continual fight for justice and preoccupation with exoneration and release as a means of empowerment and resilience was thus distinctive. Similarly, the need to highlight differences between themselves and other prisoners and the rejection of the criminal label was inevitably strong for this group and appeared highly important to notions of identity and self-image.

To conclude, it is obvious that prison functions differently, at least on an emotional level, for prisoners maintaining innocence and the pains of such confinement are exacerbated for this population. Their accounts reveal the emotional nature of punishment and highlight notions such as power, agency, and negotiation. Their experiences are

constantly coloured by their position as ‘wrongfully convicted’ prisoners and the inherent injustice and lack of legitimacy this entails. However, due to structural confinements their means of coping are, on the face of it, substantially very similar to the general prisoner. Nevertheless, on closer inspection, these coping mechanisms are subtly different. As this chapter has illustrated, the pains experienced and responses to them are framed and intrinsically linked to protestations of innocence. Every decision, every reaction, every reason for behaving a particular way, is constantly viewed through the lens of injustice to the point where it becomes impossible to extricate their stance from their coping strategies. Everything relates back to their ‘innocence’.

BEYOND THE WALLS: MAINTAINING

RELATIONSHIPS WITH FAMILY AND FRIENDS

The load is too heavy to carry on my own.

Arthur

INTRODUCTION

Throughout this thesis I have continually referred to the pains of imprisonment, the deprivations inherent in prison life that a prisoner must endure and adapt to (Sykes 1958; Sykes and Messinger 1960; Goffman 1961, 1968; Crewe 2005, 2009, 2011a; Liebling and Maruna 2005; Irwin 1970, 1985; Irwin and Cressey 1962; Irwin and Owen 2005; Cohen and Taylor 1972; Merton 1938; Jacobs 1977; O'Donnell 2016; Kerley et al. 2006; Medlicott 2001; Matthews 2005). The loss of family relationships and the pains of such separation must be included among these deprivations. While all prisoners suffer these pains, they are again magnified for those who are claiming wrongful conviction. Their experiences and emotions are constantly framed by notions of injustice¹; they have to endure not only, what they perceive to be, an unfair denial of liberty but also limits on their ability to maintain contact with those they love. These prisoners, when faced with what is likely the most traumatic and distressing event of their lives, are effectively estranged from those who are most able to offer comfort and reassurance and left with

¹ This is similar to the deprivations outlined in chapter five.

only a diminished support network. While this separation is an intrinsic pain of imprisonment, for prisoners claiming innocence it was highly illegitimate.

Family relationships can, however, survive. They can be transferred into the prison, although they inevitably undergo a transformation in order to suit the new needs of the parties, particularly those of the prisoner. For prisoners maintaining innocence, relationships offer unique benefits. As has been illustrated, claiming wrongful conviction is a denied experience and these prisoners have little voice. The prison rarely recognises them or their reality and it cannot easily accommodate those who do not admit guilt (see chapters seven and eight). It is therefore easier to ignore these prisoners than to meaningfully engage with them. Family relationships can thus offer recognition in the face of institutional denial. However, such relationships are not straightforward and continued contact calls attention to conceptions of identity, stigma, and doubt. By detailing the intricacies of such relationships and by highlighting the support garnered from them, this chapter excavates the emotional nature of punishment.

Section one focuses on the pains of separation. In section two, I consider both the practical and emotional difficulties of maintaining contact, concentrating largely on visits, and draw on themes of distance, stigma, and censorship. During section three I discuss the support family and friends can provide; namely, ‘emotional’, ‘practical’, and ‘financial’ support, while the remainder of this chapter focuses on relationship breakdown².

² I am focussing purely on participants’ experiences and perceptions as articulated in their letters. As such, I am presenting only one side of a two-sided relationship. It is beyond the scope of this thesis to discuss families’ opinions but I acknowledge that their perspective may well be different.

PAIN, POWERLESSNESS, AND LOSS

Participants often stated that missing family and friends was the most difficult aspect of prison life and this accords with what has been written in the previous wrongful conviction literature (Grounds, 2005). All resented the restrictions on contact with their loved ones and saw no legitimate reason why they should be separated from them. They were saddened by their sudden removal from their families' lives³ and by their inability to provide for them practically, emotionally, and financially. Many men had been the sole breadwinners for their young families when they were imprisoned. They were troubled by their powerlessness and their family's resulting lack of financial stability, an instability that has been highlighted in the literature on families of prisoners (Condry et al. 2016; Condry 2003, 2007; Smith et al. 2007). For many, like Gary, serving a six-year sentence for sexual assault, knowing that their family was struggling without them caused them to experience guilt and shame and ultimately impacted on their own ability to cope:

I feel like I've let my wife down by leaving her to deal with so much pressure alone. When I know she is 'coping' I can cope, when she is sad I am sad and from in here the feeling of being powerless to help is a crushing feeling!

Gary, and others like him, understood that it was not just his absence that affected his wife but also the fact that his absence was the result of a criminal conviction. He recognised

³ Most participants were acutely aware that they were missing out on important family milestones – children were growing up without them, parents were dying, siblings were getting married. These events were happening in their absence and some feared that they were now superfluous in the lives of their families, particularly in their children's. This created a deep sense of regret and loss, and again mirrors the previous wrongful conviction (Grounds 2005; Hill 1990; Jenkins and Woffinden 2009) and general prison literature (Genders and Player 1990; Kotova 2018; Jardine 2017).

that she too needed support in dealing with the verdict and public reaction that followed⁴, particularly as there were unresolved questions regarding his guilt.

Julie, who was approaching the end of a 14-year tariff for the murder of her husband, similarly described how her inability to comfort her daughter immediately after the verdict caused her significant distress:

Again when I got to reception at Low Newton I was given a 2 minute pin phone call. I had promised my daughter that morning when she went to school that I would tell her everything. 2 minutes and oh my God the phone cut and my distraught daughter was left hanging on the phone and I couldn't do a thing about it. That cut me deep more than any words could explain.

All of the three women in my sample were single mothers, and all talked at length about how the separation, and resulting lack of control over their children's lives, had impacted both themselves and their children deeply⁵. This distress, caused by lack of contact with children, was not restricted to the initial entry into prison and lasted throughout the sentence. Indeed, Ellie, who was serving a life sentence for the murder of her son, had only very limited contact with her daughter over the last 12 years. She felt that this relationship had been materially damaged, not only due to her imprisonment but also the nature of the 'crime' itself:

My daughter currently has virtually no contact with me. I tell myself that this is due to her being a teenager as well as due to her army commitments. Sometimes I even kid myself that this is accurate but, in truth, I believe our relationship has been significantly damaged by her experience of my incarceration.

⁴ It is well established in the literature that focuses on prisoners' families that these individuals suffer distress and trauma as a result of their loved one's conviction, comparable to bereavement, and as such require support, although in reality it is often limited (see Condry 2003, 2007; Christian 2005; Hostetter and Jinnah 1993).

⁵ Imprisonment of a parent, particularly a mother, has been shown to have serious emotional, practical, and developmental consequences for a child (see Condry et al. 2016; Minson and Condry 2015; Condry 2003).

For those men who had been convicted of sexual offences, contact with their children was usually denied entirely. Again, they spoke of the irreparable impact this had on both themselves and their family. It was not uncommon for these prisoners to harbour significant bitterness towards Social Services, with some suspecting them of trying to drive their partners away by threatening the position of the children⁶. This was the case for Simon who had served two years for rape:

Social services have blocked all my contact with my children and step children, so as long as I've been in jail, no child contact at all what so ever...My relationship with my fiancée is still strong and existing but they are refusing to accept it and doing whatever they can to split the family up. My partner has been threatened several times. They are trying to take my kids into care if she doesn't renounce our collusion. She's been warned not to get involved in my attempt to seek legal representation either.

The profound desperation that Simon experienced when denied contact with his children was enough to cause him to consider changing his stance with regard to his guilt. Although others claimed to have been placed in similar situations by Social Services, it was only Simon who considered yielding to this pressure in order to facilitate contact with his children. All did, however, strongly resent this unwelcome intrusion into their family lives and were deeply troubled by the stress and upset it was causing.

These participants largely considered this refusal of contact to be a consequence of not only their alleged crime⁷, but also of their continued protestations of innocence. As will be discussed in chapter eight, prisoners claiming wrongful conviction are often deemed high-risk as they do not accept their role in the commission of an offence and have

⁶ This has also been mentioned in the mainstream families' literature (see Condry 2003, 2007).

⁷ This was a problem that specifically affected sexual offenders or those whose offences involved children and was most common among those serving a sentence for a contemporary, rather than historic, sexual assault. In historic cases, the majority of children were now grown.

often done little to address their ‘offending behaviour’. As such, they cannot exhibit the necessary reduction in risk that would allow an authorisation of child contact. This facet of maintaining innocence thus directly impacts on the ability of a prisoner to maintain contact with his or her children, in a way that it would not with a guilty inmate.

It is also worth highlighting that Simon alleged that his partner was advised not to involve herself in his campaigning efforts and to renounce her ‘collusion’ for the sake of her children. This allegation, that family were informed that they should distance themselves from their convicted partners and discontinue their support of innocence claims, appeared in more than one account. Indeed, it was common for participants to assert that their wives and girlfriends had been ‘bullied’ by Social Services who had threatened to remove any children from their care. Often it was believed that such ‘threats’ were the direct cause of any subsequent relationship breakdown.

It was thus considered that family support of innocence claims were discouraged. Many believed this to be a result of the prison authorities judging such support as detrimental to rehabilitation, as illustrated by Max, who had served half of his 14-year term for rape:

My family and my friends are fully behind my innocence, however their belief in me built up over decades is as nothing compared to the stance that probation takes by saying things like [Max] has manipulated these people and therefore they do not provide a protective element as regards my licence conditions which all concerned find insulting.

Max here highlights how prisoners claiming wrongful conviction may be deemed to be both in denial of their crimes and manipulative of those around them (see chapter eight). Family support, usually considered a positive factor in Parole Board hearings, was

considered negatively, it was claimed, in this case as a direct result of maintaining innocence. These alleged attempts to obstruct access to otherwise supportive family members can be viewed as an effort to further limit the support available to prisoners pursuing appeals and CCRC applications and to pressure them into admitting guilt, topics which I will consider more fully in chapter eight.

Corresponding to the pains of imprisonment outlined in chapter five, it is obvious that all prisoners must endure separation from their families, regardless of guilt or ‘innocence’. However, the experiences of prisoners who maintain innocence are again unique as they are constantly coloured by their claims. All aspects of participants’ imprisonment were considered inherently illegitimate and they consistently viewed their situation through the lens of injustice. They saw no legitimate reason why they were being kept from their families and exhibited great resentment towards the police and court system. None so vehemently as Jamie, who had served 13 years for murder:

What hurts me the most is though I made [Brett] a promise the 1st time I had him in my arms, I whispered in his little ear that ‘I’ll never leave him and always be there for him’, the British justice system made me break that promise and I’ll never be able to forgive them for that.

While this transfer of responsibility eased feelings of personal guilt and shame, it often only served to exacerbate anger and bitterness about their absence. Jamie had been absent for the majority of his son’s childhood, having been remanded on Brett’s fifth birthday. He, nevertheless, managed to maintain a healthy relationship with his son, largely through phone calls and, later, visits.

CONTACT

All but one of my 64 participants claimed to have some contact with people outside the prison gates. Most commonly they were in touch with family, particularly parents and wives. Friends also featured heavily in some accounts. Many respondents claimed that their relationships with these people were in fact closer than they had been prior to imprisonment.

The men and women in my sample, like all prisoners, had three main methods of communication – letters, phone calls, and visits – and most used all three regularly. Many of the problems associated with these means of contact in the prison environment were identical to mainstream prisoners' views (see Genders and Player 1990; Fesrzt et al. 2009; Greer 2000),⁸ although there were some difficulties that were unique to prisoners maintaining innocence, most often related to visits.

DISTANCE

The vast majority of participants bemoaned the distance between the prison and their homes. Most found it difficult to arrange visits and complained about the associated costs. Some attributed their loss of contact with friends and family members to such matters. While it is common for prisoners to be kept some distance from their homes, regardless of guilt or innocence, a number of respondents interpreted their treatment as a deliberately

⁸ For example, the cost of phone calls, stamps, and travel; the unpredictability of access to a phone; the fact that mail was often read and phone calls regularly recorded etc.

punitive response to their insistence of innocence. This was the case for Joe, who had served 16 years of a life sentence (with a minimum tariff of 20 years) for murder:

My family are fully supportive, but I haven't seen them in over 9 years due to being held so far from home...Again, I am refused moves closer to home simply because I maintain my innocence.

Some participants, including Joe, described the distance between themselves and their families as a deliberate attempt to damage their relationships; a vindictiveness on the part of the prison service and a means to pressure them into admitting guilt. It is possible that assignment to certain institutions was motivated by spite, but it is far more likely that protestations of innocence simply affected categorisation and recategorisation decisions. As will be discussed fully in chapter eight, prisoners who claim wrongful conviction have difficulty convincing the prison authorities that they have sufficiently reduced their perceived risk to be relocated to less secure establishments. As a result, these prisoners can spend many years in Category A, high security institutions. Since there are a limited number of establishments where they can be held, predominantly in the North of England or the Midlands, these prisoners may well be located a great distance from their families as a consequence of their claims.

STIGMA

Refusal to decategorise had a further impact on visits. Many participants, like Stuart, who were located in Category A establishments refused to allow their family to visit in light of

the stringent security measures⁹. Stuart had served nearly 20 years (of a six-and-a-half-year tariff) in high-security institutions for false imprisonment, indecent assault, and actual bodily harm:

Once I explained these security measures to my family they agreed with me to forgo visiting until I am moved to a lower category prison nearer to London. However, we all never dreamed it would take 20 years for this to happen.

Stuart, among many others, did not want his family to have to endure the invasive security checks and searches or, importantly, be in a high-security environment, around ‘real’ criminals, at all. These participants drew a distinction between themselves, as ‘innocent’ men, and the guilty criminals they were forced to live with¹⁰. They intensely disliked their families being in the presence of such people, as illustrated by Jamie:

I refused to let my son visit me there due to not wanting him to be in the same room as the sickos.

Relatedly, many feared that their family may associate the prison environment and its inhabitants with them, and on occasion visits served as a reminder of their stigmatised and subordinate status, as illustrated by Connor, who was serving 19 years for rape:

I love getting visits but I’m also ashamed for them to see me in such an environment.

⁹ Much research into the family members of prisoners has highlighted how institutional practices during visits can be interpreted as an ‘extension of punishment’, drawing visitors into the sphere of subjugation and regulation (Condry at al. 2016; Condry 2003, 2007; Comfort 2007; Hostetter and Jinnah 1993). This can lead to stigmatisation (Fishman, 1990).

¹⁰ Again, parallels can be drawn with the families’ literature. Rachel Condry has highlighted how relatives of serious offenders often attempted to separate themselves and their family from professional or recidivist criminals who they deemed more worthy of stigma (2003, 2007). This need for separation was obviously heightened for prisoners in my sample although such deflections can be seen as a scale that operates throughout populations.

The shame Connor felt at being associated with ‘real’ criminals caused him significant discomfort and damaged not only his relationships but also his own identity and sense of self. Many feared that their identities had become spoiled in the eyes of their relatives, anxious that they were unable to see beyond the ‘master status’ of prisoner. Indeed, participants were often eager to demonstrate to their family that they were not like other prisoners and when in their presence strongly rejected the criminal label attributed to them by the authorities and wider public (see chapter five)¹¹.

While it is common for offenders to draw distinctions between themselves and ‘more serious’ criminals in order to ease stigma (Maruna, 2001), my participants fought to be viewed as entirely different to the offenders they lived with. They did this by fundamentally rejecting culpability and using their ‘innocence’ to override all other statuses. Relatives’ support in their claims thus strengthened previous notions of self and non-criminal identity and operated to reinforce, and add credibility to, the rejection of such stigma.

During visits, most resented the lack of privacy and intimacy permitted, again illustrated in the wrongful conviction (Ward 1993; Hill 1990) and general prison literature (Schwartz 1972; Comfort et al. 2005). Jack, who had served 18 years of a life sentence, highlights this point below. As an ‘innocent’ man he begrudged his lack of agency and the

¹¹ Family members similarly experience stigma and shame as a result of maintaining contact with an ‘offender’, the consequences of which can be severe (Condry 2003, 2007; Condry et al. 2016). Condry describes this as a ‘web of shame’ based on notions of contamination (both association and genetic) and blame (through commission, omission, and/or continuation) (2003, 2007). She further illustrates the various management strategies that these individuals employ. Although beyond the scope of this discussion, one coping strategy is worth noting – that of ‘resistance’. Resistance entails, among other things, questioning or denying the offender’s culpability. Many family members of my participants appeared to employ this strategy – they were in full denial of offending. This helped limit both their own and the prisoner’s stigma. Whether these views were held privately is another question.

intrusion into his life. While he considered it justified for guilty prisoners, he felt that he did not deserve such treatment:

We conduct our relationship on the phone, through visits and letters which means we can never be ourselves and have to be aware at all times that our letters are all censored, calls listened to and contact limited on visits. This may be normal for how prisons are run but when you are innocent it affects you differently.

Notwithstanding these concerns, most saw visits as joyous and exciting occasions. Participants spoke of feeling closer to their families, calmer, and generally happier during visits. *‘Visits are an essential morale-booster, as they know that you should not be in prison’* (Charlie). However, visits were also a source of pain and many men experienced sadness, frustration, and melancholy after their loved ones had left. They thus viewed such visits as a double-edged sword, capable of producing great pleasure but also of intensifying the pain of being separated from their family.

CENSORSHIP

The content of conversation during visits also appeared to be distinctive for prisoners maintaining innocence. Many reported that their visits were dominated by discussion of their case and legal issues. As illustrated in the previous chapter, these men and women could become obsessed with their legal case and appeals. It is unsurprising then, that such matters flowed into every aspect of their prison life, including visits. For some, like Harry, who had served eight years for murder, this caused a sense of guilt. Harry understood that time with his family was limited and felt uncomfortable with the dominance of legal conversation:

You get a set amount of time to try and cram everything into. It can be frustrating at times when we have a lot of legal / appeal issues to talk about, as I feel bad that it's all been about my situation.

Consideration of legal topics could, however, operate to conceal and distract from aspects of imprisonment that prisoners would rather not discuss. Indeed, participants often believed that they had to censor themselves and avoided being entirely honest with their families¹². Many, like Bradley, who had served 12 years of a life sentence for murder, chose to conceal parts of their experience and emotions in an attempt to spare their family the burden:

I'm careful about what I tell them, putting a positive spin on things so as not to cause unnecessary worry. There is no point upsetting people about things they are powerless to influence.

Julie and Harry confessed to acting similarly during visits, although their motivations differed. For these participants, concealment was not only a method of sparing their families but also operated as a means of self-preservation. Julie did not feel that she had the emotional strength to share certain aspects of her prison experience, particularly regarding self-harm and suicide attempts that she had witnessed:

I could never begin to explain to my friends and family what I have witnessed they would be horrified...There are things which are permanently imprinted on my memory that I don't think I could easily share.

Harry's goal was to maintain the happiness and relative sanctuary he experienced on visits:

I found it very daunting and suffered from panic attacks. I didn't let this show and did my best to act 'strong' on the phone and visits to my friends and family, especially my mum...Visits and phone calls are limited so I don't want to be all depressed during the precious time we have.

¹² Again illustrated in the existing literature based on the experiences of exonerees (Hill 1995; Hill 1990; Maguire 1994; O'Brien 2008).

These quotes, from Bradley, Julie, and Harry, relate to discussion in section one where it was illustrated that prisoners often felt powerless to protect and support their loved ones. By concealing their feelings, however, in order to spare their family pain and worry, they could partially regain their status as ‘defender’, albeit in a limited way. Such concealment thus operated as a vital coping strategy, not only cementing their role within the family but also guarding their own self-image of ‘protector’.

This censorship was, however, not limited to the prisoner. Indeed, two men realised that their families were similarly concealing their own feelings and experiences¹³. While one saw this as a positive attempt to protect him, Greg, who was serving 11 years for attempted murder, viewed it as dishonesty:

My family (mum etc.) were shocked by the outcome at trial and vowed to do whatever it took to prove my innocence, however the longer it took the more they began to doubt that I was telling the truth and the less effort they made, to the point where they were just saying things to keep my spirits high. They wouldn’t be honest with me and eventually we parted company and I’ve had no contact now for about 3 or 4 years.

It is possible that Greg displayed such anger and hurt as the dishonesty related to the fundamental question of his innocence. This was not a small transgression to protect his feelings but a lie too large for him to overlook. Similarly, when Ellie found her innocence being doubted by family members she *‘felt [she] had no choice but to consciously make the effort not to discuss [her] innocence’*.

Nevertheless, only a handful of participants refused to discuss their stance with relatives. Indeed, some claimed that as a result of their ‘wrongful’ conviction they had now become more open with their families. These individuals felt the need to ‘set the

¹³ This has also been reported in the families’ literature (See Condry 2003, 2007; Kotova 2018).

record straight' after asserting that they had been falsely accused and portrayed as a liar in the courts. They felt the need to reconstruct their identity in the eyes of their family and friends and believed that the only way to do this was to be completely honest¹⁴, as illustrated by Arthur who was convicted of rape and sexual assault:

I have given everyone 'carte blanche' to ask any questions (however difficult or invasive) that they need answers to. As they try to process the vast disconnect between the person they know and the crimes I have just been convicted of. Sadly, the media have been involved in my case and have reported a great deal of sensationalised untruth which I have sought to put right with friends who are misinformed.

The need to rectify their image, while not unique to prisoners claiming wrongful conviction, is likely heightened in these circumstances. Participants felt that their name, their standing in society, and, in some cases, their very personality had been unfairly attacked and that their words had been twisted and misrepresented. Most had a deep desire to prove that they were not criminals or liars. The image wrought by their conviction, they asserted, was false. As a result, many claimed to be more truthful and open as a matter of principle, particularly with family and friends upon whose support they so often relied.

While the types of feelings outlined in this section are normal for all prisoners, regardless of their stance (Clone and DeHart 2014; Genders and Player 1990; Crawley 2004; Crewe, 2006a, 2009), for the prisoners in my sample such feelings were again tinged with and inextricably linked with their position as 'wrongfully convicted' prisoners. Visits, and contact more generally, were a reminder that there was no legitimate reason, in their view, why they should continue to be imprisoned. So although having the same experiences and enduring the same discomforts, their position again gave their emotions a

¹⁴ Whether they were being honest is unknowable. It is possible that prisoners were in fact concealing their guilt in order to avoid disappointing their family or because they did not know how else to deal with the stigmatisation.

unique cast and caused a particular pain. The cause of their discomfort was distinctive among the prison population and was consistently framed by notions of injustice and illegitimacy¹⁵.

SUPPORT

Prisoners maintaining innocence often relied heavily on relatives and friends outside the prison. This is also true for the mainstream prison population (see Clone and DeHart 2014; Genders and Player 1990), although their dependence does not appear so great nor the support so wide-ranging as was claimed by my participants. Support took three main forms – ‘emotional’, ‘practical’, and ‘financial’¹⁶ – and all appeared to relate, at least partially, to their claims of innocence.

BELIEF AND STRENGTH

Nearly all participants asserted that their family and friends had provided significant emotional support during their imprisonment, particularly at the beginning of their sentence and at key intervals throughout, for example when CCRC or appeal decisions

¹⁵ This is similar to the deprivations and coping strategies discussed in chapter five.

¹⁶ Somewhat similar to Clone and DeHart’s typology of familial support (2014) (see chapter three). They suggest such support falls into three main categories – ‘emotional’, ‘instrumental’, and ‘informational’. While encompassing the same actions, I have collapsed instrumental and informational support into one category of ‘practical’ support and placed greater emphasis on ‘financial’ support.

were received. Such support often involved declarations of belief in innocence¹⁷, listening to prisoners' narratives of their experiences, and offering both general and legal advice. Most claimed that such support was vital to their coping and was key to alleviating negative moods¹⁸. Participants appeared to gain valuable strength from their families and their relatives seemed inextricably linked to their situation and ability to process it. Indeed, it was commonly written that certain family members were 'doing time' alongside their imprisoned relatives.

The strength that participants gained was commonly channelled into fighting their conviction. It was claimed that it was their family that most motivated them to campaign, particularly when personal energy was waning, and family support played an important role in attempts to resist institutional pressure to admit guilt (see chapter eight), as evidenced by Julie:

My closest family fully support me and have done throughout. In fact they have always told me that I am to never admit guilt for something I didn't do just to go home!

Some further claimed that they adhered to prison rules and cooperated with the system more generally as a result of their families. These people wanted to ensure that they returned home at the earliest possible date and did not want any discipline infractions or adjudications to delay this. This was the case for Martin, who had served three years for rape. Martin was distinct among participants in that he admitted to certain offences but

¹⁷ It has been illustrated that family members do not simply accept what they are told by offenders but construct their own version of events which are supplemented by outside sources (Condry, 2003). However, as Condry has highlighted, it may be uncomfortable for relatives to actively dismiss claims of innocence, for fear of damaging relationships or encountering stigma they may otherwise feel, and so 'play along' publicly while harbouring private doubts (*Ibid*).

¹⁸ Four stated that their family's love had dissuaded them from committing suicide, on two occasions where specific attempts had been planned.

refuted other allegations, namely the ones made by one of his daughters. Martin was extremely reliant on the emotional support offered by his other two daughters:

I promised my daughters that 'I'd knuckle down' and not jeopardise any chance of being free again. They are convinced that one day the 'truth will out' so, if and when that happens, I don't want to be held back by bad behaviour, bad mistakes and wrong decisions.

As Martin's quote suggests, most participants were future-orientated and focussed a great deal of their time and emotion on the thought of release. Their families were often at the forefront of these thoughts. Participants commonly wrote of their desire to rebuild their family life and re-establish their place within it¹⁹. Some felt that they had previously taken their family for granted and, in response to the significant loyalty and support they had received, vowed to make amends once released.

As such, family relationships allowed participants to transcend the monotonous existence of prison life, refocusing their concentration on the future and the outside world²⁰, as illustrated by Sebastian, who had served six years of a life sentence for murder:

Again, the importance of maintaining contact with the real-world was a contributing factor in my coping framework. Cards, letters, photos, phone calls, visits – were all windows to reality, moments engaged in which I was not engaged in prison. Just getting away from the mundanity and vapidness of my surroundings was a relief.

Family contact was thus capable of reminding participants that they were not simply a 'prisoner'. Although their pre-prison life was in hiatus, their situation was not likely to be

¹⁹ Most assumed they would be able to re-establish family life as it had been before. Only one foresaw difficulties in doing this, relating to changes in his personality. The majority were so focussed on appeals and exoneration that they seemed to envisage very few problems, at least regarding relationships, once released. As Adrian Grounds (2005) has illustrated, this is often not the case.

²⁰ This has similarly been noted in the general prison literature (Clone and DeHart 2014; Genders and Player 1990; Crawley 2004).

permanent and contact with the outside world was a constant reminder that they had a life waiting for them beyond the prison walls.

CAMPAIGNING

Practical support mainly related to campaigning for exoneration and release²¹. Family members, I was told, ran websites and Facebook groups; organised protests and demos; attended support and information groups (such as *Innocent*)²²; wrote letters to influential members of the public, such as journalists and MPs; and contacted innocence projects, solicitors, and charitable organisations on their relatives' behalf. These activities were attempts to raise the profile of the case and garner both media and public attention and charitable / pro bono support. Often the family members most associated with this type of support were mothers and wives, such as Jamie's mother:

The biggest bond I have is with my mum, she's a real fighter and the minute I got remanded she self-taught herself to be a solicitor / QC, she has got every bit of paperwork from the case, she runs my Facebook supporters group and built it up to have thousands of members and replies to all of them when needed and attending every innocent meeting, all over the country, the list could just go on and on, she's my superhero and my rock. That don't take anything away from the rest of my family as they've all been there for me from day 1 but my mum is just one of a kind.

²¹ I would also argue that practical support encompasses more general assistance, not relating specifically to claims of innocence. For example, taking care of children or sending in books, clothes etc. This type of support is routinely required by all prisoners (Clone and DeHart, 2014).

²² It is possible that attendance at such support groups was beneficial not only to the prisoner but also the family member attending. Rachel Condry, in her study of the families of serious offenders, has illustrated how support organisations can meaningfully assist relatives, providing both practical support and an understanding and 'safe' space through which to manage their emotional distress and the stigma encountered as a result of their loved one's conviction (2003, 2007). There are likely to be similar benefits for the families of prisoners maintaining innocence.

Some prisoners, like Jamie, had family members who went further than ‘organisation’ and undertook significant legal work. Participants stated that their relatives had examined case documents and transcripts, compiled grounds for appeal and CCRC applications, and made efforts to find new evidence, witnesses, and legal specialists. Participants had little faith in the investigative powers of the CCRC (see below), and so attempted to undertake their own investigations, assisted by their families, to increase the chances of a successful application.

Most participants felt deeply indebted to their families for such practical support, although Ashley, an IPP prisoner who had served five years, was frustrated by his family’s lack of initiative and did not consider that they were doing enough. Although they were supportive and had compiled some evidence for his defence, he felt that they should be doing more:

I feel agitated and angry and frustrated when I have visits, letters and phone calls from them because they lack the veracity and guts to do what it takes to get me out of here. If the roles were reversed I would not rest until the whole country knew about it and was protesting for their freedom.

Although this view was by far the exception, it does illustrate the importance participants attributed to having a family or supportive network of friends who were proactive in their approach to campaigning. The prisoners who lacked external support, such as Oliver who was convicted of historic sexual assault, regarded such an absence as highly detrimental to their campaigning efforts:

I am stuck in prison there is no help at all for people who are wrongly convicted and basically left to rot in prison especially if nobody on the outside will help them.

Most were keenly aware of the role played by the public and particularly the media in overturning key cases, such as those of the ‘Birmingham Six’ and ‘Guildford Four’. Many participants thus believed that a media appeal was necessary for a successful CCRC application. They hoped that journalists would take an interest in their case, provide publicity to their campaign, and fuel public awareness and outrage. Some, like Ken, who had served seven years of a life sentence (20-year tariff) for murder, felt that it would be harder for the CCRC to refuse to refer their case if they had public and media support. Ken was one of only three participants who had had their case referred to the Court of Appeal:

The regime unwilling do anything to get the legal system run properly and overturn the wrong convictions unless there are public campaign and pressure group to make public aware of the situation...In UK, if you won't speak, they will bury you!

Most recognised the value of outside support in garnering such media awareness, none more so than Sebastian:

I couldn't simply fight alone, my voice would never penetrate these walls. I knew that fighting back meant getting the word out there and generating interest in my case. I began applying a business-like mindset to the campaign and developing strategies for market penetration. Harnessing social media has been an important part of that endeavour.

Indeed, the majority of participants regarded it as near impossible to gain such public support without a family who were willing to campaign on their behalf. Steven, who was serving a 20-year sentence for historic sexual assault, did not have this assistance:

The people I knew were all respectable middle class, middle aged ladies who wouldn't want their names associated with campaigns for criminals...My first hunger-strike was intended to publicise my situation, but my (very few) friends were not prepared to use their names to build a campaign so the protest was worthless.

Reliance on outside support was also the result of impediments intrinsic to the prison environment, significantly the lack of internet. The contact details of wrongful conviction charities and organisations are not widely distributed throughout the prison system and are available almost exclusively online. It can thus be very difficult to access the support of such groups without outside assistance.

It was similarly felt that legal representation was vital for a successful CCRC application. Most participants believed that they needed assistance from lawyers who understood the legal system and its complex requirements. Given the difficulty of discovering fresh evidence²³ from inside the prison, it was also felt that a solicitor could better locate new evidence, uncover suppressed material, undertake rudimentary investigation, and identify and rectify mistakes.

Although legal representation is not necessary to submit an application to the CCRC, many felt that the Commission would take their application more seriously and devote more resources to it if it was submitted by a law firm. Statistics do illustrate that cases which have legal representation have a better chance of a referral, particularly if the firm is experienced in submitting applications (CCRC, 2018: 19). It is likely that this success is a result of the increased investigation undertaken by solicitors (ensuring a stronger application), the clarity and professionalism with which applications are written (due to an understanding of what is required), and the likelihood that inherently weak cases are rejected by law firms.

²³ Fresh evidence (evidence that was not raised in the proceedings or any appeal) is required for the CCRC to make a referral (The Criminal Appeal Act 1995, s13(1)).

Although all recognised the importance of legal representation, many had difficulty finding firms that would accept their case. It was often mentioned that law firms were difficult to locate from inside prison and on occasions where contact details were known firms rarely replied to letters and enquiries. Many were, additionally, unable to afford private representation and struggled to obtain legal aid. Of those that inquired, almost none found firms willing to work pro-bono. As a result, some were forced to submit applications without legal advice. They felt that this was acutely unfair; their liberty was at stake but they could not obtain professional guidance.

Lack of funding thus created a two-tier system between those that could afford private representation and those that could not. Most, like Sebastian, felt that such a system was fundamentally unjust:

We're essentially doing the work the CCRC should have done (but frankly lack the resources to do) ourselves on a private basis. It seems private investigation, at some cost, is necessary to achieve justice. This has the effect of pricing most victims of miscarriages out of justice. It's interesting to consider that the World in Action films about the Birmingham Six spent £2 million investigating and reporting on the evidence – more than half the CCRC's entire annual budget at today's value...

The investigation and work undertaken by private firms was impossible to replicate by an unqualified individual and, consequently, would almost guarantee a weaker application and chance of referral. However, for those who had obtained private representation, opinion was still relatively low. It was commonly claimed that solicitors were expensive, inadequate, and filed poor submissions with the CCRC. Some participants and their families had spent tens of thousands of pounds and had been waiting years for the

application to be completed. Many felt that they had little to show for the vast amounts of money they had spent²⁴.

As the testimonies above suggest, practical support can be expensive. Family members must cover the costs of internet use, stamps, and telephone conversations, commonly on one wage. There are also travel costs associated with attending support meetings and appointments with solicitors etc. Wealthier families, and in some cases, I was told, those who could clearly not afford it, also often provided additional ‘financial’ support and had spent significant amounts of money in their pursuit of exoneration; financing solicitors, private investigators, and expert witnesses.

This financial burden is an additional expense that is distinct to families who are supporting prisoners maintaining innocence, and must be combined with the ordinary expenses associated with imprisonment, such as the costs of travelling for visits and of providing money to supplement a prisoner’s wage. There is plenty of evidence to suggest that families struggle to meet the costs of supporting an ‘ordinary’ prisoner (Condry et al. 2016; Condry 2003, 2007). The burden placed on families whose loved one is claiming wrongful conviction can be far greater.

²⁴ One way of achieving high-quality investigation, without having to pay exorbitant fees, was to obtain the services of an innocence project or legal charity, such as *Inside Justice* and *The Centre for Criminal Appeals*. Opinion of these bodies was largely very positive and almost all considered them valuable. Concern was, however, expressed as to their willingness to take cases. It was recognised that these organisations were overwhelmed with requests and inquiries and, as a result of limited funding and manpower, could not take on the majority of cases that they received. Waiting lists were long and several felt that they were ignored completely as a result of the complexity of their case or due to previous convictions.

Indeed, many prisoners recognised the emotional and financial burdens they were placing on their families²⁵. They acknowledged how heavily they relied on them and felt guilty for the strain their families were experiencing and the intrusion their situation had on their loved ones' daily lives. As highlighted by Ryan, who had served ten years for joint enterprise murder, participants commonly worried about the effect their incarceration was having on their families' health, particularly on their older parents:

As for relationship with family and friends, it may be different, I feel that I might be a strain on their lives, especially my mum and dad, they campaign for me, attend JENGBA Conferences and MOJUK spend their spare time, stressing themselves, worrying and arguing over certain things, and the longer I'm in jail the older they get and more stressful for them.

As a result, a small minority ended their relationships, not wanting their loved ones to be burdened, as has been mentioned in the mainstream prisons literature (Crewe, 2006a). As Bradley suggests, the uncertainty inherent in this type of conviction and the inevitable legal setbacks could cause significant strain on a relationship:

My partner came to see me whenever she could. We both expected my wrongful conviction to be overturned at the appeal but it wasn't to be...In 2008, as my CCRC application started to look as though it would fail, I could sense my partner starting to withdraw emotionally. She had put over four years into trying to clear me. I knew that I had become a burden.

Once again, many of the burdens outlined above are intrinsic to a prison sentence. However, there are some distinctions for those claiming wrongful conviction, namely the amount of support needed. Generally, prisoners maintaining innocence appeared to require substantially more support than an 'ordinary'²⁶ prisoner. Indeed, they had all the same

²⁵ A burden that has similarly been illustrated in the families' literature (Condry et al. 2016; Condry 2003, 2007).

²⁶ There will of course be huge fluctuations in how much support an 'ordinary' prisoner needs, with some requiring more than others.

needs as the general population but also experienced additional hardships that needed support. This was most commonly evidenced in the high levels of practical and financial support intrinsic to campaigning efforts. The need for emotional support too was intensified by their stance and, to some extent, all three forms were interrelated and overlapping. These people were facing arguably the most traumatic experience of their lives and family support was essential to both their coping and motivation to fight their conviction. This situation would place a strain on even the strongest of relationships.

RELATIONSHIP BREAKDOWN

While almost all of those who participated in my research had some form of external support, most also had a significant number of family members or previous friends with whom they had lost contact. Some had lost friends, girlfriends, and fiancés; others had been disowned by their family²⁷. A small number attributed these breakdowns to prison life. The distance and cost of travel made regular visits difficult. Life outside moved on and the conversations that sustain a friendship became more strained. This, while similar for all prisoners, took on more significance when claiming wrongful conviction. Again, participants' experiences were constantly framed in terms of injustice – if 'innocent', it felt unjust that their relationships were damaged. Although not ideal, it was perceived to be more justifiable if guilty.

²⁷ Most, as a result, claimed that the process of wrongful conviction and imprisonment had made them realise who was truly important to them and allowed them the opportunity to distinguish between those they could trust, those who were loyal and could be relied upon, and those who were not.

LACK OF UNDERSTANDING

The majority, however, believed that their claims of innocence had played a bigger part in their relationship breakdowns. Indeed, a small few felt that the very process of ‘wrongful’ conviction and ‘wrongful’ imprisonment had changed them intrinsically, to the point where they no longer related to their friends and family and found themselves incompatible with their partners. A mutual misunderstanding of the realities of each other’s lives led to an irretrievable gulf in knowledge (due in, some part, to the censorship outlined above). This was Adrian’s view. Adrian had served 20 years for murder; he was, at time of writing, five years over tariff:

Since my incarceration I have changed so much that my family barely understand me, they don’t have a clue about my attitude towards things. They seem like they are all under the assumption that I am still the same person that they used to know and this has caused huge arguments and resulted in some of us not speaking for years.

Sebastian felt that such estrangement was a result of the differing ways of coping with his conviction. Although both he and his partner had to cope with his imprisonment, he felt their means of doing so were in conflict, thus rendering them ultimately incompatible:

We’re very different people now. Things could never be the same between us, we see the world differently even though we have both been victims of circumstance.

Others could not explain their conviction to their family and friends, often because they did not understand it themselves. They could not explain how they got convicted, why they were in prison, and when, if ever, they would be exonerated. Some, like Jack, claimed that his family could not understand why he was maintaining innocence if it would result in a longer prison term:

I've had probation officers try to get my family to talk me round by telling them that if I admit guilt and do the course (SOTP) and other courses of that nature I will progress through the system and get released and there was a point when this caused arguments with me and my family members, children, partner who would say to me '*we just want you home, we know you didn't do it but just say you did so you can come home*'. I cannot even explain how it feels when you see the people you love / family believing those keeping you in prison that you're (me) the one keeping yourself in prison because you wouldn't admit guilt.

As the quote illustrates, Jack's unwavering claim of innocence was a source of friction with his family. He asserted that his family did not understand the realities of living as a released sex offender and was also dismayed by their belief that his continued imprisonment was self-inflicted. Jack was, at the time of writing, nearly 15 years over tariff.

DOUBT

The quotes from Adrian, Sebastian, and Jack suggest that such separation was commonly a lengthy, drawn-out process. What appeared to lead to a near immediate estrangement, however, was a relative's doubt in claims of innocence. Participants commonly asserted that certain friends and family had not only been dismissive of their claims but made clear their belief in their guilt, as evidenced by Greg:

Nobody gives a damn anymore as they cannot understand why I'm here if I did not do it...everyone thinks I'm a liar.

Similarly, Ellie believed her estrangement to be as a consequence of her continued plea of innocence rather than her conviction per se:

When I did have contact with my family one of my sisters told me that she initially believed I had been wrongly convicted but, due to my unsuccessful appeal and CCRC applications, I ‘must be guilty’. From my experience I can only conclude that by maintaining my innocence when my family believe I am not has caused my family to disown me.

One explanation for this rejection is that Ellie’s family were interpreting her claims of wrongful conviction as a lack of remorse, an attempt to evade responsibility, and therefore viewed her as undeserving of their support. Stearns and Parrott have found that generally those who expressed feelings of guilt and shame after wrongdoing were perceived more positively than those who did not (2012). Remorse can thus evoke sympathy for and acceptance of an offender (Kilty, 2010), its presence denotes worthiness and signals a person deserving of compassion and mitigation (Weisman, 2004). Prisoners claiming wrongful conviction fail to exhibit appropriate levels of remorse for a crime because they claim they had no part in. It is thus possible that relationship breakdown occurs not only as a result of conviction, but also of continued pleas of innocence themselves.

There was undoubtedly a sense of pain and sadness about those who had distanced themselves from the prisoners. Most, like Sebastian, were deeply hurt and offended and felt stigmatised by those they had previously called friends:

Yet, there are – and have been – disappointments. People I expected to know better, people who’ve said nothing at all and have just faded away. I guess I do feel a sense of betrayal there... Their eyes are closed to the sea of injustice around them. They naively place their unquestioning trust in the police and our courts without considering the fallibility of human nature and bureaucracy of institutions.

For Adrian, disbelief of innocence claims led him to doubt the authenticity of his relationships:

As for how it makes me feel when friends and family think I'm guilty. Put simply it's devastating to think that they could think that I'm evil like that and it makes me wonder if they have always thought that I was that horrible, on top of that they are obviously calling me a liar behind my back.

As these quotes by Sebastian and Adrian demonstrate, some felt that the friends who doubted them were naïve and overly trusting of the criminal justice system. Indeed, their stories were in stark contrast to the generally positive views espoused by the public and the media. The accounts of their experiences threw into question the practices and infallibility of the police, legal profession, jury, judiciary, forensic experts; indeed, the entire criminal justice system. These participants felt they had been unfairly judged by those who did not fully understand their situation or how the justice system worked. These were people who, nevertheless, stated that previous to their conviction they had felt the same way, they had placed their trust in the system. Many, however, could not see this inconsistency in their argument and could not forgive what they considered to be a lack of loyalty and undue deference to the authorities, even if their reaction, previous to their experience, may have been similar.

CONCLUSION

In conclusion, although separation from family was a pain that had to be endured, contact with intimates acted as a vital coping strategy. Indeed, familial support was likely to be the most readily available and trustworthy resource for participants. Family members were significant sources of motivation and their belief in a loved one's innocence provided considerable inspiration to continue fighting the conviction when energy and morale were low. Practical and financial assistance was also considered fundamental to campaigning

efforts. These emotional relationships sustained them, recasting their experiences, reconfirming their previous identities, and strengthening the rejection of stigma and the overriding caste of ‘prisoner’.

It has also been illustrated throughout this chapter, that although all prisoners, regardless of their stance, must tolerate restrictions on their ability to maintain relationships with their family and further utilise familial support to assist them, there were distinctive aspects that solely affected prisoners claiming wrongful conviction. For example, due to recategorisation decisions they were often held a significant distance from home and many found that they had lost contact with friends and family, as what they saw, as a direct response to their continued claims of innocence. Perhaps most importantly, they required heightened levels of support and it was of a unique type, relating specifically to campaigning efforts for exoneration. Finally, what is obvious and consistent throughout this thesis, is that the perceived illegitimacy of participants’ sentences and the injustice they felt impacted upon all areas of their relationships and constantly coloured their experiences. These prisoners felt there was no legitimate reason why their relationships with family should be so seriously damaged.

Indeed, contradicting the existing wrongful conviction literature, the women and men who wrote to me suggested that such relationships were not distractions that ceased to be important (see Jamieson and Grounds, 2005). On the contrary, they were all the more essential given the lack of support participants found within the prison environment, among both staff and other prisoners (see chapter seven). As has been illustrated throughout this thesis, the prison as an institution cannot easily accommodate these people’s experiences – it operates on the basis of guilt and negates the ‘wrongful

conviction' experience. It is therefore of vital importance that these prisoners receive recognition from elsewhere, most commonly from family relationships²⁸, as their needs, frustrations and aspirations so often fail to be recognised within the prison walls.

²⁸ I would argue that this thesis is an additional form of recognition.

ON THE WINGS: BUILDING RELATIONSHIPS WITH

PRISONERS AND STAFF

*In many ways, I stand on the fringes of the community of prison-life. My engagement is
at a safe arms-length.*

Sebastian

INTRODUCTION

In addition to relationships formed in the outside world, prisoners claiming wrongful conviction must also navigate the social world of the prison. Indeed, my participants found themselves housed with unpredictable, and sometimes violent, criminals, and had all aspects of their life policed by staff. As is a constant theme throughout this thesis, and as will be illustrated in this chapter, while all prisoners endure such an environment and must learn to cope with the people in their community, the experiences of forging relationships with others was distinct, and in some ways harder, for those who maintained their innocence.

I have stated before that the prison environment is a difficult one in which to form friendships (see chapters two and three). At the same time, the mainstream prison literature suggests, the formation of relationships is a necessary part of adjustment to and coping with prison life (Crewe 2009; Greer 2000; Clone and DeHart 2014; Jiang and Winfree 2006; Liebling 1992; Hochstetler et al. 2010; Pettus-Davis et al. 2011; Cochran and Mears

2013; Dirkzwager and Kruttschnitt 2012). The most extensive examination of inmate relationships was conducted by Ben Crewe who has suggested that such relationships can take three forms, varying in their burdens, obligations, and levels of commitment (see chapter three¹) (2009).

Similarly, staff-prisoner relationships play a central role in prison life, determining levels of order and safety and impacting on prison experience, quality of life, and institutional culture (Goffman 1961; Mathiesen 1965; Sparks et al. 1996; Crewe 2006a, 2011b; Liebling 2000, 2004, 2011a; Liebling and Price 2001; Lerman and Page 2012; Dirkzwager and Kruttschnitt 2012). Although the power of prison officers has reduced appreciably in the modern penal context (see chapter three), wing staff still hold considerable discretionary power affecting areas of prison life that are of great importance to prisoners (Crewe 2011b; Liebling 2000) and their behaviour can impact on the lives of prisoners in profound ways. Relationships formed with staff therefore play a crucial role in determining the experiences of prisoners maintaining innocence.

Although, again, many of the relationships look similar to those detailed in the general prison literature, as this chapter will make clear, when examining the minutia of participants' relationships and the impact others' behaviour can have, their experiences are distinct. For example, their motivations for avoiding committed friendships, the terms of their friendship, the content of the abuse they face, how staff discretion is evaluated, and how respect is negotiated etc. are all subtly different. As stated previously, prisoners maintaining innocence frame all their experiences in terms of injustice and resentment.

¹ Crewe claims that 'proper' friendships are the most committed and loyal and emotional support and trust are high (Crewe, 2009: 305). 'Prison' friendships, entail certain degrees of material support and care but are generally less committed and trusting, while relationships with 'associates' are merely sources of company and conversation, without emotional attachment (*Ibid*).

Such emotional matters are the dominant lens through which they navigate and view prison life. Therefore, although there are shared experiences for these two populations, there are also unique challenges and responses to them that prisoners maintaining innocence must endure.

This chapter examines the relationships prisoners claiming wrongful conviction form while incarcerated. In section one I focus on fellow prisoners. I begin by exploring the general, day-to-day relationships formed with others before considering more positive friendships. I conclude the section with an examination of the development of negative relationships, concentrating on the inherent violence of the inmate social system. In section two I examine staff-prisoner relationships, focussing almost exclusively on wing officers². Again, I start with an exploration of day-to-day relationships before turning to both the supportive and abusive behaviour staff can display. I conclude with a discussion of four general principles that were of importance to my participants regarding their relationships with staff – rule interpretation, respect, blame, and power³.

DAY-TO-DAY PRISONER RELATIONSHIPS

Almost all participants claimed to socialise superficially with other prisoners. From their accounts they were generally cordial and courteous and engaged in pleasantries and brief conversation. These types of relationships lacked any real support or emotion and

² Relationships with psychology staff, offender managers, and probation will be examined in chapter eight as these relationships are more complex and inextricably linked to discussions of risk and progression.

³ As with all analysis chapters, I am examining a one-sided relationship. Due to the nature of my data, I am confined to discussing participants' perceptions of their experiences, their claims. I do not seek to explore the perspective of staff or 'guilty' prisoner.

participants were generally deeply untrusting of the majority of their fellow inmates⁴. Such relationships were thus fairly shallow and non-committal. While this is a very common relationship ‘type’ in the prison environment (see Crewe, 2009), regardless of guilt or innocence, prisoners claiming wrongful conviction seemed to have unique reasons for keeping such a distance. Indeed, these prisoners appeared to have lower levels of trust generally than the mainstream population and evidenced more caution when engaging with others.

This general distrust was commonly mentioned in the accounts I received and was seen by prisoners to be largely as a result of the nature of their convictions. Many of the prisoners in my sample attributed their conviction to the dishonesty of others, including police, legal teams, alleged victims, or the witnesses who testified against them (who in a small number of cases were prisoners). These perceived breaches thus lowered their baseline levels of trust. As a result, many were wary of others and untrusting of their motives. They could never fully ascertain what someone was capable of – they could not see the ‘true’ picture of someone’s personality – and this impacted on their willingness to commit to friendships, as illustrated by Sebastian who had served six years of a life sentence for murder. Sebastian had been physically attacked and threatened by a cellmate who he had previously considered ‘safe company’:

The point is, you just can’t tell in here who is normal and who’s a psycho... Outside people have a history, they vouch for each other. You meet or are introduced by or through mutual friends, mutual interests, in places that you want to be. You know you’re on the same kind of level. In here, all the social subcontext is removed.

⁴ Although, as will be illustrated below, most had one or two ‘deeper’ friendships which typically involved greater levels of trust and support.

For Brendan, who had served 13 years of a life sentence for murder, necessity and loneliness was not incentive enough to enter into what could become a dangerous relationship:

You can never be sure of a prisoner's agenda. Do I want to see any staff or prisoner after my release? No. So, why develop proper relationships with them? Because they are all I have got in here? Not a good enough reason.

It is clear that the general atmosphere of unease and fear inherent in the prison environment, coupled with very low levels of trust, created an environment that was not conducive to building meaningful friendships. While this is true for all prisoners (Crewe 2009; Greer 2000; Liebling and Arnold 2012; Kruttschnitt et al. 2000), there were distinctions that again related to participants' stance as 'innocent' men and women. Indeed, a small number stated that they had no desire to enter into anything more than casual relationships for prudential reasons. They were loyal to their family and their case and placed little value on social connections within the prison. These people were preoccupied with their legal materials, fully focused on their campaign, and thus had diminished opportunities for socialisation.

Friendship in the prison environment could also be dangerous and had the potential to draw participants into unnecessary confrontations and trouble, as recognised by Simon, serving seven years for rape:

...I always look after No. 1 and that is MYSELF 1st. I don't engage in chit-chats that wouldn't benefit me, I don't involve myself in worthless stuff that will get me into trouble.

Ben Crewe has argued that many mainstream prisoners withdraw from their friendships and the associated responsibilities inherent in their social networks as they reach their

release or transfer date (2009). For prisoners in my sample, it appeared that they had withdrawn from the start. They had no desire to enter into the politics of the landing or be drawn into trouble. They were far more focused on appeal and release than the general population and were more invested in their case than their social relationships. Such relationships were thus not only a distraction but could be a source of danger.

More frequently, participants asserted that they simply had nothing in common with other prisoners. They did not consider themselves to be criminal. As such, they drew clear distinctions between themselves as ‘innocent’ men and those they shared their environment with⁵. This distinction was well illustrated by Russell, who had served 8 years of an IPP sentence for endangering life with a firearm:

I am different in respect to my morals and expectations of myself despite the situation I find myself in...they say we are all alike because we are criminals. I do not perceive myself to be anything like the people I have to live amongst, the only thing we have in common is the fact that we are in prison.

Many also stated that conversations were dominated with talk of crime, which they could not, and did not want, to take part in. Indeed, they claimed they could not understand the mentality or mind-set of many of the prisoners around them. Connor, who was located in a prison that solely housed sex offenders, often found conversations distressing:

A lot of the conversation does revolve around sex in some way but even when you change the subject a lot of the time it will revert back as if they are fixated on the subject. I find myself walking away most of the time after giving them an excuse...Drives me mad and some days I just don't want to come out of my cell.

⁵ Maruna found similar techniques in the accounts of ex-offenders. These offenders would differentiate themselves from ‘true’ criminals, drawing distinctions between the seriousness and frequency of their offences (2001). This was obviously heightened for prisoners in my sample, who lay at the extreme end of the continuum of such neutralisations.

A substantial portion of participants were far more forceful in maintaining the distinctions between themselves and those whom they referred to as guilty ‘animals’ or ‘sickos’. They had no desire to assimilate with such people. They judged others on their crimes and tried to separate themselves from them, both morally and physically. This was particularly true of those who had been convicted of sexual offences and were either held on Vulnerable Prisoner (VP) wings or specialised sex offender prisons. It was common for these people to talk of the ‘horrific’ and ‘disgusting’ crimes their fellow inmates had been convicted of and the distinction between guilt and innocence was very clear for them.

Dylan, who had served nearly two years for rape, could not hide his revulsion, claiming that he did not even want to occupy the same physical space as those he had to live with:

Even standing in the dinner queue is gut wrenching for me if one of them stands too close to me.

Some responded to such feelings by embarking on a course of social isolation. These participants typically did not want a deeper understanding or a closer relationship with the ‘definitely guilty’. They tried to keep their distance. These people did not deserve their time or friendship and they would never knowingly associate with them on the outside.

Participants tended not only to resent the fact that they were forced to live among these criminals but also the fact that they were judged as being one of them. For Sebastian, this created obstacles when forming friendships:

I think I have a mental barrier too. I don’t want to be associated with this place or with the people in this place, because I shouldn’t be here – so I’m always subconsciously resisting

bonds with others I frankly don't want to be around and to a degree resent being assimilated with.

Gary too strongly resented the criminal label attributed to him and was forceful in his rejection of it and any notion that he was similar to those he was imprisoned with (see chapter five for a fuller discussion). Gary was convicted of sexual assault of a child and was serving six years:

A crime that all my life I believed was only possible by evil men / women. Animals! I was now accused of this evil and I was now wrongly labelled as an animal.

This is similar to accounts from those in the mainstream literature. Most of these participants are discussing sex offenders, although not exclusively. It is well established that 'mains' prisoners detest those convicted of sexual offences, often singling them out for verbal abuse or physical assault (Crewe, 2009). However, for my participants there was an additional dimension. Not only did they have to live among the people they inherently disliked, often in closer proximity due to being housed on VP wings or sex offender prisons, they were also regarded, by staff, other prisoners, and society more generally to be one of them. They strongly resented any inference of this point and any comparison between themselves and their fellow inmates (see chapter five).

Nevertheless, on many occasions it was claimed that their fellow inmates were critical of these distinctions and their assertions of innocence more generally. Although most stated that they did not discuss their 'innocence' with other prisoners, unless in a closer relationship as detailed below, it was usually common knowledge on the wing that they were claiming wrongful conviction. Many mainstream prisoners would commonly reply to such claims with scorn, derision, and sarcasm. Participants, like Greg, who had

served seven years of an 11-year sentence for attempted murder, wrote of being mocked and ridiculed for their stance:

From day one, people would step aside and say 'Make way, innocent man' then call you a wanker under their breath, server workers handing out food would say 'Sorry mate but you will have to eat the same food as us guilty people', and everyone would laugh about it.

Although irritating, most wrote of how they had learned to ignore these taunts and resolved not to discuss their case with the majority of other prisoners. This disbelief of their innocence led some participants to further isolate themselves, ignoring or only engaging in cursory pleasantries with those who doubted them as a matter of principle. Some were intensely agitated by these comments and responded to anyone who questioned or mocked their stance with more vehement protestations, allowing themselves to be provoked. Often these prisoners had rote responses to such opposition. Indeed, having been called liars by the criminal justice system and society more generally they were incredibly sensitive to such aspersions.

In very rare cases participants did report acceptance of their claims, assistance, and positive feedback from certain members in the general prison population. Harry, who had served eight years for murder, found such support but only once recognised institutional bodies took an interest in his case:

In fact, one of them struck up a conversation with me as he'd followed my case on the news and struggled to understand how I got convicted. He, along with quite a few others, said my case 'didn't add up'...It's actually been quite refreshing to know that not everyone believes what the headlines say. However, this was quite difficult for the first few years, as it was only me telling folk I was innocent. It was really only after we came across the new evidence, which Inside Justice highlighted, that more and more people began to take notice.

This belief in their innocence often meant a great deal to participants and could form the basis of deeper friendships.

FRIENDSHIP

As stated previously, almost all participants claimed to have developed deeper relationships than the rather superficial and banal ‘associations’ discussed above (akin to ‘prison friends’ in Crewe’s typology (2009)). Most had a handful of these relationships and described these people as ‘good’ or ‘genuine’ friends. Many prisoners stated that they chose carefully and were very selective about who they considered entering into these relationships with. As with the mainstream population, these friendships were often formed with those from similar backgrounds or with those who shared a similar world view or attitude (Crewe, 2009). Most managed to find common ground, a connection of sorts, however tenuous, and to some extent a group in which they felt they belonged.

These relationships offered a basic level of support, particularly during times of emotional need, such as the death of a loved one or when feeling suicidal. The prisoners in my sample were also generally more trusting of these friends and loyal to them, claiming that they felt this loyalty was reciprocated. Such friendships appeared to assist with institutional adjustment and coping and could act to diminish stress and trauma, reducing the impact of violence and other deprivations on an individual’s psychological well-being. This is again similar to the mainstream population (Clone and DeHart 2014; Jiang and Winfree 2006; Liebling 1992; Dirkzwager and Kruttschnitt 2012).

Most were, however, quick to explain that these relationships were not like those formed on the outside. Indeed, they wrote, ‘outside’ relationships were impossible to replicate in the prison environment. Prison friendships were considered to be shallower, more artificial and guarded; they lacked a certain sincerity. This view was often attributed to a lack of trust and the fear that a person could never fully be known, as outlined above.

Nevertheless, most were upset when these friends were moved to different establishments or released, again common among all prisoners regardless of guilt or innocence (Crewe, 2009). A very small minority claimed to keep in touch with these friends, like Ellie, who was at the time of writing beyond her tariff of 12 years for the murder of her son:

I am currently in contact with three former prisoners who have each been out of prison for at least five years...It does bring some comfort to be able to speak with friends who have survived incarceration. However I am very aware that their experiences, as people accepting guilt, are very different to mine. I am often left feeling incredibly alone.

As Ellie illustrates, relationships with those who had been released were helpful in that they proved it was possible to live in the outside world and rebuild their lives. However, she also points to an interesting facet of relationships with ‘guilty’ prisoners – the claim that these people’s experiences and attitudes towards prison, and even life more generally, are vastly different to their own. As a result, many found it more helpful to form friendships with others who were maintaining their innocence and therefore tended to create unique groups not otherwise discussed in the sociology of prison life literature. Indeed, a small minority claimed to only have relationships with prisoners who maintained their innocence; these were usually those who most forcefully maintained the distinction between themselves as ‘innocent’ men and the ‘criminals’ around them.

Many saw the lack of fairness in others' cases and were able to draw parallels with their own. They found that they were often able to talk more freely with these prisoners about their CCRC applications and appeals, their progression or lack thereof, and even their feelings about their situation. In this way, such friendships offered an emotional dimension, a common bond and feeling of belonging when they would have otherwise been isolated in their claims. Greater levels of support were exhibited and indeed prisoners spoke of the 'support networks' they had developed with prisoners in situations similar to their own. These networks provided belief, hope and motivation to continue fighting for exoneration as well as more practical assistance.

This practical support included passing details of relevant campaigning organisations, innocence projects, or solicitors who they had found helpful. Occasionally, some claimed to have given or received help drafting their grounds of appeal or CCRC applications. These relationships were thus of great help to prisoners maintaining innocence. They were all the more important given that information regarding wrongful conviction is so limited, as suggested by Phil, who had served nine years for joint enterprise murder:

That's the problem with MOJUK, if I hadn't met another campaigner then I would never have known about them.

Most participants claimed to have difficulty in finding relevant agencies to assist them, particularly those with limited outside support. The contact details of charities are not widely distributed throughout the prison system, they are available almost exclusively online, while innocence projects and campaigning groups tend to be located in specific

institutions or regional areas. It can thus be difficult to gain access to the contact details of such groups. ‘Wrongful conviction’ friendships therefore provided vital support.

These friendships were unusual. They were more than ‘prison’ friendships but were not akin to ‘outside’ or ‘proper’ friendships. They occupied a middle-ground between the two. They offered high levels of both practical and emotional support but this was largely limited to their claims and legal cases. Trust was also higher and there was more loyalty, although again this revolved around their case. These networks were also not confined to individual institutions and could span the prison estate – prisoners maintaining innocence often kept in contact after having been transferred and passed contact details to prisoners in their new prison. Similarly, some family members provided contact details of other prisoners who they had learnt of through their campaigning efforts. This meant that friendships could develop between prisoners who had never met.

However, on at least two occasions participants claimed that these friendships and support networks were disrupted by the prison authorities. Ellie below details how she found she was no longer able to maintain postal contact with another prisoner maintaining innocence:

[We] found that our letters to each other were being returned. After about a year of challenging the difficulties it was verbally confirmed to me that he and I were no longer permitted to communicate as we were ‘both in denial’ and were allegedly ‘encouraging each other’ to maintain innocence.

Although relatively unusual, the position taken by the prison system here could be interpreted as a further attempt to limit the support available to prisoners claiming wrongful conviction. This strategy also appears in institutional attempts to restrict family

contact, and the resulting support, as outlined in chapter six. Furthermore, as will be illustrated below, in certain cases staff frustrated inmates' attempts to contact campaigning bodies. It would thus appear that in certain institutions there is a practice to isolate a prisoner in his or her claims. However, this was not reported across the board and indeed only occurred for a limited number of participants.

NEGATIVE RELATIONSHIPS AND FEAR OF VIOLENCE

The relationships described above could largely be classified as 'friendly', 'amicable', or 'avoidant'. However, negative relationships could develop and the fear of violence often impacted on participants' ability to form connections with other inmates. Almost all were afraid of certain prisoners within the prison population (see also Grounds, 2005) and felt that prisons were inherently unsafe places, housing violent and mentally ill offenders. Certain prisoners were to be avoided. Even if they had not been attacked themselves, both the women and men in my sample had seen serious, often life-threatening, attacks on others and most feared violent assault and considered it a constant threat. This was an immediate reaction upon entering prison for Jamie, who had served 13 years for murder:

Seriously it was like I had walked into a jungle and all I could see was hunters and prey.

It was not only the threat of violence that troubled some. At least seven claimed to have been subject to verbal abuse and bullying (including theft and manipulation) while eight claimed that they had been physically assaulted. When asked why they thought such abuse had occurred participants gave three responses. Martin, who had served three years for

rape, considered the bullying he faced to be a result of his naivety in the prison environment:

I was very naïve, and still am. Perhaps I was an ‘easy target’ and he ‘correctly’ saw an opportunity and used it to his advantage.

Julie, who was approaching the end of her 14-year tariff for murder, believed it to be the result of fundamental differences between herself and the mainstream population:

In Drake Hall it was because I’m different, I’ve never fit in. I don’t do prison / crime talk. So I stood out like a sore thumb.

Harry suspected it was due to the high-profile nature of his case:

Due to still being at the forefront of the media at this point, I received a lot of unwanted attention from the prisoners on the wing. They shouted things like ‘Granny killer’ and ‘Doctor Death’, which was horrible...so part of me kind of blocked it out...it wasn’t me they were shouting abuse at, they’d got the wrong person.

In their accounts, participants clearly felt that their stance as an ‘innocent’ person was inextricably linked to the cause of abuse. They did not consider themselves criminal so did not integrate fully into the social system, they had little or no prison experience or familiarity with prison life so were targets for deception, and the often high-profile nature of their cases, particularly if convicted of a sex offence, left them vulnerable. It has been well illustrated in the general prison literature that these are all risk factors for bullying (Ireland 2000; Ireland and Archer 1996; Power et al. 1997; Beck 1992; Nelson et al. 2010) and these risk factors were present as a consequence of their position as ‘innocent’ men and women. Nevertheless, as Harry’s quote suggests, his ‘innocence’ buffered him to some degree and allowed him to ignore the abuse. It was not him they were attacking; they had got the wrong person. Indeed, he claimed that he used such abuse as a means to gain

strength and motivation to fight his conviction and ultimately prove to the world that he was not what these people said he was.

As stated above, a number of participants also claimed to have been physically assaulted, some routinely and on occasion leading to serious injury. The majority of these assaults, it was believed, related to the offence the participant had been convicted of. Indeed, of those attacked, five had been convicted of sexual offences or offences against women or children. One was considered to be akin to a police officer or informant. As such, they were considered 'vulnerable prisoners'. Quotes, like those from Gerald, who was serving 15 years for rape and sexual assault, were common:

VPs are detested and hunted by mains. Bashing one gives them prison credibility and is worth extra time... mains seek VPs as trophies.

Most of those who were held on VP wings recognised that they would be in danger if left alone with a 'mains' prisoner. However, for two participants the threat of serious violence was not enough to deter them from living on the main wings. Indeed, throughout his 30 years in prison (for which he was 15 years over tariff for murder) Josh refused to be moved to what he considered a 'nonce' wing:

I have never been on the numbers / always on the main wings. I would rather face the violence on the main than transfer to a nonce wing. Pride will not allow me to run away.

Jamie similarly declined moves to a VP wing, even when advised by prison authorities that he could be subjected to life-threatening violence:

I should go on to the protection wings as it would be safer but like I said to him 'I'm an innocent man and got nothing to hide from, only guilty men hide'.

As ‘innocent’ men, Josh and Jamie did not think they belonged in prison. They were not prepared to tolerate the added shame of living on a ‘sex offender’ wing. Due to their stance, they did not feel they belonged among such criminals and refused to be assimilated with them, even if it meant they were at an increased risk of physical assault. Both seemed to use their refusal to live on a VP wing as evidence of their innocence.

Among all prisoners, this violent environment caused a great amount of fear and a deep sense of unease, similar to the general population (Crewe, 2009) and as evidenced in the wrongful conviction literature (see Grounds, 2004). Participants appeared to have two responses to such an atmosphere. The first group grew hyper-sensitive and vigilant to violence. They used avoidance techniques, altered routines, and walked away from any situation they felt would result in conflict, often due to a fear that they could not adequately defend themselves.

At the most extreme end of this response, four participants claimed to have periods during their sentence in which they had no engagement with other prisoners. They were intensely afraid of being attacked and physically locked themselves away in an act of self-preservation. For three of these men, such isolation was temporary, occurring for one at the beginning of the sentence and sporadically for the other two when danger felt most present. However, for Steven, serving a 20-year sentence for historic sexual assault, it was ongoing after having been transferred from, what he perceived to be, a safer wing:

I was moved to a wing known as ‘Beirut’, after which I did not leave the cell at all, asking for it to be kept locked 24 hours a day for my own safety (54 days to the day of writing this)...I have not spoken to another prisoner since 10th December...However, I have received threats and abuse through the locked door.

The second group employed violence themselves as a means of protection, a common coping strategy evidenced in the wrongful conviction literature (see Grounds, 2004). Although almost all participants stated their desire to avoid conflict if possible, they felt they had encountered situations where it was necessary to use force. Often this was because they felt they needed a credible threat of violence behind them to ensure that they were not taken advantage of or viewed as vulnerable and therefore an easy target for further abuse. For some, such a response was tantamount to survival.

Public perceptions of their ability to fight were important (see also Crewe, 2009). The way they conducted themselves had an impact on how they were treated. Nevertheless, Kieran, who had served three and a half years of a 15-year sentence, was fearful of the person he became when involved in such altercations. He worried that the anger he felt as a consequence of his conviction would overflow, resulting in a serious loss of control:

Don't get me wrong because if anybody started on me I would fight back and that's scary because with all the anger of this wrongful conviction I could easy go too far and that does worry me in this place.

While all prisoners, regardless of their stance towards their conviction, must endure this inherently unstable environment, those claiming wrongful conviction appeared to resent it more⁶. Again, their experiences were consistently framed by the perceived injustice and illegitimacy of their conviction. They felt that it was unjustifiable that their lives be put at risk and felt there was no reason why they should face this constant threat. In this way, the illegitimacy of their sentence impacted on their evaluations of the environment and their

⁶ Based on articulations of participants' experiences in their accounts.

place within it. They drew distinctions between themselves, as ‘law-abiding’ men, and ‘dangerous’ criminals and hated that they were wrongly kept in such an environment with such people. This is eloquently illustrated by Sebastian below:

The longer I spend here the more risk I’m placed at in an environment such as this, pervaded by gratuitous violence. It’s a scary existence that compounds the hardship of injustice because it’s not simply that I’ve been wrongfully convicted, or that the best years of my life are slipping away, but that I’ve been warehoused in a hotbed of criminality, squalor, and depravity.

To sum up, participants identified five common forms of relationships they formed with fellow prisoners – ‘amicable’, ‘friendly’, those based on wrongful conviction, ‘avoidant’, and ‘negative’. All but those relationships based on their wrongful conviction, are found within the mainstream population.

Prisoners maintaining innocence most frequently formed amicable connections with others, as opposed to more meaningful relationships. As such, they appeared relatively solitary compared to the mainstream population but interacted at a basic level with those around them. They tended to have one or two friends which allowed, somewhat limited, emotional expression. Almost none had what Crewe would term a ‘proper’ friendship, but many developed deeper connections with others who similarly maintained their innocence. Most also had many avoidant relationships, some of which turned extremely negative, resulting in bullying and violence.

There are two central reasons why prison relationships are harder to form and appear less important to these prisoners as a group. The first is due to the relationships maintained outside the prison walls. As has been illustrated in chapter six, prisoners

maintaining innocence are often sustained emotionally by their family relationships and huge levels of support are garnered from these people. As a result, less emotional support is required from other prisoners.

Secondly, and as was discussed above, there are often impediments inherent in their stance to forming lasting and deep friendships with those around them. Indeed, most were serving their first sentence and often certain prisoners in this group, particularly those convicted of historic sex offences, were drawn from under-represented (i.e. middle class) communities. Consequently, many found an absence of shared background and the relative lack of experience with the criminal justice system and a 'criminal lifestyle' more generally produced barriers to association. There was often a further wariness of the population, exhibiting itself through greater levels of fear of 'real' criminals and disgust at the crimes they had committed. The relationships they formed thus did appear, to a greater extent, tenser and more guarded than those formed by the mainstream population.

Prisoners claiming wrongful conviction were also significantly less likely to trust others due to perceived breaches of trust in the past (for example by accusers, the police, or their legal team) and a distrust of the criminal justice system more generally. Additionally, and related to the coping strategies outlined in chapter five, a preoccupation with their legal case and appeal diminished the opportunities to socialise as well as the value attached to social connections within the prison. Indeed, such relationships were often considered temporary distractions. Thoughts relating to relationships with staff were often similar.

DAY-TO-DAY STAFF RELATIONSHIPS

The remainder of this chapter focuses on a second set of relationships formed within the prison – those formed with prison officers, namely wing staff. Once again, many of the subjects discussed by participants are intrinsic to the prison environment and reflect experiences of the mainstream population. However, participants also encounter unique difficulties related to their stance as ‘prisoners maintaining innocence’.

Not unlike the general prison experience (Hulley et al. 2012; Crewe 2005, 2009, 2011b; Liebling 2000), most participants claimed that the vast majority of their relationships with staff were courteous and professional. They found the majority of staff to be polite and civil and treated officers the same way, sharing pleasantries and jokes. Although generally positive, such relationships were fairly superficial and distant. Most preferred these fairly nondescript relationships to either extreme of ‘friendship’ or ‘animosity’. This was the case for Bradley, who had served 12 years for murder:

I try to talk to staff as little as possible...They will never be my friends. I know they are not there to help me. I remain polite but try to distance myself.

Bradley, and those like him, did not want a deeper connection with staff beyond the superficial. Although polite, he took comfort in the barrier between himself and staff, understanding that the role of prison officer, and the duties they must undertake, impeded a sincerer friendship. For others, as was illustrated in chapter five, anything that was not related to their campaign ceased to be important and was indeed construed as a distraction. For Charlie, who had served six years of an IPP sentence (with a tariff of 12 years) for conspiracy to rob, such feelings extended to relationships with staff:

Prison Officers are less in my focus these days...Everything comes second to the MOJ campaign.

It is clear that the majority of participants only dealt with staff because they had to, preferring to remain reserved and distant rather than entering into more meaningful relationships. To ignore staff completely was, however, not only impossible but also impractical. As was illustrated in chapter five, these prisoners have a sophisticated understanding of their situation and position within the prison. To disengage entirely or to unduly antagonise staff would do more harm than good, ultimately hurting them. Engagement was the only option they had if they wanted to progress⁷.

However, trust was very low and, like the mainstream population, most claimed to have no trust in staff or very little (Crewe, 2009)⁸. For the majority of participants, most staff could not be trusted with personal details of their case and appeals, nor could they be trusted to carry out duties they were employed to do. Staff were considered to lack integrity and this belief stemmed from both their behaviour towards participants within the prison environment but also their position within the criminal justice system more generally – participants understood that staff were not on their side.

In any case, people wrote, the majority of wing staff were uninterested in discussing their cases. It was very common for participants to express how wing officers simply did not care about questions of guilt or innocence. As Ralph, who had served two years of a 10-year sentence for rape, highlights, it was not within an officer's remit and so many simply did not talk to staff about their conviction, even superficially:

⁷ Prisoners rely on staff to process applications and need positive staff reports for Parole Board hearings etc.

⁸ Although I would argue that prisoners maintaining innocence have lower baseline levels of trust than is common given their negative experiences with criminal justice agents.

As for staff, one of the things that surprised me about prison when I first arrived is that none of the ‘wing officers’ – the prison staff you see day to day – have any interest in what crime you were convicted of or whether or not you actually committed it. They are paid to treat everyone the same, and that’s what they do. I’ve never discussed what I was convicted of with any prison officer.

On occasion, such reluctance to talk was interpreted as lack of empathy, however most were unfazed and simply did not want to discuss their cases. As Adam, who had served 22 years of a life sentence (25-year tariff) for murder, highlights, there is little wing staff can do to help a prisoner’s appeal and so any discussion seemed a wasted effort:

Prison staff, i.e. wing staff outside of when they are asked to prepare a wing report for an inmate’s Sentence Plan, Category A Review etc. will not press an inmate about his case. If you want to speak to an officer about your case then they will listen. However, I do not nor have I ever wanted to...There is nothing the officer can do in respect of helping the individual.

Others, like Jamie, brought it up anyway. They wanted staff to know that they were maintaining innocence. Even if staff took little notice, for Jamie, and others like him, such protestations acted as a signal that they were not ‘criminal’ or deserving of ill treatment and served to differentiate them from other prisoners:

One thing I’ve always done and still do is let them know that I’m an innocent man whenever I can, for example because of my support group I get a lot of birthday and Christmas cards and normally an officer will say something like ‘well you’re popular’ and I will tell them why.

While the majority were happy with this superficial arrangement, others were troubled by lack of staff engagement and felt that staff did not display sufficient care or commitment. These participants, like Julie, did not feel supported in any material way and this left them distressed:

No one at Drake fought my corner and I have felt extremely let down, isolated and unsupported throughout the last 2 years.

Julie, and others like her, required more support than she felt she was being given. She believed that wing staff should be more helpful and proactive but instead found them ambivalent and uninterested.

SUPPORT

Notwithstanding such criticisms of officers, around half of my participants claimed to have formed more positive relationships with wing staff, although often with only one or two officers from the entire prison estate. Indeed, such relationships were regularly mentioned after a diatribe about how awful staff were and ‘in the interest of balance’. These were friendlier interactions than those outlined above and offered something more than courtesy. Traits such as fairness, decency, kindness, compassion, approachability, patience, and care were mentioned repeatedly (as similar to the wrongful conviction literature, see Jenkins and Woffinden 2009; Batt 2004). A very small minority claimed to trust these members of staff, although generally trust was very low. These officers, it was written, did not go out of their way to make life difficult, as some did (see below), and seemed genuinely interested in seeing them progress.

More specifically, and often more importantly, they listened. These few officers could be trusted with the details of participant’s cases and rather than ignoring (see above ‘courteous’ relationships) or ridiculing (see below ‘negative’ relationships) their claims,

they offered a sympathetic ear and a genuine interest, occasionally alongside support, guidance, and practical help. This was true for Josh:

...some of the screws take an interest and help with the photocopying – so I do get some help.

Practical assistance, such as photocopying legal letters, was extremely important to most participants, especially to those who, like Josh, had no outside support with their campaigns. However, a form of emotional support was also offered and highly valued – belief in their claims of innocence. As Jamie illustrates, such belief was a signal that they were ‘normal’ rather than criminal:

I saw that same officer a couple of months later and he pulled me aside and told me that he had read all about my case on my facebook innocent group and spent a week looking at stories, then he shook my hand [and said]... ‘don’t ever give up fighting Mr [X]’. It was the 1st time in 5+ years that another human other than people outside had treated me like a normal man.

This quote, showing that Jamie felt he was being treated like a normal man, is significant. All of my participants resented being in prison, being treated like a criminal. They didn’t see themselves as criminals and were gratified when they were believed. These officers spoke to their humanity, rather than their label. Indeed, it was a great source of pride when someone from the prison service believed them; a form of official recognition that they were not what people said they were. It seemed that a particular weight was attached to an officer’s stated belief⁹, often above and beyond that of family and friends’ belief. These people worked in the system that had ‘wrongfully’ convicted them; they had a vested interest to disbelieve them, but instead offered acceptance in a system that seemed

⁹ Of course, it is impossible to know whether staff were being truthful in their comments or merely pacifying participants. Substantially, it is of little importance whether such belief was genuine – their perceived belief was enough to have a positive impact.

determined to ignore their claims (see chapter eight). Even a gesture as simple as wishing them luck for an appeal or campaign was highly valued.

A small number of participants also found comfort in other members of staff, as similarly evidenced in the wrongful conviction literature. In the majority of cases, these were religious chaplains but also included those drawn from the education department, healthcare, or gym staff. Of those who spoke of such relationships, many stated that these staff members acted as unofficial counsellors; offering support, recognition, kindness, and guidance. Indeed, Ralph found the Jewish chaplain to be more reflective and open-minded than officers, allowing him to discuss topics he could not otherwise discuss:

It's nice to have a chance to chat every week to someone outside the prison system. He listens to what I have to say about the prison system, the justice system and my wrongful conviction without ending each conversation with 'yes but you've been convicted so in our eyes you're guilty', as a prison officer would.

These members of staff, as Ralph highlights, were not so entangled with prison politics or policies as the prison officers and were to a certain extent outside the prison's sphere of influence. They were able to offer comfort and insight from beyond the immediate environment and could be trusted not to exploit any vulnerability. Participants found they could be more honest, open, and truthful with these external members of staff, allowing them some release from the isolation inherent in their claims of innocence. This was particularly true for religious figures. On one occasion, a participant stated that the chaplain actively assisted in their campaign, adding important influence, while many others took solace from the chaplain's prayers for them and gained hope from the spiritual links (see chapter five).

Nevertheless, it was alleged on two occasions that positive relationships with staff were deliberately sabotaged. Indeed, these two participants suggested that if sympathy or belief in their claims were exhibited, the offending members of staff would be reported to management and moved as a result of ‘conditioning’ and ‘manipulation’. This was the case for Ellie:

I had a personal officer who began to believe I was innocent. I was initially accused of manipulation...Another officer who believed I was innocent was removed from my unit level and transferred to a unit I was not permitted onto. Again it was alleged that I had manipulated him. He was not moved at a usual ‘staff rotation’ time.

Such institutional behaviour led to claims of discrimination and paranoia among these participants that they were being further punished as a result of their stance. It was believed that this was an attempt to limit their support and isolate them in their claims. Nevertheless, this allegation was rare and it seemed that personal, rather than institutional, practices limited staff from engaging with claims of innocence in a positive manner, bar the ‘exceptional’ officers outlined in this section.

ANIMOSITY AND ABUSE

Indeed, half of my participants claimed to have very negative relationships with staff. Again, this tended to be with one or two officers, rather than across the board. Many stated that they had been bullied or verbally abused and described how they had been intimidated, threatened, provoked, mocked, and insulted. They claimed such staff were confrontational and vindictive and seemed to gain satisfaction from locking them up and speaking to them derogatively, also evidenced in the general prisons literature (Crewe et al. 2011; Scott

2009, 2011; Crawley 2004) and the wrongful conviction literature (Jenkins and Woffinden, 2009). The majority regarded such behaviour as an abuse of power and authority and almost all thought such mistreatment was directly related to their pleas of innocence. Indeed, it was often their claims of wrongful conviction that were the source of ridicule and sarcasm. These prisoners were not merely disbelieved but actively derided, causing severe distress and resentment.

Similarly, claims that officers were interfering with and obstructing their appeals and campaigns were common. Accusations included interfering with or damaging mail (including privileged legal letters), recording privileged phone calls or meetings, refusing to approve legal phone numbers, deleting legal phone numbers from PINphone accounts, stealing legal documents, withholding or destroying property, hiding visiting orders, delaying and ‘losing’ applications, denying facilities, and obstructing moves to other prisons. Anecdotes like Ellie’s were widespread:

This morning I have had an appointment to sort through my stored property. Included in it was a letter dated 23rd July 2007 which I had never been made aware of. Today I was finally able to obtain this letter and read it. It was a letter which contains addresses for a variety of organisations which support those who maintain innocence. Had I been an addict and had committed a crime in relation to the addiction I would not have been prevented from receiving letters containing support group details such as AA or NA. It seems that by stating that you are wrongly convicted you are then giving the prison system the opportunity to treat you unfairly.

As Ellie highlights, participants felt that they were being victimised and discriminated against as a result of their ‘prisoner maintaining innocence’ status. Support that would have been available to other groups was denied to her and it was interpreted as an attempt to limit her support system and isolate her in her claim. Even if not directly related to their case, participants believed their pleas of innocence made them a target and that it was interpreted as a vulnerability capable of exploitation. This was particularly true if

participants resisted the regime and questioned the actions of officers, as Phil had done throughout his imprisonment:

We are easy targets, it's not likely an innocent person will react the same as a guilty one when pushed as we have our appeals to consider... I am more at risk of harm from officer's brutality than anything else, and get absolutely no support. So this is not seen as overly dramatic or exaggerated, I will briefly explain one scenario of many – A known racist who suffers from psychosis from spending too long in solitary confinement has been deliberately located in the cell next door to me and encouraged to abuse me for the last 6 months. I struggle to sleep with him constantly banging on my wall whilst all the officers and prison management laugh. If I complain I myself receive behaviour warnings and lose so-called privileges.

Although rarer, on occasion, participants like Phil, wrote of being intentionally placed in danger by officers. It was claimed that this was commonly achieved by disclosing their offence to other prisoners or by allowing interactions with 'mains' prisoners (if on a VP wing). Three claimed to have been physically assaulted directly by staff¹⁰. Ellie, believed that as she had already been labelled a liar by the prison authorities she became a target as it was easier to dismiss her accusations:

In terms of relationships within the prison environment I have had a difficult time. In previous years I have been physically, verbally and sexually assaulted by staff. When I have reported such an incident I have been deemed 'a liar'.

Many more were fearful of such an occurrence and described it as an ever-present threat. As Clive, who had served nearly 35 years of a life sentence for murder (with a tariff of 15 years) highlights, such treatment can have severe consequences on a participant's mental health:

¹⁰ These violent altercations were far more infrequent than the wrongful conviction literature would suggest (Mansfield 1994; Grounds 2004, 2005). This is possibly due to the age of such sources and the considerable decline in levels of hostility and brutality in the prison environment more generally over recent years (see Crewe, 2011b).

There have been times I have not felt safe, as I felt I was being targeted and unable to sleep of a night expecting them to come crashing in to beat me up or passing information to turn others against me.

As a response to the treatment outlined in this section, two participants admitted to physically attacking staff and many more confessed to verbally abusing officers and entering into arguments with them. Sarcasm and ridicule were deemed acceptable responses in order to ‘warn them off’ or to demonstrate that they were unaffected by staff comments. When claims of innocence were directly challenged the most frequent response was to direct staff to their campaigning websites or offer rote responses. These verbal responses mirror the behaviour outlined in chapter five, with participants preferring subtler forms of resistance to outright aggression. Some, like Jamie, viewed the enterprise as a game:

...over the years I’ve learnt how to be clever about it and still treat them how they have treated me but in a way where I don’t get into trouble for it, I see it as playing them at their own game.

By ‘being clever’ Jamie could signal his irritation without attracting unwanted institutional consequences. Such responses were always just on the right side of the line behaviourally (see chapter five).

Others refused to reveal signs of anger and frustration and would not allow officers to provoke them, believing that it would only lead to further mistreatment. This was how Phil claimed to manage the situation, although he had also been in serious altercations with staff members and inflicted significant injury (although he was cleared of any wrongdoing):

I ignore them as much as possible. Any reaction only leads them to keep coming back playing games so unless you are going to cause them too severe an injury for them to continue then it is not in your interests to respond.

Others claimed that they refused to be goaded on grounds of principle. As was illustrated in chapter five, participants did not want to act in, what they deemed to be, a ‘criminal’ manner. Responding to provocation would thus not only be ‘out of character’ but could also serve as a signal that they were volatile and violent, thereby deserving of their imprisonment.

Institutionally, there was little redress available. Such abuse was difficult to prove and operated within the system, much of which could be defended as an honest mistake;¹¹ for example, ‘losing’ post or applications. There were also unpleasant consequences to complaining, which deterred some from making official complaints and led to others retracting theirs. This was the case for Bradley, who witnessed an assault and appeared as a witness for the prisoner:

Over the following week I was selected to be strip searched on every visit, I was singled out for a Mandatory Drug Test (MDT)...and I had to undergo two cell spins.

In numerous accounts, officers were accused of more intense searching and patting down, threats, and attempts to place participants in danger from other prisoners after complaints were received or legal challenges launched. This, and the more general abuse outlined in this section, was deemed to be an attempt to ‘break them’. This was the view of Jack, who had served 18 years of a life sentence for rape and false imprisonment:

¹¹ This could of course be the case, along with ineptitude, although the frequency with which participants mentioned such behaviour leads to some doubt.

It was all mental and psychological torture of which I could give numerous examples which all come down to the fact I maintain my innocence.

Jack's description as his treatment as 'torture' is an extreme example of what many others thought¹². They believed that they were being victimised as a result of their claims of wrongful conviction and considered their treatment as more punitive than the general population, it was something additional that they must endure. Their claims became a source of ridicule and abuse and their attempts to campaign were disrupted. It was felt by some to be a technique to isolate and force them into admitting guilt (see chapter eight).

It is nevertheless possible that my participants were simply more sensitive to such behaviour. Accounts of physical and verbal abuse within the general prison literature are rife (Crewe et al. 2011; Scott 2009, 2011; Crawley 2004) and there are numerous narratives of 'bad apples' within the prison service. It may be that my participants were therefore not peculiarly discriminated against but were instead treated as the rest of the prison population (particularly in regard to the consequences of complaints); they just took it more personally and again, as is consistent throughout this thesis, interpreted everything through the lens of 'innocence' and 'injustice'. They resented their imprisonment and felt it demeaning to be treated as an 'offender' – this may have thus magnified any slight, insult, or insinuation that they were a liar. Their campaign and appeal was their priority so any institutional disruption, whether intentional or not, was highly frustrating and, given their mistrust of the criminal justice system generally, more likely to be attributed to malice.

¹² Jack was, at time of writing, 14 years, six months over tariff.

However, the consistency between accounts would suggest that undue sensitivity is not the sole cause of such feelings. Officers seem to take claims of innocence as a signal of vulnerability and exploit it, tailoring their verbal abuse to encompass claims of wrongful conviction. It is probable that a mixture of the two positions, a heightened sensitivity on the part of my participants and an increased focus on ‘innocence’ as a source of ridicule on the part of officers, is closer to the truth.

RULES, RESPECT, BLAME, AND POWER

Regardless of interpersonal relationships and the ‘friendliness’ with which staff and prisoner interacted, four topics of importance emerged in relation to wing staff – the inconsistency of rule application, respect, blame, and power. Although distinct areas, these general principles do share connections and all were considered highly important by participants irrespective of their feelings towards individual staff members.

RULE INTERPRETATION

The majority of participants, generally thought that the rules were fair but, as in the mainstream population, questioned the inconsistency of their interpretation and application. Many thought that officers made up the rules as they went along in order to suit their self-interest and interpreted rules differently according to the prisoner they were dealing with. As is a common theme throughout this thesis, most participants, such as

Ellie, considered their claims of innocence to play a role in such misapplication of the rules:

Consequences are variable, depending on who you are...I've found that often those prisoners who are regularly disruptive and problematic are allowed to break rules, without suffering consequences which quieter prisoners are disciplined for breaking.

As has been illustrated in chapter five, prisoners claiming wrongful conviction tend to be highly compliant (at least on the surface) and do not generally cause trouble for staff. As a result, some thought they were treated more harshly than their fellow prisoners as officers knew they would not react aggressively to punishment. Some specifically thought such misapplication of rules was to test them or push them into responding violently. This led to allegations of bullying, unfairness, and discrimination.

When my participants did exhibit resistant behaviour, their approach, they said, was discreet and restrained, relying on legal and institutional channels. It was claimed that such opposition often caused personal conflict with officers and could lead to a malicious misapplication of the rules, as illustrated by George, who had served three and a half years of a 12-year sentence for historic sexual assault:

Discrimination is rife, against me and others who question the actions of officers. The regime / rules are constantly changed to suit the prison management.

Similarly, as Julie explains, it was often thought that the general fact they were maintaining innocence led to discrimination:

Yes there are prison rules which are apparently for all, but that's not how it works. A lot to do with prison is based on if your face fits and / or playing the game. It's like we are pawns in a game of chess.

By refusing to acknowledge or internalise guilt, participants failed to ‘play the game’. They refused to attend offending behaviour courses, they highlighted flaws in the criminal justice system, and drew the actions of officials and the very legitimacy of the prison to hold them into question. Although overt discrimination was rare, staff could demonstrate their irritation and annoyance through the subtle misapplication of rules. Such discretion could, in turn, make the lives of my participants very difficult, particularly when relating to decisions of Incentive and Earned Privilege level.

RESPECT

For prisoners maintaining innocence, respect was a core concern. These individuals believed that they had done nothing to warrant a prison term and felt keenly disrespectful interpersonal treatment¹³. This was particularly so for those who had been well respected, through job or other status, in the past. Indeed, the initial injustice coupled with disrespectful treatment, and the associated loss of position and worth, was a considerable pain of imprisonment, as illustrated by George:

I have been tarred with the same brush as the guilty and treated with disrespect from all prison staff.

Although some claimed to feel respected on a day-to-day basis, albeit rather superficially, the majority felt that they were treated disrespectfully and ‘looked down on’ by virtue of being a prisoner. This is significant. George stated that he was ‘tarred with the same bush’

¹³ See Hulley et al. 2012 and Tyler 2010, detailed in chapter three.

and treated as a guilty man¹⁴ i.e. treated as an ordinary prisoner. George, and others like him, resented this treatment and considered it demeaning and insulting – he did not consider himself criminal and so felt it unjust that he was treated as such¹⁵. So, although staff may be acting in accordance with established protocol and treating all prisoners equally, prisoners maintaining innocence were more sensitive to slights and disrespectful treatment. Such a position highlights the subjective nature of respect; what is disrespectful for one may not be for another. By virtue of their position, prisoners who claimed wrongful conviction had a higher threshold of interpersonal respect and not only expected more than they were given but were also more easily offended when it was not forthcoming than was the case in the general population.

Organisational respect (Hulley et al. 2012) was also of significant importance to these prisoners. Prisoners claiming wrongful conviction need specific help and access to particular types of support and information, including appeal procedures, CCRC applications, routes to de-classification, avenues to challenge their perceived risk, and access to miscarriage of justice organisations etc. These are people who not only want to progress through the system as quickly as possible but bypass it entirely. However, often they have only limited experience or knowledge of the processes necessary to do so and rely on the support of others, including staff, to provide relevant information.

As well documented in the sociology of prison life literature (see Hulley et al. 2012), most participants found staff to be ineffective, inefficient, and unhelpful. It was frequently stated that officers ‘passed the buck’ or ‘fobbed them off’, failing to commit to

¹⁴ Participants frequently stated that officers operated on the basis of guilt i.e. they were found guilty by a court of law so were guilty.

¹⁵ This links back to the discussion of labelling in chapter five.

anything and advising them to see another member of staff such as their personal officer. Max, and plenty of others, grew frustrated at staff's seeming lack of motivation and work ethic:

... most people with the keys prefer not to do their jobs, preferring instead to lurk in the offices reading the inmates daily papers or sorting out holidays or purchases on eBay, there are of course the odd exception but they are like diamonds in the mud, and because they are the 'go to' officers they are usually very busy.

As Max, who had served seven years of a 14-year sentence for rape, states, certain officers were willing to assist but they were often overloaded with requests. Even when help was offered it was claimed that it often took several requests and reminders and participants were routinely told that a job had been done—for example, sending an email, letter, or application—when it had not. This led to high levels of annoyance and exasperation.

Participants also often found that prison staff could not offer relevant advice or answer their questions accurately. It was often the case that prisoners were told one thing by officers and later found out from another source, such as family, the Prison Reform Trust, or Prisoners Advice Service, that the information provided was incorrect. This lack of knowledge caused them significant anxiety and frustration; they felt reliant on staff but had no faith in their competence, particularly regarding their appeals. This was the case for Ellie, who claimed officers lacked even a basic understanding of her situation:

Prison staff are now telling me that once I am 'completely out of prison' I will be able to work on my appeal. This tells me that prison staff do not understand the appeal process. Realistically by the time I am released through parole my appeal application will have already gone through the CCRC stage and there will be very little I can do. I have now learned not to even attempt to have these conversations with prison staff.

BLAME

Most drew distinctions between prison officers (wing staff) and the wider criminal justice system, who they held responsible for their conviction. Although most considered there to be a theoretical and publicly stated connection, they felt in reality that prison officers were not part of the criminal justice system proper. Most understood that the prison had an entirely different function and its staff had different roles and responsibilities, as highlighted by Connor:

They do a job for the justice system but I'm not sure I would put them on par with a police officer. Some like to think they are and some think it's their job to punish rather than help.

Connor, and others like him, could appreciate the fact that prison staff had no part in decisions of prosecution or conviction. He felt that the officers' role was more interpersonal, encompassing a duty of care. As such, wing staff were generally not judged as part of, or held responsible for the failings of, the criminal justice system¹⁶. Most, like Andrew, who had served 20 years of a life sentence (25-year tariff) for murder, did not blame officers for their conviction or continued imprisonment:

I have no quarrel with the people running the prison service. They did not put me here and other than keeping the gates shut, they do not keep me here.

Staff were simply doing a job – it was not their ineptitude or malice that caused wrongful convictions. It was not their fault that participants found themselves in this situation. As Charlie illustrates he had ‘...*no axe to grind with prison staff*’. Although all participants resented being imprisoned, they knew that ultimately their fight was not with prison

¹⁶ See also Crewe 2007a, 2009.

officers but with the police and the courts. They considered the criminal justice system to be profoundly illegitimate but this lack of legitimacy did not seem to transfer into evaluations of wing staff and did not affect their attitude or behaviour towards these staff members. Their accounts did not suggest overt rebellion nor did participants hate officers generally. On the whole, they appeared to behave and follow the instructions given to them by staff.

That is not to say that prison officers were not judged or disliked; rather they were judged as individuals, unconnected to the wider politics of the criminal justice system. Although most participants did not hold the prison staff responsible for events that occurred beyond the wall, they did hold them to account for failings within the prison system, particularly regarding their personal treatment, as Joe, who had served 16 years of a life sentence with a tariff of 20 years for murder, highlights:

I do not hold the prison system responsible for the corrupt actions of the CPS and police. However that does not excuse the wilfully discriminative actions of the prison system against PMIs once they have been wrongfully convicted.

Blame and accountability were therefore negotiated on an individual basis, grounded in the personal interactions participants had with staff. However, given the above discussion, it is important to note that a very small minority did feel that the prison service was in part to blame for their conviction. Blameworthiness ranged from enacting the 'wrongful conviction' by locking them up to the more serious allegations made by Phil:

The prison system actively participated in causing me to be wrongfully convicted deliberately by doing several things such as withholding correspondence from someone saying the police were coercing them to give a statement who ended up being a prosecution witness, attacking me a week before trial so I had a black eye and PTSD during trial, bugging my legal visits and disclosing the content to CPS, and starving me throughout the trial so I was too weak to concentrate.

It must be stated that these accounts only made up a very small minority of the descriptions I received and tended to come from participants who were more forceful in their protestations of innocence, routinely employing violence and non-cooperation. For these people there was a blurring of the boundary between the prison and the wider criminal justice system. The prison and its staff were viewed as an extension of an unfair and corrupt system and although they considered them to have a lesser role than the police, CPS and courts, they still felt that the various branches worked together – ‘colluding’, ‘liaising’, and ‘communicating’ in order to conceal the truth. Their feelings of injustice and illegitimacy thus coloured their view of staff.

POWER

A great deal has been written on the topic of power in the prison environment – what power is, how it is exerted and negotiated, and how its exertion affects relationships and experiences. This aspect of power is not what concerned my participants when discussing wing staff. What concerned them was lack of staff power.

Nearly all participants expressed the view that wing staff were not the ones who held the power that mattered to them – the power to release them. Release was always at the forefront of their mind and prisoners knew that wing officers were in no position to expedite their release or even voice their concerns regarding a conviction; it was simply not their job. However, although many realised that power did not lie on the landings,

some, like Sidney, who was serving 22 years for historic sexual assault, could not locate it¹⁷:

I know this sounds a bit Kafka-esque, but you never really know who ‘they’ are. The system, the authorities. The personnel working in the dark art of security, who appear never to have to justify their actions. You are moved or lose a job ‘due to security reasons’ and never know anything further. ‘They’ interpret rules in a way that affects you, but not your neighbour, or bring in ‘local rules’ to suit a particular need. Bottom line is that ‘they’ can do what they want and you have little or no redress.

Power thus operated at a distance, becoming an abstract concept consisting of files and forms; behaviour reports, risk assessment, and Parole Board remarks. As Patrick, who was serving a life sentence for murder, notes, more senior staff in the hierarchy were deemed to be the agents, if not the holders, of such power:

The prison officers themselves are only doing a job, it is higher up the establishment that the problems arise.

Hence, while wing staff were deemed to be relatively powerless, completing assigned tasks, offender managers, psychologists, and governors were believed to have different roles and levels of power. Most significantly, it was considered that they held the power to alter a prisoner’s situation. Indeed, many stated that these roles were more closely linked to the criminal justice system and participants often held these staff more responsible for their continued imprisonment. These people, and the power they wield, will form a significant part of the next chapter.

In summary, there are three general levels of relationship generated between prisoners claiming wrongful conviction and wing officers – courteous, supportive, and

¹⁷ As also noted in the general prisons literature, see Crewe, 2007a.

abusive. Amicable connections are formed with the majority of staff but most participants claim to have both one or two officers that they either particularly like or dislike. This is common in the prison environment, and indeed in society more generally; relationships are varied and there will always be people with which we connect and those we do not. The difference in this case is that such people cannot be avoided and indeed exert significant control over the lives of others.

The majority of staff did not appear to consciously single out prisoners maintaining innocence, they were simply uninterested in their claims and could not offer tangible support. This reluctance to engage with claims of innocence is, however, yet another example of how claiming wrongful conviction is an overlooked experience. These people's situation and experiences are not recognised by staff; the institution does not have room for them. The prison, and its agents, work on the certainty of guilt and cannot easily accommodate those who do not admit wrongdoing. It is easier to ignore, rather than engage with the possibility that the system may have made a mistake. This results in an unacceptable lack of recognition which operates to negate the 'wrongful conviction' experience and leads to frustration, despair, and an absence of much needed support.

CONCLUSION

In conclusion, it is clear that although all prisoners, regardless of their stance, must tolerate and navigate the extreme social world of the prison, there were distinctive aspects that solely affected prisoners claiming wrongful conviction. For example, lower levels of trust generally and a contempt of those around them prohibited formation of 'deep'

relationships; verbal abuse, from staff and prisoner alike, was tailored to focus on innocence and their stance became a target for exploitation; rules were considered to be applied to their detriment; and heightened sensitivity and need led to accusations of disrespect. Such conditions reveal the emotional nature of punishment, encompassing notions of power, agency, identity, stigma, and negotiation. They bring to the fore the caste of being a prisoner, and the deep unease with which it is experienced. As such, these conceptions carry through the prison experience, impacting on all aspects of their interpersonal relationships.

Indeed, it has been illustrated throughout this chapter that relationships formed with other prisoners and wing staff are fairly superficial for prisoners maintaining innocence. These people were something that had to be coped with and my participants were generally more focussed on release than on building friendships, aware that staff were relatively powerless to assist them. As a result, these prisoners had few ‘real’ connections in the prison environment and were thus largely forced to navigate their sentence with only superficial relationships and low levels of trust, causing, in extreme cases, social isolation and lack of integration. Indeed, most spent considerable time worrying about their fellow inmates and members of staff and kept a safe distance from the majority. Furthermore, many drew distinctions between themselves as ‘innocent’ men and the ‘guilty criminals’ they were forced to share space with and viewed themselves as inherently different, resenting any staff inference that they were alike. This, as illustrated in chapter five, operated as a coping strategy and as a means of retaining their identity in the prison environment. Nevertheless, limited support was garnered through prison relationships, particularly from those who were also claiming wrongful conviction.

It is clear that the relationships outlined above and in the previous chapter are to some degree overlapping, operating alongside each other and able to compensate for each other's deficiency. As such, they were capable of being moulded and developed to suit the individual needs of the prisoner. For example, as a consequence of the lack of support in the prison environment many supplemented with increased levels of familial support. Similarly, if outside support was limited, prisoners could rely more heavily on friendships within the prison, most commonly their 'wrongful conviction' friends.

What is obvious, however, and what is illustrated throughout this chapter, is that the perceived illegitimacy of their sentence and the injustice they felt impacted upon all areas of their relationships, in ways not experienced by the general population. These prisoners felt there was no legitimate reason why they should be forced to live with criminals nor why they should be treated as such. At least partial blame for this situation, and their continued imprisonment and lack of progression more generally, lay with staff further up the hierarchy, as examined in the next chapter.

PRESSURE, RISK, AND PROGRESSION:
INSTITUTIONAL CONSEQUENCES OF
MAINTAINING INNOCENCE

*My experience has taught me that to maintain my innocence is to bring hell down on
myself.*

Jack

INTRODUCTION

Many of the previous chapters in this thesis illustrate how the problems prisoners claiming wrongful conviction face broadly mirror those experienced by the general incarcerated population. All prisoners endure pains of imprisonment, face difficulty maintaining relationships with their family, and must navigate the social world of the custodial institution in which they live. These similarities are to be expected – those who profess to be innocent as well as those who admit guilt are both housed in the same institutions and face the same deprivations. Nevertheless, I have also demonstrated how attitudes towards, and responses to, these challenges subtly differ between the two groups. The experiences of participants are constantly framed in terms of injustice, they structure their individual coping strategies to suit their unique needs, and their relationships, both within the prison and outside, serve different purposes. There is one area, however, which is unique to participants – the consequences of maintaining innocence in the prison environment.

As has been demonstrated, claiming wrongful conviction is largely an ignored experience. The prison has difficulty recognising these people and their reality; it cannot easily accommodate those who do not admit guilt. Its purpose is to punish, incapacitate, rehabilitate. By disputing the legitimacy of the process that led to conviction, these people are embodiments that the system is not working. By refuting the necessity of the measures they are subjected to, they are thrown into direct opposition to the goals of the institution and call into question the practices of the criminal justice system more broadly. It is therefore easier to ignore these people than to engage with them constructively. It is easier to pressure them into processes that do not suit their situation than to devise ways to accommodate them.

It is within this context that prisoners claiming wrongful conviction navigate prison. The institutional consequences of maintaining innocence are severe and impact on all areas of prison life, from institutional privileges, to relationships with senior staff, to decisions of progression and parole. As will be shown throughout this chapter, these people simply cannot fit within the traditional structures or policies of the prison. They are either dismissed as liars or fantasists or pressured to conform.

This chapter focuses on the institutional consequences for prisoners who challenge their conviction. Section one explores the impact of ‘innocence’ on progression and parole decisions. Delays and obstruction to parole and progression¹ are the most serious institutional consequences to arise from maintaining innocence and such processes have implications far beyond the final decision to permit or deny progression. Indeed, although parole is the key decision, many other areas, such as risk assessment, offending behaviour

¹ Progression through the security categories of the prison estate towards eventual release.

programmes, and classification as ‘deniers’, are factors that either feed into the progression process or flow from it, affecting prisoners both before and after progression decisions. As such, this section operates as the frame for sections that follow and provides the main policy background². Consequently, section two considers notions of risk and examines the assessment of prisoners, offending behaviour programmes, and subsequent labelling as ‘deniers’. Finally, I concentrate on the more ‘everyday’ pressure to admit guilt exerted on prisoners who claim wrongful conviction, examining the Incentive and Earned Privilege policy, the lack of support available, and the corresponding temptation to admit guilt. Throughout I reference applicable legislation and draw a distinction between law and perceived practice³.

PROGRESSION AND PAROLE – LAW AND PRACTICE

While it is frequently stated in prison text and rules that maintenance of innocence should not prevent progression and parole, the reality is quite different. As a result, I will first examine the official position before moving on to how my participants experienced the progression process.

² Although, other more specific policies will also be considered later in the chapter.

³ I am giving voice to participants’ perceptions and opinions of institutional practice. As such, it is a one-sided account based on how participants articulate their experiences in letters. Institutional accounts may well differ.

Problems discussed are either problems of perception (prisoners think they are being treated unfairly) or material disadvantage (they are treated unfairly). Although I have included relevant institutional policy to provide some balance, due to the nature of my data and my reliance on prisoners’ accounts, I am unable to fully ascertain which it is.

Those responsible for decision-making regarding recategorisation vary, depending on both the type of sentence the prisoner is serving and their current category. Determinate sentenced inmates will have their reviews considered by a board or single governor within the prison (Davies, 2015). Indeterminate (ISPs) Category A prisoners have their security status reviewed by a Local Advisory Panel within the prison and then the central Category A Review Team or Director of High Security (*Ibid*). Recategorisation from Category B to C is undertaken by lifer managers within the prison while recategorisation to Category D is usually only possible following a review by the Parole Board⁴ (*Ibid*).

Importantly for participants, risk of harm assessments must inform all decisions of recategorisation (PSO 2205, Para. 4.7). PSO 40/2011 states that for all in-house decisions, the only relevant information is an assessment of the risk of escape, the risk of harm to the public in the event of escape, the safety of others within the prison, and the good order of the prison (Para. 3.7). Recategorisation must be based on clear evidence of a *reduction* in previously identified risk levels (*Ibid*, Para. 5.3). Similarly, when considering transfer to open conditions, the Parole Board must make a decision:

...based on a balanced assessment of risk and benefits. However, the Parole Board's emphasis should be on the risk reduction aspect and, in particular, on the need for the ISP to have made significant progress in changing his/her attitudes and tackling behavioural problems in closed conditions, without which a move to open conditions will not generally be considered. (Secretary of State, 2015: Para. 5)

In assessing risk, the Parole Board will consider, among other points, whether the prisoner has made 'positive and successful efforts to address the attitudes and behavioural

⁴ Decisions concerning whether to send a case to the Parole Board are undertaken during Sentence Planning Review Meetings. Factors that must be considered include OASys Risk of Serious Harm assessment, interventions undertaken or ongoing, progress against objectives in the sentence plan and offender's engagement with this progress (PSI 22/2015, Para. 4.9).

problems’ which led to the index offence (*Ibid*: Para. 9.d), the prisoner’s awareness of the impact of the index offence, particularly in relation to the victim (*Ibid*, Para. 9.h), and predicted risk as determined by OASys⁵ (*Ibid*: Para. 9.k).

The impact of these assessments on the prisoner maintaining innocence is obvious. PSO 4700 states that a person who ‘...denies the index offence, but is willing to reduce identified risk factors CAN progress through the system and CAN be released’ (emphasis in original) (Para. 4.14.20). At least officially, therefore, maintaining innocence should not automatically prevent a prisoner from recategorisation. However, as will be illustrated below, most had significant difficulty in progression. All decisions are based on extensive risk assessment and most found it near impossible to demonstrate a reduction in risk. Offending behaviour programmes are key to this process and many participants refused to participate (see below). Although, PSI 40/2011 further states that recategorisation reviews should consider whether there is evidence, other than attendance at programmes, which might indicate a reduction in risk, many had difficulty establishing any appreciable risk reduction in practice.

In consideration of release, maintenance of innocence predominately affects indeterminate sentenced prisoners⁶ (both life-sentenced and those serving IPPs). For those, it is the Parole Board who has statutory authority to release on parole / life license (PSI 22/2015). The Crime (Sentences) Act 1997, s6(b) states that the Board should only direct release if it is ‘*satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined*’. Again, a key consideration for parole will be the

⁵ Offender Assessment System – the principal tool used for risk assessment (see below).

⁶ Determinate sentenced prisoners will be released regardless of whether they maintain innocence.

prisoner's engagement with risk reduction interventions and evidence that the prisoner has demonstrated positive changes in behaviour, thinking, and attitudes (PSI 19/2014, Para. 2.2).

When evaluating such matters, the Board is required to consider various reports relating to the prisoner, as set out in The Parole Board Rules (2016). These documents include, but are not limited to, reports on the prisoner's risk factors and a full OASys assessment, details of interventions undertaken to reduce said risk, compliance with sentence plan and progress against objectives, an assessment of the risk of reoffending, and comments regarding the prisoner's attitude towards the index offence (*Ibid*, Schedule 1, Rule 7(1)(a); PSI 22/2015, Para. 14.13/18). The Board is also able to consider the comments of the trial judge when passing sentence, any available pre-trial or pre-sentence reports from the court, and the conclusions of the Court of Appeal in respect of any appeal (*Ibid*)⁷.

Denial of guilt alone is not a lawful reason for the Board to refuse to release a prisoner. PSO 4700 states:

The Parole Board's first duty is to assess the risk of harm a prisoner may pose to the public if released on licence. For that reason it is unlawful for the Board to refuse to consider the question of release solely on the grounds the prisoner continues to maintain their innocence/deny guilt.

A prisoner who takes a full and active part in the risk assessment processes, undertakes relevant interventions, addresses and reduces identified risk factors and reduces the perceived level of risk of harm they pose to the public, can potentially gain release at tariff

⁷ Most participants disputed the validity of such documents and considered these reports flawed. Concerns regarding risk assessment will be outlined below, pre-trial and sentencing remarks by the judge were believed to be biased and based on incorrect evaluations of their case, and comments regarding their attitude towards their offence were prejudicial – from their perspective they did not offend so would not present with the 'correct' attitudes.

expiry whilst still maintaining their innocence or denying full or partial guilt for the actual offence. (Para. 4.14.5–6)⁸

Although, as stated, innocence is not a bar to release in and of itself, the emphasis is again on the risk the individual may pose. Similar to progression decisions, those who refuse to attend offending behaviour programmes will struggle to demonstrate any significant reduction in their risk, despite it being claimed that there are other ways to evidence risk reduction (PSO 4700, Para. 4.14.7). Similarly, PSO 4700 asserts that the question should not be about what courses have been undertaken but what the current level of risk of harm is (Para 4.14.21). Therefore, theoretically, the emphasis is on what risk remains, although in practice it appears to make little difference.

EXPERIENCES OF THE PAROLE BOARD

Most participants understood that maintaining innocence should not affect their natural progression through the prison system nor act as a bar to parole and they were able to quote PSOs and PSIs to this effect. However, only a very small minority of those who wrote to me had progressed with relative ease. The vast majority claimed that maintaining innocence had, in reality, caused difficulties and delays to their progress. Many participants believed progression processes to be discriminatory and unlawful and considered refusal of advancement to be based solely on the grounds that they were claiming wrongful conviction. Such difficulty was commonly confirmed in assertions that

⁸ See also *R v Parole Board for England and Wales Ex p. Oyston* [2000].

the prison or Parole Board had refused ‘downgrades’⁹, usually on multiple occasions, as in Stuart’s case:

I have remained in High Security prison estate for nearly twenty years and never progressed to a lower security prison even though I have completed treble my tariff (6 ½ tariff). I have been overlooked for release and Open Conditions on six separate occasions by the Parole Board.

After the fieldwork period had concluded, I was contacted by Stuart who informed me that he has now been approved for a move to open conditions straight from Category A. Such a decision is rare, even among the general prison population, and was the result of eight applications to the Parole Board.

It appeared that those most affected by lack of progression were indeterminately sentenced prisoners located in Category A establishments¹⁰, like Stuart. It was not uncommon to receive accounts from prisoners who had served fifteen to twenty-five years and were still located in Category A prisons. Howard had served 15 years of a 25-year life tariff for murder and had not progressed at all:

As you can see from my address even after 15 adjudication free years I am still Cat ‘A’ and held in a top security jail specifically designed to house fit dangerous young escape risk prisoners. So, unlike you normal humans out there who at my age [67 years old] would be thinking about sheltered housing or even care homes, because we won’t address our non-existent offending behaviour, one of the examples of this vindictive coercive system is to keep old men in the worst possible conditions in top security jails regularly strip searching them and shining torches in their faces throughout the night.

It was common for participants, like Howard, to state that they had made little progress despite being ‘adjudication free’. In the modern penal context, passivity was not sufficient

⁹ Recategorisation to a lower security institution.

¹⁰ This may be due to the more stringent review process undertaken for Category A prisoners (see above).

to ensure progression (see Crewe 2009, 2011a, 2011b), and instead prisoners needed to actively engage in risk reduction work. Most participants claimed to have been told, at some point during their recategorisation evaluations or parole hearings, that they had not provided evidence of a significant reduction in risk that would warrant a recommendation for a downgrade in their security status or release. It was considered that they still posed a risk of reoffending as they had not addressed or lowered their identified risk factors.

Risk was the only factor that seemed to matter and attendance on relevant courses, despite PSOs to the contrary, were deemed the sole way to reduce perceived risk, as evidenced by Greg, who had served seven years of an 11-year sentence for attempted murder:

I have achieved many qualifications including a level 3 PTLLS teaching qualification while here and I am highly respected by the education department for my work and have been nominated for mentor of the year by the College who run the Courses, I came in 2nd once, but none of this means anything to the 'Gods' who control things as I have done no offending behaviour work and as a result my risk and scores have not changed in 7 years. I could do a course and stay in bed all day and be able to progress but as a 'denier' I am stuck.

Many, like Greg, complained that although they had achieved qualifications in numerous education, training, and work skills courses; had completed substance misuse programmes; had always worked within the prison; had strong family support outside; and accommodation and offers of employment on release; none of it seemed to have any bearing in recategorisation and parole reviews. Most felt that no account was taken of how well they behaved, how many activities they had undertaken, or the positive circumstances that awaited them outside – it was all about risk. Understandably, participants considered this situation to be deeply unfair and frustrating.

All refused to attend offending behaviour programmes that required an admittance of guilt for their index offence (see below). As Connor, who had served nearly five years of a 19-year sentence for rape highlights, refusal to complete such programmes could have a significant impact on decisions of progression and parole:

I have been promised Cat C status at every annual sentence plan for the past 3 years but denied every time until I said I was willing to complete a 'Thinking Skills Programme' provided I could base it on previous driving convictions, as a result I am now a Cat C prisoner and am due to be transferred to a suitable establishment any day now.

Connor's claim, that it was only after offending behaviour work had been carried out that he could be recategorised, was common. As a result, some had great difficulty. Participants found themselves in an impossible situation – they were declined for recategorisation due to a failure to address their risk (i.e. complete specified programmes) but were barred from doing so because they refused to admit guilt. Figure two illustrates how progression can be denied on the sole basis that a prisoner has not addressed their offending behaviour through courses, despite the fact that PSO 4700 states that there are other ways to demonstrate risk reduction.





		HMP WINCHESTER SECURITY CATEGORY REVIEW DECISION																									
NAME		NUMBER		LOC																							
<p>Your Category has been reviewed in April 2016</p> <p>The Board decided that you should remain as a Category B Your next review will be in March 2017</p> <p>The main reasons are the risks indicated by:</p> <table border="1"> <tr><td>History of Escape</td><td></td></tr> <tr><td>Serious nature of your current offence</td><td></td></tr> <tr><td>History of violence</td><td></td></tr> <tr><td>History of drugs</td><td></td></tr> <tr><td>Breaches of bail/fail to surrender</td><td></td></tr> <tr><td>Harassment</td><td></td></tr> <tr><td>Lack of addressing offending behaviour</td><td>✓ progression via offending behaviour courses must be made before re-categorisation can be considered.</td></tr> <tr><td>Custodial behaviour</td><td></td></tr> <tr><td>Security information</td><td></td></tr> <tr><td>Further Charges</td><td></td></tr> <tr><td>Other</td><td></td></tr> </table>						History of Escape		Serious nature of your current offence		History of violence		History of drugs		Breaches of bail/fail to surrender		Harassment		Lack of addressing offending behaviour	✓ progression via offending behaviour courses must be made before re-categorisation can be considered.	Custodial behaviour		Security information		Further Charges		Other	
History of Escape																											
Serious nature of your current offence																											
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Harassment																											
Lack of addressing offending behaviour	✓ progression via offending behaviour courses must be made before re-categorisation can be considered.																										
Custodial behaviour																											
Security information																											
Further Charges																											
Other																											
Signature: 		Name: 		Date: 07/04/2016																							
<p><i>If you wish to make representations against this decision, you can do so through the usual request and complaints process.</i></p>																											

Fig. 2. A security category review decision form (HMP Winchester, 2016).

Concern regarding risk reduction and courses was not limited to decisions of recategorisation but extended into determinations of suitability for release on license (for indeterminate sentenced prisoners). Again, participants noted significant difficulty in

gaining release through the Parole Board, due to the aforementioned factors¹¹. Most, like Joe, who had served 16 years of a life sentence for murder, believed that they would spend far longer in prison than their tariff suggested:

My tariff expires in 3 years but there is no hope of being released as an A Cat lifer PMI. This is despite having lower OASys scores and RM2000 scores than the majority of C Cat prisoners, never having had an adjudication, failed MDT or negative IEP warning. In fact, my prison record is described by staff as exemplary...For many Cat-A Lifers who are wrongly convicted and innocent we have little to no hope of release. Thus we are effectively given a death sentence.

Joe's description of his imprisonment as a 'death sentence' is striking and was not uncommon. Most indeterminate sentenced prisoners felt that they had been 'left to rot' and would not be considered for release until they cooperated with the prison authorities by admitting guilt, exhibiting shame, and 'performing' in an institutionally desirable way. They felt denial of parole was a means of blackmail and that the prison used '*time as a weapon to inveigle false confessions*' (Brendan). Most thought that they would have been released earlier had they not maintained innocence and this knowledge caused a significant psychological strain. Many also assumed that they would, or had, spent longer in prison than their guilty counterparts. They believed this situation to be inherently irrational and unfair and could not understand why they should, as 'innocent' men and women, serve longer, harder sentences than those who had committed an offence. They considered it a perverse system that rewarded wrongdoers but punished the blameless.

Further, some, like Bradley, who had served 12 years of a life sentence for murder, with a tariff of 15 years, judged the decision making of prison staff and the Parole Board

¹¹ Coined the 'parole deal' by Michael Naughton (2009) – parole could often only be achieved by admitting the offence and attending offending behaviour programmes, thereby lowering perceived risk.

to be inherently flawed. They thought that the key criteria in decisions of progression and parole should concern risk *remaining*, rather than risk *reduction*:

When it comes to re-categorisation the emphasis is on what's changed. They look for a demonstrable reduction in risk...I argue that it's not the risk reduction that's important but the risk remaining...How do you make progress when there was nothing wrong to start with?

Bradley did not feel that he had problematic attitudes, behaviour, or thinking that needed to be addressed. He perceived himself to be low risk, (as he was not an 'offender'), and this belief was generally supported in his OASys assessments. He therefore questioned why he must demonstrate a reduction in risk. If his prison behaviour and reports indicated a low risk, he felt that should be enough for progression and that it was irrational to have to demonstrate a change.

Lack of progression and difficulties gaining parole created conflict among participants and senior staff within the prison. Many felt that these staff were breaching the rules and obstructing progression in order to penalise prisoners for maintaining innocence. Refusal to recategorise and release were considered to be the 'ultimate sanction', and participants realised that they had very little control over these aspects of their life. They were at an impasse – they would not change their stance but knew that this was ultimately to their detriment. Some wrote and complained to the prison authorities, quoting PSIs, PSOs, and case law, illustrating how the decisions in their case run contrary to official instructions. These participants armed themselves with the rules and adopted the language, vernacular, and goals of the criminal justice system. Although they considered the system to be inherently illegitimate, they realised that they must work with it in order to have any possibility of success. Ultimately, it was the prison that held all the

power and no small-scale act of resistance could challenge it. These participants, like Bradley, knew that they had to ‘play the game’:

All this sounds fairly positive, it’s intended to, it’s cut and pasted from my draft submission to the parole board. Whilst it is all true, it’s not the whole picture. I hate being in prison. I feel indescribably angry about what has happened to me and continues to happen.

Bradley knew what was required of him in order to progress and although he acknowledged the goals of the system publicly, he failed to internalise them. There was thus a distance between how he behaved and how he felt. The dual nature of his existence caused considerable frustration; in order to progress he must, to a certain extent, deny his own experience.

Although, the problems outlined above were mentioned in practically all accounts, most participants did appear to progress eventually, with the exception of some indeterminately sentenced prisoners located in Category A establishments and those trying to relocate to open conditions. Nevertheless, it appeared that progression was substantially delayed as a result of maintaining innocence. It would appear that there is inconsistency in the way the rules are applied to this population and there is an uneven application between prisons when evaluating these prisoners. The prison estate does not seem to know how to manage these people and there is a certain unpredictability as to when, and under what circumstances, these prisoners can progress and gain parole.

However, three participants stated that they did not want parole and instead wanted to wait until their conviction was overturned by the CCRC¹². For Josh, who had served 30

¹² Whether these participants would actively sabotage their chances of parole or maintain this view if parole were granted is questionable. I doubt very much, if given the choice, they would prefer to stay imprisoned. For most, the desire to be released overrode all other concerns.

years and was 15 years over tariff for murder, such a desire was driven by the belief that he would never achieve parole and no longer wanted to endure the hearings and associated disappointment. Stuart, who had served nearly 20 years of a life sentence with a six-and-a-half-year tariff, did not believe that as an ‘innocent’ man he should be required to live according to strict licence conditions and finally, Ellie, who was six months over a 12-year tariff for murder, did not want to leave prison as a guilty woman:

I find it extremely offensive to give an individual ROTLs¹³ in my situation. I am being told that ROTLs will enable me to reintegrate to the community. However, I realise that such reintegration will be in terms of someone believed guilty...I will not be able to recover from the trauma of the justice system as I will still be involved with it. I will not be able to attempt to repair the rift with my family as I will not have proven my innocence. I will not be able to pursue a future career of my choice as being classified as an ex-offender limits my employment options. Being released as a guilty ex-offender presents a whole range of problems. I feel so strongly about such a prospect that I would gladly endure more years in the draconian prison system in order to pursue an appeal and leave as an innocent, wrongly convicted person.

Ellie did not want to be considered an ex-offender and, like Stuart, did not believe that she should have to endure the hardships that face guilty offenders upon release. All three of these participants were over tariff and had maintained their stance in the face of significant pressure. For these three the position was simple; they would never confess and accepted that this prevented them from progressing through the usual channels. Instead, they would contest their convictions through CCRC applications and appeals.

¹³ Release on temporary license.

RISK

As has been illustrated throughout this chapter, decisions of progression rely heavily on notions of risk and its reduction. Risk assessments are conducted regularly in the prison environment, offending behaviour programmes are aimed at reducing offender risk, and calculations of risk of harm inform a myriad of decisions including work allocation, recategorisation, and parole (see PSO 2205, Para. 4.7). The principal tool used for risk assessment throughout the prison estate is the *Offender Assessment System*, commonly referred to as OASys. PSO 2205, Para. 1.5 states that:

OASys identifies and classifies offending related needs, such as a lack of accommodation, poor educational and employment skills, substance misuse, relationship problems, and problems with thinking and attitudes. It also assesses the risk of harm offenders pose to themselves and others.

From these assessments, sentence plans are developed to ‘manage and reduce’ identified risks and reduce the risk of harm prisoners present to the public (*Ibid*). However, many of my participants did not understand why their risk was high and most fundamentally believed that they had no risk to reduce – they did not consider themselves criminals. This belief put them in direct conflict to a central aim of the institution and refusal to engage with such a requirement could have serious consequences, as illustrated above.

Concern was also expressed as to the nature of OASys. As Bradley, highlights there was criticism of the actuarial nature of the assessment and the subsequent score produced. Bradley had tried to amend the documents to reflect his stance as a prisoner maintaining innocence, but to little effect:

All they did was amend their document adding caveats. Instead of reading '[Bradley] wrapped the body in a mattress protector' it was amended to 'prosecutors claimed that [Bradley] wrapped the body'...The problem is that each statement is then used as justification to add points to the actuarial risk calculation so the text is caveated but the scores never are.

For Bradley there seemed to be no room in the system for nuance. The risk assessment tool could not adequately fit his situation nor that of the other participants. The database was not designed to accommodate those claiming innocence. Although their score could be interpreted as 'high' on the basis of the nature of their alleged crime, this marker did not correspond to how participants saw themselves. They thus found it difficult to engage with the system of risk reduction when they fundamentally opposed it and resisted the most basic notions of their perceived risk.

Participants also expressed annoyance that their OASys reports contained errors, inaccuracies, and false entries. Mistakes included fictitious knee operations, grandchildren whose ages remained 13 and 11 for seven years, mix-ups regarding the nature of the crime between two prisoners with the same surname, and one even had the wrong name recorded. Such mismanagement of reports was highly frustrating for participants and it took a huge amount of time and effort to rectify mistakes, as illustrated by Max, who had served half a 14-year sentence for rape:

It is just that sort of incompetence that makes prison such a stressful experience, you cannot fight the system because there is no system, nobody is responsible it is always someone else's decision, someone else's fault you feel like you are fighting fog.

Staff failure to record even the simplest of facts correctly was often worrying for participants. More concerning still was evidence of dishonest individual Offender Supervisors. Offender Supervisors were ultimately responsible for inputting and updating OASys and thus exercised an enormous amount of power over prisoners. Participants

claimed that if Offender Supervisors were lazy or vindictive they could falsely populate the risk fields which ultimately affected their score and sentence plan recommendations which, in turn, played a major part in their management and progression. It was regularly claimed that, due to the subjective nature of assessment, staff could lie with impunity, recording false allegations and opinion as fact. It was considered that staff had little integrity and often wrote fictitious reports which could follow prisoners through their sentence and across prisons, creating long-lasting consequences.

It is impossible for me to know whether these claims are true. While malice may have been a cause of 'inaccurate' risk assessment reports, it is also possible that the problem was one of perception. Staff may have created reports that fit the institutional framework and correctly identified 'problem' behaviours and attitudes that the software was designed to highlight. However, as participants fundamentally objected to the risk process and disputed most of what was written about them, they interpreted these reports as dishonest. The difficulty is that these prisoners do not easily fit within the traditional risk assessment structure and it is likely that participants' concerns with the content of reports was a manifestation of this difficulty, rather than deceitful staff.

Some worked tirelessly to correct these perceived errors but there was little they could do to challenge the fundamental nature of the reports. The consequences of these errors often created conflict, as illustrated by Brendan, who had served 13 years of a life sentence (26-year tariff) for murder:

I have likened it to a small snowball running downhill. Each turn it picks up more and more snow (inaccurate entries) until eventually you are left with this massive snowball which bears no resemblance to the original small ball of snow. In other words, I no longer exist. I have become a construct of their imagination. It is the ultimate act of dehumanisation. My refusal to allow them to do this is what causes this conflict.

As Brendan highlights, most participants could not see themselves reflected in what was written about them and were highly sensitive to any insinuation that they exhibited criminal tendencies. The comments on these files were not consistent with their sense of self. They felt that they were being unfairly assessed, as a result of their stance, even though they did not exhibit high-risk traits. Behaviour that they considered normal, and that would be considered normal outside prison, was treated with suspicion. Indeed, as Brendan illustrates, it was believed that such behaviour was negatively overanalysed in the prison environment:

Some of the other issues which have arisen are a result of my natural tendency to be respectful, courteous, friendly and (occasionally) witty. In normal society these traits would be seen as what they are; human. However, in this paranoia fuelled environment, which uses buzzwords such as 'manipulation' and 'conditioning', this has been misinterpreted (by those who know nothing about me) as 'offence related behaviour'. This is perhaps one of the hardest things to deal with. What they want to see are automatons. Soulless, dead-eyed husks.

Many of those who wrote to me similarly thought that they were judged more harshly than their fellow prisoners. Their helpfulness and kindness were misinterpreted; they were manipulative if they helped with applications and letters, they crossed boundaries if they complimented someone, making notes in meetings was controlling and a form of intimidation. Personal strengths, such as organisation, control, and motivation were thus interpreted negatively. For any other prisoner these traits would be evidence of beneficial skills, but it was claimed that for prisoners maintaining innocence they were the object of unwarranted scrutiny. Some, like Julie, who had served 13 years of a life sentence for murder, believed this was an attempt to persuade them into revealing their 'true criminal identity':

Even after 13+ years it's like they're waiting for a slip up so they can say 'there you go see'... Because of this I have to be on my guard at all times, it seems no matter what I do

or say it is turned into something it's not. It feels like if someone else were to do the same it's fine...Prison staff (not all) appear to be looking for signs of the person I was described as being at trial and if there's no signs of it then the person I'm being is all an act.

For Brendan and Julie, negative reports of behaviour that they considered normal, and that they supposed others would also consider normal, was a form of abuse. Participants claimed that they were regularly made to doubt themselves which not only upset them deeply but caused them to become self-conscious and overly sensitive, unsure of how their behaviour would be interpreted. Many thought that such comments were an attempt to dehumanise them and make them fit the 'criminal mould' based on a description of their alleged crime, rather than their outward display of risk factors, or lack thereof.

Many felt that maintaining innocence was interpreted, for the purpose of assessment, as a risk factor, in and of itself. In their reports, participants claimed, they were described as callous and lacking in victim empathy, conscience, responsibility, and consequential thinking. In this context, continued declarations of innocence served as an indication of an absence of remorse which, in turn, increased perceptions of participants' risk level¹⁴.

Nevertheless, a large majority of participants realised that they had to engage with the risk assessment process at some level; to refuse would ultimately only damage their chances of progression. Although they maintained their innocence, they worked within the framework of the prison. They made their position clear but did not refuse to enter into discussion of their risk. They understood that they could not withdraw from the process completely, but most were extremely wary of it and did not engage as fully as they could.

¹⁴ At its most extreme, Richard Weisman has highlighted how an absence of remorse can be viewed as a diagnostic indicator of psychopathy and antisocial personality (2004: 123).

Given the above discussion and the belief that staff were ‘*inclined to misunderstand*’ them (Julie), most considered it unwise to display anger, frustration, or emotional instability as all could be used to their detriment. Others, such as Bradley, were more creative:

Using their own wonky logic, I’ve argued that because I’m convicted of murdering a former partner after an acrimonious divorce with a financial motive (all nonsense) there is no evidence that I present any risk except to former partners in an acrimonious relationship breakdown with financial implications. I calculate that if they can’t accept I present no risk then the best I can hope for is that I can narrow the perceived risk down to such an extent that it becomes negligible and I’ll be deemed safe to release.

Most thought that the system of risk assessment, management, and reduction was unfair and broken. Risk pervaded every area of prison life and assessment as ‘high risk’ could have lasting consequences. As a result of the establishment’s fixation on risk, many found that they could not use the normal channels of sentence progression; they were at an impasse. In order to progress prisoners must exhibit a reduction in risk, most commonly demonstrated through attendance at offending behaviour programmes (see above). However, many participants refused to attend such courses.

OFFENDING BEHAVIOUR PROGRAMMES

Most prisoner’s sentence plans will require them to be assessed for and attend particular offending behaviour courses (see Fig. 3). However, it is acknowledged in PSO 4700 that programmes such as the *Sex Offender Treatment Programme* (SOTP)¹⁵ and *Controlling Anger and Learning to Manage It* (CALM) depend on a prisoner being willing to discuss

¹⁵ Two new offending behaviour programmes have recently been introduced since time of fieldwork (following the withdrawal of SOTP). Both relate to sexual offending – Horizon and Kaizen. They are not specifically aimed at prisoners maintaining innocence but admission of guilt is not a requirement of these courses (Prison Reform Trust, n.d).

their offence and, as a result, are unsuitable for prisoners maintaining innocence (Para. 4.14.9). Indeed, the majority of participants refused to attend these courses, and others like them, as they required an admittance of guilt and most considered attendance as tantamount to a confession.

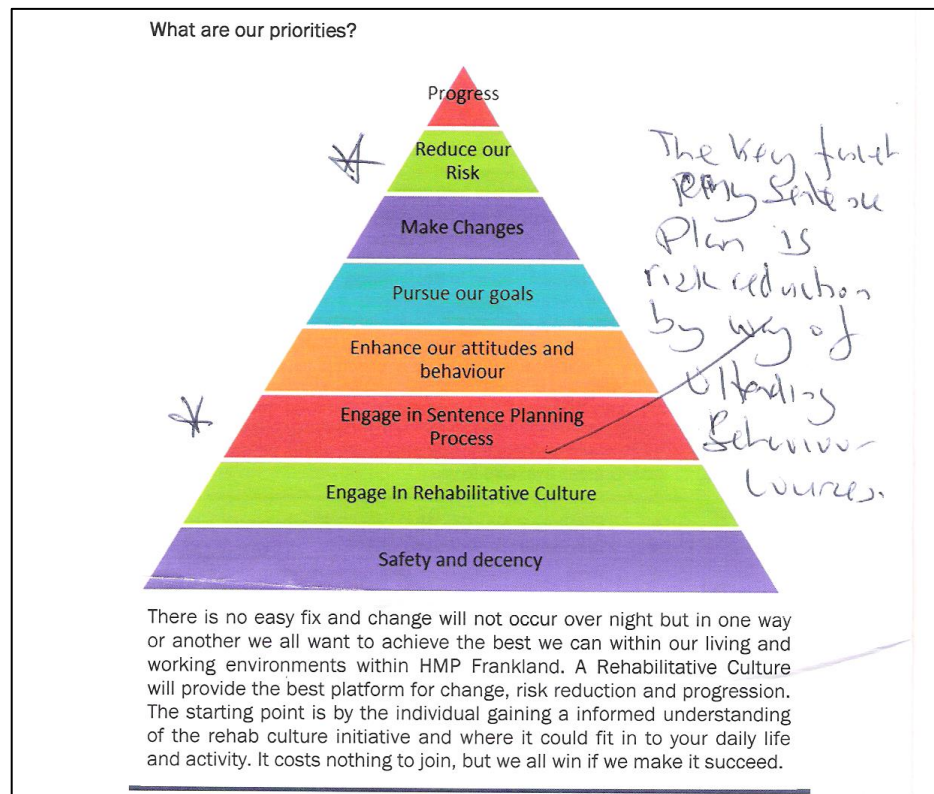


Fig 3. 'The key facet of my sentence plan is risk reduction by way of offending behaviour courses' (Adam) (HMP Frankland, 2016a).

Furthermore, most participants considered these courses to be unnecessary. Offending behaviour programmes were aimed at addressing criminal behaviour and thinking that they did not believe they had, they were aimed at reducing a level of risk that participants felt

had been overestimated. Participants did not regard themselves as offenders and so these courses had little to offer them, as Bradley makes clear:

By doing a course a prisoner can demonstrate a reduction in risk. I argue that I never had any risk to reduce. They say that I must pose a risk because I'm convicted of murder. I say that a conviction in a British court isn't worth a fart, I am wrongly convicted, and if I'm a murderer why don't I present with risks consistent with being a murderer on the course assessments?

Some questioned how they could participate: how could they describe a crime that they did not commit? How could they explain their motivations, feelings, and reactions to an act that they did not do? How could they empathise with a victim that they did not harm?

Similarly, others maintained that they did not meet the criteria for certain courses, as a result of either their stance or their low scores during assessment. There is a distinction between 'being eligible' for programmes and 'being ready'. PSO 4700 states that a prisoner is 'eligible' if they possess the risk and need factors that the programme addresses, they are 'ready' if they recognise that they have these risks and needs and are willing to address them (Annex D, Para. 11). Therefore, prisoners maintaining innocence may be classed as eligible but not ready – it is considered that they have the risk but do not accept it and, like Adam, who had served 22 years of a life sentence (with a tariff of 25 years) for murder, are deemed unsuitable until they admit their offence:

Therefore, what happens on my sentence plan which occurs every year is I get a report from the Psychology Department saying regarding Offending Behaviour Courses such as Resolve / TSP is '[Adam] is in denial of his index offence, he is currently deemed unsuitable for this programme. If [Adam] were to change his stance, I would suggest that he contacts the Psychology and Programmes Department for assessment'.

Others were able to demonstrate during course assessment that they did not have the skill / cognitive deficiency or criminal attitudes that the programme was designed to address.

Nevertheless, all understood the importance of attending offending behaviour programmes for progression (see above) and, as a result, most were keen to illustrate that they were engaging in risk reduction work, short of providing a confession. Some completed courses that did not require an admittance of guilt. Certain programmes, such as *Thinking Skills Programme* (TSP), *Enhanced Thinking Skills* (ETS) and courses that addressed drug and alcohol problems, were not offence-specific and did not require prisoners to discuss their offence. They could thus be completed by prisoners maintaining innocence. Such attendance served to demonstrate to the prison establishment that participants' perceived risk of harm had been reduced¹⁶. Similarly, others attended courses which did require an admission of guilt, on the basis of a previous conviction. Some, such as Harry, who had served eight years of a life sentence for murder (with a tariff of 30 years) but no previous offences to address, felt this was unfair:

It's even worse that I don't have any previous convictions to work on, in effect, punishing me more for having lived a law-abiding life!

Harry thought it a strange system that considered it better to have cognitive deficiencies which could be addressed through courses, than to not have the deficiency at all. A number of participants called for courses specifically designed for prisoners who maintained their innocence. They wanted tools that could assess and minimise their risk without reference to their offence, rather than trying to shoehorn themselves into the existing framework which did not adequately cater for their situation.

A small minority refused to undertake any programmes on grounds of principle and were highly critical of these programmes. These participants did not believe that such

¹⁶ However, as these courses do not address the prisoner's index offence they are unlikely to be considered strong evidence of risk reduction by the Parole Board (see Naughton, 2009).

courses ‘cured’ anyone or had any sizeable effect on recidivism. They spoke to other prisoners who had attended and were told that most attenders ‘acted’, embellished accounts, and were insincere in their responses during the course. They performed as required for the sole purpose of progression. Offending behaviour programmes were thus considered false and artificial. Participants, such as Andrew, who had served 20 years for murder, further thought them to be exploitative:

I refuse to do courses because they only seek to undermine the will to fight.

Andrew felt that the content of these courses and the people who ran them were trying to undermine his stance and manipulate him into accepting guilt. He claimed that the prison psychologists and course leaders refused to acknowledge that any prisoner may have been wrongfully convicted and instead labelled them as ‘in denial’.

CLASSIFICATION AS ‘IN DENIAL’

The vast majority of participants stated that they had been told they were in denial or ‘minimising’ their offence at some point during their sentence¹⁷. Their claims of wrongful conviction had automatically deemed them to be liars, manipulators, attention seekers, or mentally ill. Eamon, who had served six years of a life sentence (with a tariff of 28 years) for murder, offers a glimpse of this kind of response:

One who asserts that they have been wrongfully convicted is automatically labelled as living in denial of their offence, a charlatan, a fantasist, or just plain delusional...The

¹⁷ I was told that these terms were almost exclusively used by Offender Managers, Offender Supervisors, and psychologists, all of whom have an input in report writing and progression decisions.

mantra within these institutions is: inmates lie and every word they utter is fictitious, and an attempt to manipulate, and subvert.

Under these circumstances, most found senior staff to be judgemental and dismissive and their stance was not accommodated. All participants considered the label of ‘denier’ to be derogatory and offensive. It was interpreted, not as a clinical term but, as an insult. Ellie, after being called a denier when her appeal failed, was told ‘*even the Court of Appeal think you’re taking the piss*’. To be constantly told that they were lying affected participants deeply, causing significant stress, anxiety, and frustration¹⁸. Again, their situation and experiences were negated, their stories disregarded, and their version of events excluded from the official narrative.

It was members of the psychology department who appeared to use the term ‘denier’ most frequently and it was claimed that they commonly included the term in their reports. There was a very noticeable contempt for psychologists¹⁹ in the accounts I received, over and above that felt for other members of staff. Psychologists were described as deceitful, manipulative, and inflexible and were often the most untrusted people in the prison. The profession was described as a ‘sham’ and ‘pseudo-science’. Many who had contact with psychologists believed that these members of staff ‘*twisted*’, ‘*misrepresented*’, and ‘*wilfully took words out of context*’ (Joe), ignoring any statements that did not fit with their own narrative. Most felt that prisoners maintaining innocence were particularly singled out for such abuse as a result of their stance and endured more

¹⁸ Despite these feelings, a small number of participants judged others’ claims harshly and did not believe them to be ‘genuinely’ innocent. They resented prisoners who ‘lied’ as they considered them to be tarnishing what it was to be innocent and caused all claims to be viewed with suspicion by staff. They also felt that such people wasted the time and resources of the CCRC and Court of Appeal, meaning that the ‘truly’ innocent would have to wait longer for their reviews.

¹⁹ Psychologists have significant power in prisons, particularly given their role in writing reports for progression and parole purposes (see Crewe 2009; Towl 2003; Crighton and Towl 2008; Thomas-Peter 2006; Hannah-Moffat 2001, 2005).

hardship than ‘guilty’ prisoners. Phil, who had served nine years of a life sentence for joint enterprise murder (with a 25-year tariff), was particularly disparaging of the work of psychologists:

They are prostitutes who do the prisons bidding. Complete waste of time as the results are fixed, it’s only done as a box ticking exercise. Scantly dressed young flirtatious females entice guys to tell them what they want to hear to justify their existence.

Most wrote that they simply ignored accusations that they were in denial. These participants supposed that staff used the term to antagonise them and refused to be baited²⁰. Some, like Ellie, understood that challenging the label would only serve to reinforce it – the more they claimed not be in denial, the more they were considered to be:

Being told I am in denial has never troubled me that much because I have always known I am not. It is just a label used by people with little understanding of the actual facts of my case. However, being told I am a manipulator has always been harder to manage. That label has been used so many times over the years and, although it can hurt, I have learned not to challenge it. I have discovered that when I challenge ‘manipulator’, if I am able to offer evidence that convinces someone that I am not a manipulator or in denial, the manipulator label is reinforced by others.

Ellie knew it was unlikely that she would ever receive an acknowledgement that she may be wrongfully convicted²¹, therefore not in denial, and so she simply stopped trying to convince prison staff. As a result, she claimed that, she refused to communicate with these

²⁰ A very small minority responded with anger and frustration.

²¹ While some acknowledged that prison staff had to accept the court’s decision and treat conviction as proof of guilt, others accused staff of being too deferential. Participants accused the police, CPS, and courts of labelling them as liars and felt that prison staff blindly followed these judgements and reinforced them in their own reports. It was claimed that staff refused to acknowledge participants’ accusations and explanations and did not listen to their concerns. Nevertheless, recognition of the ‘unfairness’ of their conviction is a rather unrealistic aspiration. Staff are neither qualified nor paid to investigate claims of innocence or case details and must work within a system that has particular rules and policies. These policies state that conviction is proof of guilt. It is thus unreasonable to expect staff to offer any formal acknowledgement of ‘innocence’.

staff members about her offence and was, in turn, both prevented from receiving support and deemed uncooperative by the prison authorities.

Others explained their situation to staff, clarifying that they were not in denial but maintaining innocence and emphasised the fundamental difference between the two positions. These participants usually had rote responses which they would simply recite; in one case this response ran to four pages of the letter sent to me. They were further frustrated that the term ‘denier’ could be included on reports and OASys records. Most did everything in their power to have such statements removed.

Although staff used the terms ‘denier’ and ‘denial’ frequently, there seemed to be some confusion, among both prisoner and staff member, as to whether the term was permitted under HM Prison Service regulations. Remarks like Dylan’s, who had served nearly two years of an eight-and-a-half-year sentence for rape, were common:

It has been quite a while since I was last told I was ‘in denial’. The last time it happened I wrote it up and asked the member of staff to confirm they had used that term. They then back peddled.

Some participants stated that to use the term was illegal or needed a psychological diagnosis. I found no legislation, case law, or Prison Service Order to support this belief. Indeed, Ministry of Justice documentation, Her Majesty’s Prison and Probation Service policies, and PSOs all frequently use the term ‘denial’ or ‘denier’, including policies relating to prison incentives and privileges.

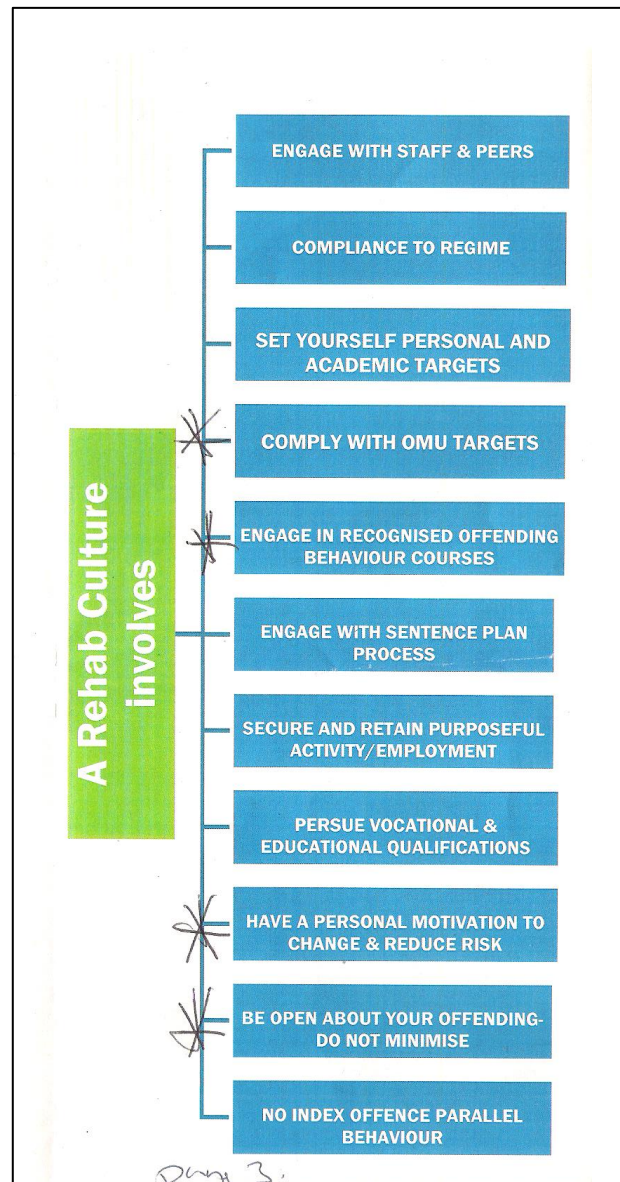


Fig. 4. The requirements of the rehabilitative culture at HMP Frankland. Note the emphasis on risk reduction, engagement with offending behaviour programmes, and 'minimising' (HMP Frankland, 2016b).

PRESSURE TO ‘ADMIT’ GUILT

In addition to the embedded institutional pressure regarding progression, almost all who participated in my research claimed to feel pressure from various prison policies and individual members of senior prison staff – including Offender Supervisors²², Offender Managers²³, or psychologists – to admit guilt to a crime which they claimed they did not commit. They felt ‘bullied’, ‘blackmailed’, and ‘compelled’ by individual staff members to conform to institutional demands²⁴ and found little support available among these people. Inequity was also enshrined in prison policy, as illustrated by the Incentives and Earned Privileges scheme.

INCENTIVES AND EARNED PRIVILEGES

A number of participants claimed that the Incentives and Earned Privileges system (IEP)²⁵ was directly affected by their maintenance of innocence. Although these claims were widespread, they were not undisputed. Indeed, of the 43 participants who wrote on the

²² Offender Supervisors work within the prison. They are responsible for managing the offender, inputting and updating OASys, and chairing sentence planning meetings (PSO 4700, Para. 4.4.5).

²³ Offender Managers are probation officers that are based in the community. Again, they are responsible for managing the prisoner throughout his / her sentence, ensuring OASys is maintained, and completing reports for the Parole Board (PSO 4700, Para. 4.4.3).

²⁴ Officially, staff can advise prisoners of the possible consequences of maintaining innocence and of not engaging with the institution (PSO 4700, Para. 4.14.4). However, the same Prison Service Order also states that prisoners should not be led ‘*to believe that their denial will automatically prevent their progression and ultimate release*’ (*Ibid*, Para 4.14.21). From the accounts I received, staff did not seem to make this distinction.

²⁵ This is the prison incentive scheme. There are four levels – ‘enhanced’, ‘standard’, ‘entry’, and ‘basic’. There are six key earnable privileges, which will vary depending on the level, and these include extra visits, higher rates of pay and better jobs, access to in-cell television, opportunity to wear own clothes, access to private cash, and time out of cell for association / gym visits (PSI 30/2013, Para. 9.5).

subject of IEP, 27 stated that their level had not been affected by their stance, though 16 claimed that it had. While 15 participants told me that maintaining innocence meant that they could not gain ‘enhanced’ status, one man said it had caused him to be demoted to a ‘basic’ regime²⁶. Within the prison environment, where luxuries are scarce, the privilege system matters hugely to lived experiences and quality of life. Most participants found it profoundly illegitimate that their stance should affect their day-to-day lives in such a way.

Prison policy states that maintenance of innocence should not automatically result in a reduction to IEP level:

In determining IEP levels, the fact that someone is in denial of their offence should not automatically prevent them from progressing through the privilege levels, including to Enhanced level. It is a prisoner’s commitment to rehabilitation, good behaviour and willingness to use their time in custody constructively which should determine whether they meet required standards. (PSI 30/2013, para. 6.10)

However, in practice, as with decisions of progression, it can be difficult to demonstrate the necessary commitment to rehabilitation if a person denies the offence for which they were convicted (see above). This difficulty in exhibiting engagement was the stated cause in all 15 accounts where there was a failure to gain ‘enhanced’. In these cases, maintenance of innocence directly affected their standard of living within the prison. Joel who had served a year of a 20-year sentence for rape, was succinct. He believed that the IEP system was a coercive tool to pressure prisoners into compliance with institutional goals:

The IEP scheme is farcical it’s a tool used for bullying, maltreatment, to impede progression, and to force and blackmail all prisoners...into attending education, courses...

²⁶ Stanley, who had served 14 years of a life sentence for rape, claimed that a ‘covert’ IEP policy, implemented by the Governor, operated at HMP Parkhurst. He stated that prisoners maintaining innocence were automatically dropped to a ‘basic’ regime. This profoundly affected him and the majority of his account focussed on IEP. After intervention by solicitors and the Ombudsman, he claimed that such prisoners were being reinstated to ‘standard’. Stanley was the only participant at HMP Parkhurst so this claim cannot be verified.

Participants, like Joel, considered that their failure to gain ‘enhanced’ was an additional punishment that they had to endure. As a result, many considered themselves to be treated worse than their guilty counterparts. They found it a strange system that allowed a prisoner who proudly admitted his crime to gain enhancement while those who maintained innocence could not. This was the case for Ashley, who had served five years of an IPP sentence (with a tariff of five years):

The prison system penalises me by allowing prisoners who act like complete arseholes to have privileges like earning more than me, being able to buy DVD player, PS2 + Games while I behave the way I should and cannot have it because I’m not guilty! If I was a monster babykiller I would be treated better than an innocent man!

Participants, like Ashley and Joel, found the IEP policy to be directly discriminatory and punitive. They thought that living conditions and privileges should be awarded on the basis of conduct and behaviour, rather than engagement with abstract notions of perceived risk. In the modern penal context, with a heightened emphasis on risk and effective rehabilitation, failure to engage was punished (see Crewe 2011a, 2011b). Participants interpreted this as direct and hostile opposition to their stance as prisoners maintaining innocence and considered it an attempt to further pressure them into admitting guilt. As a consequence, many were challenging the prison’s interpretation of IEP policy through the Ombudsman.

However, as stated above, IEP policy did not affect all participants equally. Indeed, many of those who wrote to me were ‘enhanced’ prisoners. This discrepancy appeared to depend on both the prison they were housed in and their individual sentence plan. As Brendan illustrates, there seemed to be some confusion among prison staff about the

application of the rules and certain prisons appeared stricter in their interpretation than others:

This is a funny one. I am enhanced, and have been for most of the 13 years. There has been a recent change to the IEP scheme and swathes of prisoners who maintain their innocence have been downgraded to standard. However, some of these decisions to do so are a result of the misapplication of the criteria by individual senior officers...One SO threatened to downgrade me but that would be a mistake on his part...[as] I meet all of the criteria, the rules (and law) are on my side.

Many participants who, like Brendan, had achieved 'enhanced' status were aware that not all prisoners maintaining innocence could. Some said they had been demoted in the IEP scheme to 'standard' level when transferred to another prison, only to gain 'enhanced' status when they moved again, while others had friends who were maintaining their innocence in different prisons who claimed to be treated quite differently.

Harry suggested that the sole reason he was able to gain 'enhanced' was because no offending behaviour programmes were listed on his sentence plans:

I am an Enhanced prisoner and have been since August 2008. Some who claim innocence can't get Enhanced, but I am Sentence Plan compliant and although I don't do Offending Behaviour Courses, this is not my fault, I didn't meet the criteria for any.

As is illustrated above, some participants were not eligible for formal offending behaviour programmes; they did not meet the criteria, either because they refused to accept guilt or did not exhibit the necessary behavioural defects. They could, therefore, illustrate compliance with sentence plans as courses were not part of their rehabilitation programme. Some, however, had courses included on their sentence plan, or a requirement to be assessed, regardless of their refusal to admit guilt, particularly those convicted of a sex offence. As such, where attendance on a programme was a listed objective, refusal to

attend could prevent the prisoner from obtaining ‘enhanced’ level (PSI 30/2013, Annex D, Para. 20).

This failure to consistently apply the policies²⁷ and ‘loopholes’ regarding offending behaviour programmes created a position where some participants were detrimentally affected in terms of IEP level as a direct consequence of maintaining innocence. Such an arrangement significantly impacted on attributions of interior prison legitimacy. Participants did not consider the application of these policies to be consistent or fair and such behaviour thus breached standards of procedural justice (see Sparks et al. 1996; Sparks and Bottoms 1995; Tyler 2006). These prisoners, therefore, not only had to deal with, what they considered to be, the inherent illegitimacy of their conviction but also the smaller delegitimising features highlighted in the general literature. Nevertheless, examples of these breaches, such as IEP policy, illustrate how deficiencies of procedural justice can impact prisoners maintaining innocence in unique ways.

A slightly peculiar facet of IEP policy is that provision is made for ‘appellants’. If a prisoner qualifies as an appellant, any refusal to engage with offending behaviour targets should not have a detrimental effect on their IEP level (PSI 30/2013, Annex D, Para. 8). For the purposes of IEP, an appellant is defined as ‘*someone whose conviction is the subject of review by a higher court*’ (*Ibid*, Para. 5) and evidence must be provided, usually in the form of a criminal appeal number (*Ibid*, Para. 6). Importantly, however, having an application with the CCRC is not sufficient for ‘appellant’ status (*Ibid*, Para. 6). Most

²⁷ The importance of consistency and fairness for attributions of prison legitimacy is well highlighted in the general literature (see Sparks et al. 1996; Sparks and Bottoms 1995; Liebling 2004).

participants were thus not technically appellants. Indeed, one of the conditions for inclusion in the study was that traditional avenues of appeal were exhausted.

This distinction between ‘appellants’ and ‘prisoners who deny their offence’, even if they are applicants to the CCRC, is inconsistent with other policies and, as far as I am aware, no other prison policy discriminates between the two groups. The stated logic is that the CCRC does not have the power to overturn or modify convictions (*Ibid*, Para. 7), although why this should have an effect on the provision of institutional privileges is unclear. This caveat leads to the peculiar position where there is limited scope for those who maintain innocence but completely refuse to engage with their sentence plan to still maintain an ‘enhanced’ status²⁸. Such a policy appears to be a limited concession to prisoners maintaining innocence, giving lip service to the notion that wrongful convictions do occur. However, it is stated that HM Prison and Probation Service must accept the verdict of the court and treat prisoners as guilty (*Ibid*, Para. 1). This makes such a distinction illogical. By conceding that ‘appellants’ do not have to engage with offending behaviour work, they are no longer treating them the same way they would a guilty prisoner.

Furthermore, once leave to appeal has been denied or direct appeal has been unsuccessful, the only remaining route is through the CCRC. As is evidenced by the number of people each year who have their convictions quashed following a referral from the CCRC, the Court of Appeal do get decisions wrong on direct appeal. To have a prison system that gives certain advantages to those who are appealing but not to those who have

²⁸ Albeit limited to the early part of their sentence while appeals are pending or when cases are referred to the Court of Appeal by the CCRC.

an application being considered by the CCRC is thus incoherent and seems unfair and inconsistent, again impacting on notions of procedural fairness.

This provision creates a three-tier system among prisoners who maintain their innocence, between ‘appellants’, ‘deniers’ who are sentence plan compliant, and ‘deniers’ who are not. IEP policy and its interpretation by prison officials thus highlights the inconsistent approach that the prison takes when considering prisoners maintaining innocence and suggests that the system does not know how to adequately deal with or support these people. Instead they punitively and inconsistently apply policies that have significant effect on the living standards of prisoners, thereby breaching legitimate expectations and standards of procedural justice.

LACK OF SUPPORT

As well as institutional pressure to admit guilt, most complained of insufficient support to assist in challenging their conviction. There was very little advice offered in prison regarding avenues of appeal and how to secure legal representation or approach organisations²⁹ and charities for those maintaining innocence. These difficulties in campaigning effectively in prison and the importance of outside support were highlighted in chapter six.

²⁹ The CCRC do run prison ‘clinics’ during which they raise awareness of their work and offer advice on applications. There are no official statistics on how often these visits occur or how they are publicised to the prison population. None of my participants wrote of attending one of these meetings.

However, there were also more practical problems in relation to day-to-day campaigning and legal work which participants faced. PSI 02/2015 states that all³⁰ prisoners must be allowed access to the library service at weekly intervals and for a minimum duration of thirty minutes (Para. 3.2). Paragraph 3.2 further states that accessibility *may* be more frequent and for longer durations if the prisoner wishes to research legal issues or prepare a case. This fairly vague provision is thus dependent on individual prison policy and while some participants wrote of being able to book study sessions, others claimed that such arrangements did not exist within their prisons.

Indeed, most participants felt that their institution had deviated from these official policies. It was claimed that library visits were commonly cancelled, due to shortages of staff or wing ‘lock-downs’³¹, or clashed with other activities, such as visits to the chapel, gym, or healthcare professionals. Further complaints included a lack of space to work, inadequate access to legal documents and transcripts, difficulty in obtaining up-to-date legal textbooks³², and an absence of legal support or legal skills training within the prison³³, as illustrated by Gerald, who had served 19 months of a 15-year sentence for historic allegations of rape:

At present, I have to sit hunched against the door with a clipboard on my knee. This becomes very painful. It appears Oakwood do not offer legal sessions where I would type

³⁰ There are some exceptions, for example when the prisoner has been segregated.

³¹ An emergency regime that is usually imposed following a disturbance.

³² As a minimum, all prison libraries must stock *Archbold: Criminal Pleading, Evidence and Practice*; *The Civil Procedure Rules*; and current PSOs and PSIs (PSI 02/2015, Para. 3.4). These texts are often reference only.

³³ There is no national requirement to provide legal skills classes. The Prisoners’ Advice Service offer ‘Outreach Clinics’, delivering both one-to-one and group legal education sessions. Just over 1000 prisoners, in 21 prisons, accessed these services in 2018 (Prisoners’ Advice Service, n.d.). Provision is thus far from guaranteed.

and electronically store legal documents. I need an electronic typewriter with memory and a single cell to work in, but I doubt this will happen.

Perhaps the most serious and frequently mentioned problem was a failure to provide IT equipment. Participants described how their cases included thousands of pieces of evidence listed on the HOLMES computer system³⁴, including statements, documents, reports, exhibits, and transcripts; some of which could be disclosed on CD-ROM. Others simply required a computer in order to type and store legal letters. Access to IT equipment was inconsistent. Most stated that they had no access to computers for legal work (use was reserved for IT lessons) while others were able to use facilities in the library sporadically. At least two were aware of the ‘Access to Justice’ scheme which provides prisoners with laptops when they are ‘conduct[ing] legal proceedings personally’ (NOMS, 2016: 8) and stated how useful these laptops were and how frequently they were used.

Most of the problems noted above were described as ‘systematic failures’ that denied prisoners maintaining innocence practical assistance with their case and many considered that these obstacles were deliberately placed in their way in order to impede their appeal efforts. However, on occasion, participants, like Bradley, blamed individual staff members:

A lot of the papers in my case have been sent to me in prison. There are some 26 boxes each containing a dozen or so lever arch files...I’m allowed 4 in my possession at any time, the rest are stored by the staff and in theory I can swap boxes when I need to although in practice it takes weeks because the lazy staff can’t be bothered.

³⁴ The IT system used by UK police forces for major investigations.

It appeared that there was an institutional thoughtlessness to the issues that affected prisoners claiming wrongful conviction. The system was slow³⁵ and concerns were largely ignored by the prison establishment unless threatened with judicial review. Campaigning efforts and acts of resistance, such as hunger strikes, were often similarly ignored.

On occasion, staff were accused of being abusive. A small minority alleged that senior officers actively derided campaigns, took pleasure in informing participants that their appeals had failed, and claimed that they were a burden to prison staff, with one participant being advised to ‘top himself’. Julie made similar claims:

My daughter was suffering from anorexia and the school wanted to speak to me. After the call the then S.O of lifers told me ‘she couldn’t allow her child to carry the burden like I was allowing mine to. She’d have to admit to what she’d done’.

Such comments caused great distress and anger and as a result many found it difficult to turn to anyone in a professional sense. Senior staff were considered uncaring and some simply withdrew from contact with these people.

TEMPTATION TO ‘ADMIT’ GUILT

Given the pressure that participants were placed under, it would not be unreasonable to assume that some would be tempted to admit to a crime that they claimed they were not responsible for. Of those in my sample, 15 stated that they had thought about ‘confessing’. One participant did change his stance. The reasons were simple – ‘confession’ would not

³⁵ This was obviously highly frustrating for participants, but was likely caused by under-staffing rather than laziness or maliciousness.

only make their prison life easier, but it would likely expedite their release. Ultimately, these prisoners wanted to progress, and an admittance of guilt would allow them to undertake offending behaviour programmes. Some wished they had taken a plea bargain when they had the opportunity at trial. Plea bargains would have, in many cases, resulted in a shorter custodial sentence and failure to plead guilty was a great source of regret for some participants.

However, 35 participants were adamant that they would never stop claiming wrongful conviction regardless of the institutional pressure exerted on them, with Joel stating he would '*hang first*'. Most were clinging on to hopes of appeal and were steadfast in their belief that the 'truth' would eventually be exposed. Even if it meant that they would not progress, they claimed they would never change their stance and some stated that they were prepared to spend the rest of their lives in prison if necessary. To admit to a crime they did not commit was considered wrong on principle; their self-respect and non-criminal identity would not allow it. This was the case for Ellie:

Additionally, I have a basic belief that when you come into prison you are forced to sacrifice everything but your morals and principles. This helps me to adhere to my maintenance of innocence.

As Ellie highlights, she did not believe she was a criminal and would not allow the prison to force her into accepting that she was. The only aspect of her life where she felt she had some control related to her principles and the conception and demonstration of her identity. Maintenance of innocence thus became a tool of resistance (see chapter five) and continued belief that she was 'right' alleviated the pressure she felt.

Others claimed that the fight was bigger than themselves and their individual sentences. To admit guilt would be to ‘surrender’ and allow those responsible for their convictions to evade justice. These participants were resolute that they would expose the system and highlight its inherent flaws. They had ambitious plans to revolutionise the criminal justice system and thought the quashing of their case would act as the catalyst for wider change.

CONCLUSION

In conclusion, it is clear that maintenance of innocence has significant institutional consequences. Participants were routinely pressured by senior staff and found it difficult to demonstrate a reduction in risk, due to their stance. This, in turn, negatively affected decisions of progression and parole. In the modern penal context, emphasis is placed on concepts of engagement, commitment, self-regulation, and the individualisation of penal power (Crewe, 2011b). Prisoners are encouraged to take responsibility for their offence and official policies are designed to induce prisoners to publicly and formally modify their behaviour. By claiming wrongful conviction, by suggesting that they were not responsible for any offence nor had problematic behaviour that needed addressing, participants stood in direct contrast to the central aims of the system.

As a result, many found it difficult to engage constructively with prison staff. The prison could not accept their stance and very few within the prison were prepared to entertain the idea of wrongful conviction and take claims seriously. Instead participants were labelled as deniers, manipulators, and liars. They were pressured rather than

supported. Not only was maintaining innocence thus a denied experience but prison policies, such as those relating to IEP and progression, compelled these prisoners to deny their own experience.

It is also apparent that there exists a substantial gap between official policy and the reality facing prisoners. Official rhetoric is keen to emphasise that denial of guilt alone should not affect prison treatment, progression, or parole. It has been illustrated throughout this chapter that the reality is, in fact, very different. While such documents are understood to allay concerns that prisoners maintaining innocence cannot progress, they simultaneously make it very hard to do so – officially innocence is not a bar to release, the emphasis is instead on risk. However, it is very difficult to demonstrate a reduction in perceived risk without attendance at related offending behaviour courses which often require an admittance of guilt. It is thus evident that prisoners maintaining innocence find it difficult to access conventional routes of progress. Passivity and good behaviour are not enough; active engagement is required.

The cause of these problems is that prison is not designed for those who profess innocence. There is no space for claims of wrongful conviction and the prison cannot adequately accommodate these people. Traditional means of risk assessment and official channels of progression are unsuitable for them and it has been illustrated that the prison cannot cater to their individual needs and situations. Instead of devising more adequate ways to deal with this population, they are simply forced to fit into the existing system. Most, consequently, had little choice but to engage with a system that they deemed both inherently illegitimate and inappropriate.

CONCLUSION

Fighting the system is very much like fighting fog, it matters not how much you make a fuss or wave your arms about when you stop the fog will just return to what it was like before.

Max

There is a community of people living within prison who claim to be innocent. This thesis documents some of their stories and offers an insight into their, often overlooked, experiences. The central purpose of this research is to better understand how these women and men navigate prison life, in light of their claims of innocence, and the institutional consequences of such claims. In sum, I develop a comprehensive picture of their world during this period of their lives.

The four substantive chapters explore how those who claim wrongful conviction cope with their prison sentence, maintain and form relationships, while also exploring the institutional consequences of maintaining innocence. Throughout, I compare the accounts of those who participated in my project with academic accounts of ‘regular’ prisoners. I also discuss the relevant legislation and prison policies. However, many more overarching themes have developed across these chapters. These themes emerge from all of their experiences over time and therefore it is impossible to isolate them to specific chapters.

The most obvious of these themes is the ubiquity of my participants claims about injustice and illegitimacy. The perceived injustice of their situation strongly shaped

participants' attitudes towards the prison and was the cause of, and justification for most of their actions. Everything seemed to revolve around their claims of innocence and the 'unfairness' of their incarceration impacted on all areas of prison life. Such fixation had important implications for their identity, self-image, and relationships both inside and outside the prison walls.

Resilience, too, emerged as a major theme. Those who wrote to me described sophisticated coping strategies, moulding their relationships, and 'playing the system' in an attempt to accommodate their stance and suit their needs. However, many also documented some of the difficulties they faced trying to 'fit' within institutional processes. These processes were not designed for those who profess to be innocent and they perceived there to be an institutional thoughtlessness as to their application, which created significant difficulties for them. They considered the prison as unable to acknowledge their needs and unique situations.

In this conclusion, I draw together these major themes – illegitimacy, resilience, identity, difficulties with institutional processes, and denial of experience – that have emerged from the fieldwork and analysis and present general conclusions. I further consider the implications of this thesis and make recommendations as to how the prison service could better respond to this population. I also discuss the limitations of the research and propose potential avenues for future study.

THEMES

ILLEGITIMACY

As has been illustrated throughout this thesis, prisoners maintaining innocence frame all of their experiences in terms of perceived injustice. This sense of injustice causes resentment and frustration which become the dominant lenses through which they navigate and view prison life, and permeate every aspect of the prison environment and their experiences. From the discomfort of imprisonment, to the damage to their family relationships, to the trials of navigating their often-volatile social world behind bars, and to the deference to prison staff, all the pains they endure are exacerbated by the unfairness inherent in their claims. The lack of legitimacy in such experiences has been highlighted repeatedly.

Given the perceived fundamental error in their conviction, it is of no surprise that participants were extremely critical of the criminal justice system. They believed their situation to be inherently unfair and unjust and considered the criminal justice system to be entirely illegitimate. The power used to imprison them was not exercised ‘rightfully’ (see Tyler 2006; Bottoms and Tankebe 2012; Beetham 1991; Coicaud 2002; Rosenvallon 2011). The decision was neither ‘appropriate’, ‘proper’, nor ‘just’ – since they should not have been incarcerated at all, in their view. As a result of the magnitude of this error, the subtler aspects of procedural justice, such as trustworthiness, consistency, and effectiveness, were often overlooked. Outcome overrode notions of procedural fairness¹

¹ In any event, the perceived causes of conviction do not suggest procedural fairness and instead indicate incompetence, error, fraud, and malice on the part of criminal justice actors.

significantly and the legitimacy deficit was just too large to be tempered by notions of respect and dignity. Fairness and justice were paramount and it was largely the external causes of illegitimacy that defined their experience. The criminal justice system was perceived to be inherently flawed and every aspect of the system and processes that led to their conviction and continued imprisonment were complicit and subject to criticism.

Indeed, most participants stated that, before their conviction, they had high expectations of how their case would be treated but in practice felt that these were not realised. Most reported significant resentment towards the authorities, particularly the police. They found it hard to trust anyone. Similarly, nearly all of those who wrote to me were critical of the adversarial system. They felt that the process was heavily weighted against defendants, with a substantial power imbalance between the accused and the state. Many believed that their decision to maintain innocence, rather than pleading guilty at trial, had ensured that they had been treated more harshly when sentenced. They were unable to take advantage of plea bargains and guilty plea sentencing discounts and interpreted this as a form of punishment for non-cooperation. They regarded this as a strange system that rewarded the guilty but punished the ‘innocent’.

In their letters, my respondents did not draw distinctions between their pre-prison experiences and their prison experience; their conviction and sentence were an ongoing process that continually affected attribution of legitimacy. Legitimacy did not simply reside beyond or within the walls with a clear demarcation between the two spheres. Consequently, these people entered prison with an already poor view of the legitimacy of the criminal justice system, influencing attributions and perceptions of interior prison

legitimacy. Although, most did not blame prison staff (particularly wing officers²) for their conviction³, they felt it was fundamentally illegitimate that they were there and this created opposition to the institution, its goals, and practices (particularly relating to progression and parole), regardless of smaller legitimating features, such as material or procedural conditions. While these legitimating features may placate the ‘rightfully’ convicted they were not enough to make the institution legitimate for the ‘wrongfully’ convicted. The perceived unfairness of their situation therefore threatened the legitimacy that may otherwise have been attributed.

As such, this research has wider implications for the field of legitimacy theory more generally, beyond this particular population. Most proponents of legitimacy theory suggest that it is procedural fairness that generates compliance, regardless of outcome (Tyler 1990, 1997, 2003, 2007, 2008; Tyler et al. 2007, 2010; Tyler and Huo 2002; Tyler and Fagan 2008; Jackson et al. 2010; Reisig and Mesko 2009; Bradford 2014; Hough et al. 2013; Jackson et al. 2012; Sunshine and Tyler 2003; Murphy et al. 2008; Murphy and Cherney 2012; Reisig and Lloyd 2009; Bottoms and Tankebe 2012; Digard 2010). This position is not fully supported by my data.

Indeed, I claim that there are occasions, of which wrongful conviction is one, where outcome is simply too significant to be tempered by procedural justice. I argue that there are fundamental functions of the criminal justice system (such as the ability to distinguish between guilt and innocence) that are integral to its legitimacy. When outcomes relating to these functions are incorrect, for example when the innocent are

² See chapter seven.

³ They did however blame prison staff for their treatment within the prison and perceived obstruction to their progress.

convicted, procedural justice plays a diminished role and outcome becomes significantly more important than most models of legitimacy allow.

That is not to say that procedural justice plays no role. Participants could identify procedural fairness and frequently referred to consistency of decision-making, distributive fairness, the quality of behaviour of officials, etc., particularly in regard to the prison (see Sparks et al. 1996; Sparks and Bottoms 1995). These qualities did impact on notions of interior prison legitimacy but their impact was secondary to the inherent illegitimacy of their conviction⁴. Most resented being treated in a procedurally unfair manner and such treatment could diminish attributions of legitimacy. However, procedural fairness (in both the prison and the criminal justice system), along with positive outcomes of prison decisions, were not enough to make the institution, their conviction, or the criminal justice system legitimate⁵. There was thus a ceiling to the legitimacy that could be attributed, to both the prison and wider system, regardless of positive interactions within the prison or the procedural justice displayed by wider criminal justice actors.

Given that legitimacy, or lack thereof, was transferred into the prison I would suggest that the separation in the literature between pre-prison and prison experiences is inherently flawed. More attention should therefore be devoted to examining individual attributions of legitimacy and how experiences, values, and expectations that form beyond the walls can influence the ways in which interior prison legitimacy is conferred (see Crewe 2009, 2011b).

⁴ In terms of less significant decisions relating to prison life, it is likely that participants' views aligned more closely with that of the literature – that procedural justice was considered more important than outcome.

⁵ Facets of procedural justice appeared more important in terms of personal evaluations of individual staff members, rather than evaluations of the institution as a whole.

Nevertheless, such lack of legitimacy did not appear to significantly affect people's compliance or engagement with the prison regime⁶. Instead, individual self-interest and resignation to the power of the regime, among other factors, secured relatively compliant behaviour from this population (see also Carrabine 2005; Crewe 2009). Participants understood that they had to work within the system even though they did not consider it to be fair; they had little option but to do so if they wanted to secure release (see below). They could not completely withdraw from prison processes; they had to utilise official channels of progression, and they had to engage with the CCRC, a body that they considered largely ineffectual. They could not fight the system head-on with aggressive outbursts, they simply did not have enough power when pitted against the resources of the institution. So, although they adapted to the environment in a seemingly positive way, complying with institutional demands and utilising official means, they did so without ever assigning it legitimacy. Self-interest, rather than the legitimacy of the institution, dictated how they behaved⁷.

RESILIENCE

Such ability to adjust illustrates the resilience of these people. They were capable and adept at tailoring their coping strategies and relationships to suit their unique needs. They experienced many of the same pains as the general population – unsurprising given that

⁶ Most employed subtle acts of resistance to signal their discontent but these actions never impacted significantly on order or discipline.

⁷ Given the above discussion regarding the individualised attribution of legitimacy and its effects on behaviour, I suggest that legitimacy theorists should more closely examine variation within the prison population. Such work could focus on specific sub-groups, rather than relying on general evaluations of the entire population and institutional order as a barometer of legitimacy.

they are housed in the same institutions – but there was a continual additional dimension that had to be endured. Their experiences, although appearing to be similar to the ‘ordinary’ prisoner, were in fact fundamentally different because their imprisonment was perceived to be inherently unjust.

Hope, generated through campaigning efforts, sustained many. They also utilised subtle acts of resistance to demonstrate their discontent and skilfully filled their time with meaningful activity. Again, these coping strategies, on the face of it, appear similar to those employed by the general population⁸. Yet, the motivations and explanations for such behaviour differed greatly. The responses to the pains of imprisonment were framed and intrinsically linked to their protestations of innocence. It was impossible to extricate their stance from their coping strategies; every reason for behaving a particular way was related to their position as ‘innocent’ men and women.

Relationships too were moulded to suit their needs and individual circumstances. These prisoners relied heavily on support from the outside world and created unique support networks, which again revolved around their innocence claims. Relationships with family, other prisoners maintaining innocence, and charitable organisations compensated for the deficiencies of the relationships developed within the prison walls.

It is obvious that prison functions differently for prisoners claiming wrongful conviction and that the pains of such confinement are exacerbated for this population. Participants’ accounts revealed the emotional nature of punishment and demonstrated the

⁸ For example, their behaviour fit within O’Donnell’s typology of strategies for dealing with prison time (2014), although, as a group, they appeared to draw on certain strategies more than others. Indeed, their accounts focussed on removal, resistance, raptness, and reinterpretation.

importance of regaining power, agency, and sense of identity. Furthermore, they illustrated their resourceful efforts to do so.

IDENTITY

How participants viewed themselves and how they felt others viewed them was profoundly important to this population, as with all prisoners. Although, again the nature of their stance impacted on how participants managed their identity. Much research in the general population has focussed on how male prisoners adopt traditionally masculine façades (de Viggiani 2012; Schmid and Jones 1991; Rowe 2011; Crewe et al. 2014; Crewe 2009; Jewkes 2002, 2005). Largely, participants did not appear to take on these masculine façades and instead used their ‘innocence’ as an identity in itself. ‘Innocence’ became the structuring feature of these people’s lives; this was predominately how they saw and spoke of themselves and how they wished to be viewed by others.

For obvious reasons, the research participants strongly rejected the criminal label and often claimed to behave as the antithesis of what they thought a prisoner was. Most strongly resented any inference that they had criminal tendencies. Thus, while research on the general population suggests that a prisoner suspends his ‘true’ pre-prison identity and replaces it with an alternative ‘false’ identity, specifically designed for the prison environment (Schmid and Jones 1991; Jones and Schmid 2000; Goffman 1959, 1963; de Viggiani 2012), my research highlights how this population instead clung to their pre-prison identity, rather than rejecting it. They were constantly trying to prove, to both themselves and others, that they were not criminal and had no criminal attitudes or

behaviours. They referenced their pre-prison selves and actions as evidence of their ‘non-criminal’ nature.

These people had little desire to assimilate with those whom they perceived to be the ‘typical’ prisoner. Instead, they sought to distinguish themselves from them, drawing distinctions between themselves and their guilty counterparts. As chapter seven highlights, most only entered into superficial relationships with the majority of their peers. They appeared to remain on the periphery of the prison community and were careful about the extent to which they integrated, to defend their sense of their own identity and influence others’ perceptions of them, not least staff and family members. Participants wanted to impress on others that they were not like the ‘criminals’ they were forced to live with and were thus not deserving of stigmatisation.

They desperately tried to avoid the stigma attached to the label ‘offender’ and, by claiming to be innocent, recast themselves as victims who were deserving of support and sympathy. Until prisoners claiming wrongful conviction are exonerated, they thus blur the line between the stigmatisation inherent in offender status and the sympathetic response characteristic of victimhood. The prison, as an institution, does not appear well suited to managing the dichotomy.

DIFFICULTY WITH INSTITUTIONAL PROCESSES

As was clear throughout the thesis, but particularly in chapter eight, traditional processes of dealing with prisoners were not appropriate for this population. Prison is not designed

for the innocent and the institution has difficulty accommodating prisoners who do not admit guilt. The very purpose of the prison is to punish, incapacitate, and rehabilitate. Prisoners claiming wrongful conviction challenge each one of these functions. It was clear that participants struggled to deal with prison and the prison, in turn, had significant difficulty dealing with them and their unique needs.

These prisoners simply cannot fit; penal policies are not designed for them. Rather than engaging with their claims, the prison seems intent on shoehorning them into progression and risk assessment procedures that cannot accommodate their position. This failure to adapt prison processes impacts on a large range of decisions from IEP policy, to recategorisation, and eventual release.

However, most participants felt that they had little choice but to work within this inherently unsuitable system if they wanted to secure release. It was generally believed that the chances of obtaining exoneration through the appeal courts were slim. Most had little faith in the criminal justice system and did not trust the agents of such a system to correct their ‘mistakes’ on appeal. They felt that the CCRC required too high a threshold for referral and had no confidence in the impartiality of the Court of Appeal. As a result, most found it necessary to engage at a basic level with prison procedure even if they attributed little legitimacy to the institutions or processes that they were obliged to interact with (see above). They attempted to work within a system that not only worked slowly and inefficiently but also was fundamentally at odds with their situation and requirements. This was perceived to be systematic disregard for their status as people claiming innocence and, coupled with the inherent frustration of being an ‘innocent’ prisoner in a system that largely denied their existence, led to significant resentment.

DENIAL OF EXPERIENCE

The final major theme that emerged from the findings was that claims of wrongful conviction within the prison environment tend to be discounted. Prison staff, the wider criminal justice system, the public, and the mainstream media work on the premise that the court produced the correct decision and there is thus a reluctance to enter into a dialogue with prisoners maintaining innocence. There is scepticism about those who protest their innocence and often their experiences and emotions are negated and rejected. As chapter eight illustrates, they are regularly deemed to be in denial or simply lying and are pressured to 'admit' guilt.

The result is that these prisoners have very few people they can talk to. They are isolated in their claims and their 'truth' is not acknowledged. Although they no longer reside in the outside world, they do not believe that they belong in the prison. They occupy a peculiar position, estranged from both communities. Consequently, their ability to discuss their experiences is hampered by insufficient contact with their families and difficult prison friendships. This is why support networks of other prisoners maintaining innocence and charitable organisations were so important to many participants.

Scepticism about their accounts was deeply upsetting and frustrating for these people. Most simply wanted an acknowledgement from prison staff that wrongful convictions do occur. They understood that staff were not in a position to release them or even examine their case. However, many felt that they could not approach staff in a professional capacity. They required advice but their requests were often met with

dismissal. Most participants further stated that certain members of staff were abusive. Again, such abuse tended to be directed at their pleas of innocence, which were derided.

Prison policies, particularly regarding IEP and progression, further forced these prisoners to deny their own experiences. In order to gain enhancement or progress they must often minimise or ignore certain aspects of their lives or focus on parts that they do not feel are sincere or represent their experience. Many called this ‘playing the game’.

This thesis offered participants a rare opportunity to share their experiences, rather than deny them. It acknowledged their unique situations and suffering. Participants were given the freedom to tell their story and express themselves fully, knowing that I saw value in their experiences and opinions. Many stated that they had never been asked how they felt about their conviction or how it had affected their lives and were grateful that someone was genuinely interested. It is hoped that this thesis authentically reflects their experiences, as they understand them, in this particular period in their lives.

LIMITATIONS

A limitation of the method used⁹, however, was the potential lack of validity of the data it produced and the possibility that such data did not accurately represent the ‘truth’. Due to the personal nature of the accounts, it was impossible to validate the information participants presented or assess the truthfulness of the claims they made. Traditionally, such problems have been overcome by employing methods of triangulation (Richardson

⁹ Chapter four contains a more detailed discussion of the benefits and limitations of the research method.

and Adams St. Pierre, 2005). Using such an approach, a researcher will employ various methods in order to ‘validate’ their findings by cross-checking information with other sources (*Ibid*; Portelli 2005) and, ideally, I would have employed a mixed method approach of written accounts and observations. Observation would have allowed me to better understand if there were any contradictions between account and behaviour, though could not, in fact, produce data that would be verifiable. Due to restrictions on accessing this population and the locations of my participants¹⁰, such a strategy was, in any event, virtually impossible.

Nevertheless, as illustrated in chapter four, written accounts were often accompanied by supplementary material, such as case files, psychological reports, and official decision letters etc. This did allow for a limited form of corroboration. More fundamentally, I am also not suggesting that the accounts presented are a ‘true’ or ‘factual’ version of events. What they instead offer is an insight into participants’ perceptions of their lives, their subjective interpretation as articulated in their letters. Their narratives documented the meanings participants attributed to their experiences, their intentions and beliefs about their behaviour, and ultimately how their actions and reactions made sense to them (see Nelken 2010; Bochner 2001). Accounts were a snapshot of their lives as they understood them. Families, other prisoners, staff, and official accounts may well vary, and I acknowledge that each of these groups are likely to have their own unique perspectives of the events participants discussed and their ‘role’ within the story.

¹⁰ The sample was drawn from 41 prisons.

Due to the relatively small sample size, it was also not possible to examine individual groups within the main population¹¹. As I stated in chapter three, much research has focussed on particular sub-sections of prisoner, from the position that these people experience prison in substantively different ways. Although I argue that ‘innocence’ was the most important structuring factor for participants, it is highly likely that gender, race, age, and class also affected their experiences of prison, even if as secondary factors. The size of the sample meant that I was unable to investigate the impact of such intersecting variables. Nevertheless, the sample is far larger than either of the other two prior studies in this area and, given the relative lack of research available on this population, has produced original and revealing data.

AVENUES FOR FUTURE STUDY

It is, however, clear that there is much more to discover about this population and this thesis opens up many potential avenues for future research. Relating to the discussion in chapter two, regarding the effects of imprisonment, it would be interesting to follow participants through the process i.e. through conviction, imprisonment, release or exoneration, and post-conviction. This would be an extensive research project, which although difficult to achieve, could produce data documenting the entire ‘wrongful conviction’ journey. Such work could operate as a continuation of the current thesis. Court transcripts could be utilised to examine initial conviction, data regarding prison experience in the form of written accounts exists already, and participants could be followed up after

¹¹ It was also not possible to engage with prisoners who were illiterate. This is discussed more fully in chapter four.

release. Written accounts could then be linked to post-release experiences to assess whether specific experiences, attitudes, or coping strategies have particular long-term effects and how they translate into the outside world. The differences between exoneration and life license could be explored, along with a comparison with the general effects of a period of ‘rightful’ imprisonment.

A smaller project could focus on how prisoners maintaining innocence engage with the CCRC and Court of Appeal. My data does involve limited discussion of the Commission and participants’ opinions on its effectiveness. Their views are largely negative, not surprising given that in most cases the CCRC had refused to refer their convictions back to the Court of Appeal. Such research could contrast these opinions to the working realities of the CCRC. A closer examination of the legislation that governs the CCRC, and the literature that focuses on their decision-making (see Hoyle and Sato 2019; Berlin 2018; Naughton 2012; Quirk 2007), would allow a comparison between expectation and reality, between experience and rhetoric, and between legitimate and unrealistic expectations.

Given the importance of family support that has been highlighted throughout this thesis, I would also like to engage with the families of these prisoners more closely. As chapters three and six illustrate, research has been undertaken that addresses the experiences of people whose loved ones are imprisoned (see Condry 2003, 2007; Condry et al. 2016; Minson and Condry 2015; Kotova 2018; Smith et al. 2007; Christian 2005; Hostetter and Jinnah 1993). Further research could add to this literature by examining the additional strains of supporting a prisoner who maintains their innocence and how this

added dimension affects their experiences¹². Discussion could relate to how they deal with their relatives' claims of innocence, their engagement with campaigning and wrongful conviction organisations, the emotional and financial burdens inherent in the support they provide, and how their experiences of stigma are affected by claims of wrongful conviction. Relatives of my participants have taken an interest in this possible research and have stated that they would consent to taking part, providing their contact details for future reference.

IMPLICATIONS

It is not just the criminal justice system that has ignored this population. Academic discourse has too largely overlooked prisoners who claim wrongful conviction. The sociology of prison life literature has almost completely disregarded these people's unique experiences, while the wrongful conviction research generally engages only after exoneration, once innocence has been 'proved'. Time in prison is either dismissed as an unfortunate consequence and offered cursory attention or only studied after release, leading to considerable problems with the data (see chapters two and four), the most obvious of which being the contamination of memory.

Wrongful conviction researchers have illustrated how damaging a period of wrongful imprisonment can be (see Grounds 2005; Jamieson and Grounds 2005; Campbell and Denov 2004; Wildeman et al. 2011; Westervelt and Cook 2009; Ricciardelli and Clow

¹² Similar to the research conducted by Harry Annison and Rachel Condry on the families of IPP prisoners (2018).

2012). Exonerees often present with severe psychological trauma (Grounds, 2005), often over and above that reported in the general literature (see Campbell and Denov 2004; Cohen and Taylor 1972; Haney 2006; Singleton et al. 1998). Such findings, while not unexpected, would seem to indicate that there is something unusual in the prison experience that has caused these extreme effects. However, this knowledge has not led researchers to venture into the prison. How can the effects of wrongful imprisonment be fully comprehended unless researchers examine prison experience? It is also only with a better understanding of time spent wrongfully imprisoned that these people can be supported post-release.

This research, by engaging with prisoners maintaining innocence while in prison, rather than once released, thus fills a significant gap and contributes to both bodies of literature. I have examined this population in-depth, acknowledging their differences and not simply subsuming them into the general literature. Instead, I have utilised this general literature for comparison.

POLICY IMPLICATIONS

As a result of their experiences, predictably, all participants considered that the prison and criminal justice system more widely required substantial reform. Although I did not set out to directly address questions of policy, the findings outlined in this thesis do have particular policy implications in terms of how the prison service can better respond to this population of prisoners.

Without engaging in wide-ranging and more general prison reform, there are certain aspects of the prison experience outlined in this thesis that cannot be altered. This population obviously must endure the deprivations inherent in prison life. They must learn to cope and adjust, they must have limits placed on their freedom to contact their families, and they must navigate often volatile social environments. These are intrinsic parts of prison life and although the pains are heightened by the perceived injustice, there is little that prison staff can do, other than offering more practical support and displaying more sensitivity to their experiences. Unless these people are exonerated, and their innocence ‘proved’, the authorities must treat them as any other prisoner.

I am thus not suggesting that the prison authorities should accept every plea of innocence as truth, but neither should they immediately dismiss these claims as fiction. The prison must find ways to accommodate these prisoners’ stance and work with it, rather than simply refusing to do so until they admit guilt¹³. Psychologists, Offender Managers, and Offender Supervisors must constructively engage with participants’ claims when writing reports and better signpost these prisoners to means of progressing without admitting guilt. In order for this signposting to be effective, processes of risk assessment and progression must be reformed.

Offending behaviour programmes should be introduced that do not require an admittance of guilt. Such courses could address problematic attitudes and behaviours but be non-offence specific. Prisoners maintaining innocence could thus attend, and discuss the ‘hypothetical’, without having to undermine their position. Risk assessment could too

¹³ Nor should these prisoners be additionally penalised for their claims or unduly pressured to admit guilt. IEP policy needs to be amended to ensure that this is not the case and to protect reasonable living standards.

be altered. There has been much criticism of the actuarial nature of risk assessment in the prison environment (Crewe et al. 2014; Crewe 2011b; Tombs 2008; Attrill and Liell 2007) and to this I would add the problems of accommodating claims of innocence. Risk scores are produced that do not adequately represent participants' situations and there is little space for explanation of 'high-risk' factors that contribute to the ultimate score. By creating a more individual-centred approach that accommodates a dialogic relationship between risk assessor and assessee, rather than a one-size fits all statistical analysis, these prisoners would likely engage far more readily with the process. Combined with neutral offending behaviour programmes, they would be able to demonstrate reduced perceived risk.

I would also recommend that recategorisation and parole decisions more closely follow the relevant legislation. Such legislation states that failure to admit guilt is not a bar to progression (see chapter eight). The Parole Board, however, often interprets a failure to attend offending behaviour programmes as a failure to exhibit a reduction in risk. I suggest that the prison should either provide opportunities to evidence a reduction in risk that do not require an admittance of guilt (see above) or the Board should focus on risk *remaining*, rather than risk *reduction*. Such a change in emphasis would ensure progression of already low-risk prisoners, i.e. ones that do not exhibit problematic attitudes or behaviour, without having to document a reduction. Similarly, maintenance of innocence should not be interpreted as a lack of remorse when making progression decisions.

In sum, both the academic world and the prison must adapt in order to understand and support these people's distinct situations and needs. Official rhetoric is keen to emphasise that maintaining innocence is not detrimental to prison experience. This thesis

offers evidence to the contrary. This population are subsumed into the general prison literature, with little thought as to whether they belong there, and must fit themselves into an institution that is not designed to accommodate them at the most fundamental level. These prisoners need to be examined in their own right, and it should not be assumed that they can easily fit within the existing literature or prison policy. Their experiences are unique, as are their needs, and should be treated as such. This thesis began with Jamie's story and will end with him highlighting the importance of greater understanding; academically, institutionally, and socially; of his situation and the many others like it:

I probably sound like a bit of a nutter, but you would understand if you had experienced what I have.

APPENDIX A – RESEARCH TOOLS

The Prison Experiences of People Claiming Wrongful Conviction

Information Sheet

Background and aims of the study

This research aims to find out about the lives and experiences of prisoners who claim wrongful conviction and understand the consequences that these claims can have.

To take part in this study you must have applied to the Criminal Cases Review Commission (CCRC). This application must be for a review of your conviction.

Do I have to take part?

No, it is voluntary.

If you do decide to take part, you will be asked to sign a consent form. However, you can still pull out from the research at any time and for any reason.

It is important to note that there is nothing I can do to assist your legal case. This is a research study and the information that you give me will not be made available to the CCRC or any other person.

What will happen in the study?

I am asking you to write an account of your prison experiences. There is a list of questions and headings which can be used to guide you.

You can use as much space and detail as you like. I may then reply with further questions, although you do not have to answer these replies.

Feel free to leave out any topics that you do not want to talk about or add any topics that I've left out.

These accounts need to be sent back to me by post. There is a stamped addressed envelope for this.

Are there any risks in taking part?

Given the painful nature of this experience, you may find it distressing to talk about. If this is the case, you are free to pull out from the project at any time.

If you experience any distress, there is support available through the Samaritans. You can access the Samaritans' helpline free of charge, 24 hours a day. This helpline can be reached via handsets in your cell (please ask an officer) or on 116 123. All calls are strictly confidential.

What happens to the information I provide?

Once your letters reach me, they will be kept strictly confidential, unless either you or another person is at risk of significant harm. However, your letters may be read by prison staff when they are being sent out.

I will remove any information that could identify you e.g. name, location, or particular details of the charges. I will also use fake names rather than real names.

When the project is finished, I will keep a copy of the letters.

Will the research be published?

The research will be written up as a thesis. It will be published in print and online.

The findings may also be used in journal articles, books, or conferences.

Who should I contact? Where should I send documents?

If you would like to take part in the study, please return the consent form and your written account using the stamped addressed envelope provided.

If you have any concerns, please speak to the researcher or her supervisors (Professor Carolyn Hoyle and Professor Mary Bosworth) at the Centre for Criminology.

If you would like to contact me, my details are: Ms. Emma Burt, Centre for Criminology, Manor Road Building, Manor Road, Oxford, OX1 3UQ.



The Prison Experiences of People Claiming Wrongful Conviction

Consent Form

Please initial
each box

I have read and understand the 'Information Sheet' and I know that I can ask questions for more information.

☐

I understand that participation is voluntary, I can refuse to answer any question, and can pull out from the research at any time and for any reason.

☐

I have had enough time to think about whether I would like to take part.

☐

I understand that my personal details and all the information I provide will be kept confidential.

☐

I agree that the information I provide can be used for research and educational purposes.

☐

I agree that the information I provide may be directly quoted.

☐

I understand how the information will be written up and how it will be published.

☐

I understand that this project has been reviewed by the University of Oxford Central University Research Ethics Committee.

☐

I know how to make complaints.

☐

I have applied, or am in the process of applying, to the Criminal Cases Review Commission (CCRC) in relation to my current conviction.

☐

I, _____ (Name), agree to take part in this research project.

☐

Participant's Signature: _____ **Date:** _____

Participant's Contact Details: _____

Researcher's Signature: _____ **Date:** _____

Researcher's Contact Details: Ms. Emma Burt

Centre for Criminology,
Manor Road Building,
Manor Road,
Oxford,
OX1 3UQ

Please return this completed Consent Form to Ms. Emma Burt, address above.

The Prison Experiences of People Claiming Wrongful Conviction

Question Sheet

Please write an account of your prison experiences. In this sheet I set out some questions that I am interested in hearing your opinion about. If you think there are issues I've left out, please let me know. I will not use any detail that could identify you in my research.

BACKGROUND

Name and age

Length of sentence, time served, date alleged offence took place

Have you appealed against your sentence or conviction / applied to the Criminal Cases

Review Commission? What was the outcome?

GENERAL PRISON EXPERIENCE AND COPING

I'm interested in learning about how your claims of wrongful conviction affect your day-to-day prison life.

How do you cope with imprisonment? You could talk about what you do to relax or any activities you take part in e.g. education, religion, campaigning for your exoneration, etc. You could also think about how you react to the regime and rules. Discuss why you get involved in these activities.

Think about times when you found it difficult to cope. How did you try to deal with these difficult feelings / situations? Have your methods of coping changed over time?

Do you think that claiming wrongful conviction has affected your progress through prison e.g. offending behaviour programmes, parole etc?

RELATIONSHIPS

Think about how claiming wrongful conviction has affected your relationships both inside and outside prison.

This can include relationships with your family and friends, other prisoners and prison staff (including officers, psychologists, chaplains, education staff etc). This section can include both positive and negative relationships.

Have any of these relationships changed over your sentence?

FAIRNESS AND JUSTICE

I'm interested in understanding what you think about the fairness of the criminal justice system and the prison.

For the prison you could talk about the regime, the fairness of staff and rules, whether you trust staff, whether you feel treated with respect, and whether you feel safe and supported etc.

Now think about your experiences with the police and the courts.

Can you briefly explain how your case was handled? Think about the police, the prosecution, the courts and your defence team. Did these people treat you fairly and with respect?

Also think about your experiences with the CCRC and Court of Appeal.

Have these experiences of the police and the courts affected your feelings of the prison and its staff? Have they affected your behaviour in prison?

If you have been in prison before, think about how your experiences are different with this conviction.

THE FUTURE

How do you feel about the future? What are your hopes and fears?

Are there any other relevant topics that you wish to raise?

Question Sheet (PERSONALISED – SAMPLE)

1. You say that fighting prison related issues helps you maintain control. How does it do this; are there any other ways that you maintain control?
2. You say that your experiences of the injustices of prison all come back to being wrongfully convicted. Could you explain this; could you give some examples?
3. How do you react when you are told that you are ‘in denial’ and will not be released until you admit guilt?
4. Do you think this prison sentence has changed you? How?
5. You say that your conduct has been ‘above reproach’. Can you explain why?
6. You say that there is pressure to admit guilt but that you never will. How do you resist this pressure?
7. Can you discuss why you do not develop relationships with prisoners or staff?
8. You say that you do not tend to develop relationships with staff or prisoners. Why was the Chaplaincy visitor different, what was it about him that enabled you to form a friendship?
9. You say that fighting prison related issues has had an effect on relationships with staff and progression. Could you explain how; could you give some examples?
10. What is it about psychology and security in particular that makes it difficult to avoid conflict? Why would you never trust psychologists?
11. Do you view prison staff as part of the criminal justice system (e.g. along with the police, the courts etc.) or do you judge them on an individual basis?
12. How would you deal with the police, CPS, solicitors etc. if you came into contact with them again?

APPENDIX B – DATA¹

¹ Sample accounts are provided to illustrate each stage of the process – initial letter, main account, and replies to further questions. The three letters I chose, from Harry, Ellie, and Bradley, are easy to understand, are substantial but not excessively long, and provide a full account, rather than concentrating on one or two particular topics. These are also testimonies that I draw on throughout the thesis. Some participants wrote in more detail of particular aspects of their experiences and so feature heavily in specific chapters. Harry, Ellie, and Bradley appear in all substantive chapters.

PARTICIPANT DETAILS

	NAME	AGE	LENGTH OF SENTENCE	TIME SERVED	OFFENCE
1	Kirsty	44	3 years	3 months	Tax Evasion
2	Simon	47	7 years	22 months	Rape
3	Nigel	45	Life (natural life)	5 years	Murder
4	Sidney	62	22 years	2 years, 6 months	Historic Sexual Assault
5	Donald	33	IPP (7 years)	5 years	Robbery / Kidnap
6	Malcolm	42	4 years	2 years (released)	Sexual Assault
7	Ken	55	Life (20 years)	7 years	Murder
8	Bradley	56	Life (15 years)	12 years, 3 months	Murder
9	Clive	58	Life (15 years)	34 years, 10 months	Murder
10	Patrick	62	Life (25 years)	18 months	Murder
11	Kieran	33	15 years	3 years, 6 months	Affray / Carrying an Offensive Weapon
12	Gergis	32	9 years	3 years, 6 months	-
13	Joel	59	20 years	11 months	Rape
14	Ali	47	Life (23 years)	6 years	Murder

	NAME	AGE	LENGTH OF SENTENCE	TIME SERVED	OFFENCE
15	Duncan	29	9 years	2 years	Conspiracy to Supply Class A Drugs
16	Greg	46	11 years	7 years, 2 months	Attempted Murder
17	Brian	48	12 years	5 years	Conspiracy to Import Cannabis
18	Tristan	49	12 years	8 months	Rape
19	Trevor	66	Life (27 years)	4 years	Murder
20	Josh	63	Life (15 years)	30 years, 8 months	Murder
21	Joe	46	Life (20 years)	16 years, 3 months	Murder
22	William	77	8 years	6 months	Historic Sexual Assault
23	Stuart	62	Life (6 years, 6 months)	19 years, 4 months	False Imprisonment / Indecent Assault / ABH
24	Stanley	63	Life (-)	14 years	Rape
25	Ellie	40	Life (12 years)	12 years, 3 months	Murder
26	Liam	64	15 years	18 months	Historic Sexual Assault
27	Alex	40	8 months	3 months (released)	Possession of Ammunition
28	Phil	28	Life (25 years)	9 years	Murder (Joint Enterprise)

	NAME	AGE	LENGTH OF SENTENCE	TIME SERVED	OFFENCE
29	Luke	50	Life (7 years)	2 years, 6 months	Rape
30	Max	68	14 years	7 years	Rape
31	Ralph	46	10 years	2 years	Rape
32	Brendan	47	Life (26 years)	13 years	Murder
33	Eamon	43	Life (28 years)	6 years	Murder
34	Ashley	30	IPP (5 years)	5 years	-
35	Martin	50	33 years	3 years	Rape
36	Reggie	-	-	-	-
37	Arthur	35	15 years	2 years	Rape / Sexual Assault
38	Connor	37	19 years	4 years, 8 months	Rape
39	Howard	67	Life (25 years)	15 years	Murder
40	Adrian	44	Life (15 years)	20 years	Murder
41	Russell	54	IPP (14 years)	8 years	Endangering Life with a Firearm
42	Sebastian	28	Life (16 years)	6 years	Murder

	NAME	AGE	LENGTH OF SENTENCE	TIME SERVED	OFFENCE
43	Noah	45	Life (14 years)	6 years	Murder
44	Aakil	44	Life (30 years)	10 years	Murder
45	Adam	53	Life (25 years)	22 years	Murder
46	Charlie	57	IPP (12 years)	6 years	Conspiracy to Rob
47	Mark	57	Life (16 years)	11 years	Murder
48	Andrew	55	Life (25 years)	20 years	Murder / Conspiracy to Rob
49	Derek	60	Life (20 years)	10 years	Murder
50	Harry	40	Life (30 years)	8 years	Murder
51	Ryan	40	Life (24 years)	10 years, 4 months	Murder (Joint Enterprise)
52	Dylan	32	8 years, 6 months	1 year, 10 months	Rape
53	Jack	50	Life (3 years, 6 months)	18 years	Rape / False Imprisonment / Kidnapping / Assault
54	Julie	44	Life (14 years)	13 years	Murder
55	George	58	12 years	3 years, 7 months	Historic Sexual Assault

	NAME	AGE	LENGTH OF SENTENCE	TIME SERVED	OFFENCE
56	Isaac	49	IPP (9 years)	6 years	Robbery / Kidnap / Possession of a Firearm
57	Gerald	60	15 years	19 months	Rape / Sexual Assault
58	Aaron	73	8 years	2 years	Historic Sexual Assault
59	Cameron	48	14 years	1 year	Historic Sexual Assault
60	Oliver	44	9 years	6 months	Historic Sexual Assault
61	Jamie	35	Life (20 years)	13 years	Murder
62	Henry	54	9 years	2 years, 5 months	Fraud
63	Steven	65	20 years	1 year, 3 months	Historic Sexual Assault
64	Gary	34	6 years	7 months	Sexual Assault



21/04/16


Dear Emma,

Thank you for your letter requesting my help with your research. Yes, I would be more than happy to assist in any way I can.

You'll probably find quite a lot of the information you need from the various websites my supporters have set up; along with the BBC Scotland and Panorama documentaries which have been made. However, from my personal point of view, I will try my best to answer your questions as honestly as I can.

I look forward to hearing from you again in the near future and wish you luck with your ongoing project. If you need any other people to help with your research who are, I believe, genuinely innocent, I am more than happy to help with a few names.

Yours sincerely



3-3-16

Dear Emma,

Thank you for your letter of 28th February 2016 which I received two days ago. I am genuinely thankful that you have contacted me and that you are researching such a vital, yet ignored, subject.

I have spent the last few days answering your questions but I am sure there are things I have not included. If there is anything else you would like to ask, or would like more clarification of, please do contact me.

I've just realized I have not included my "Background" with my other answers. I will add that information to the bottom of page 21.

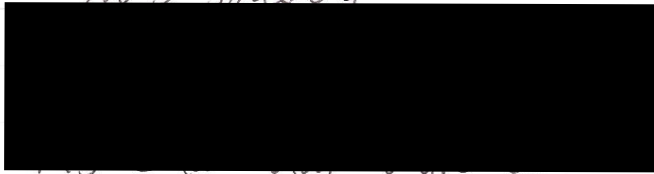
I am aware that you cannot engage in regular correspondence with participants so I would like to take this opportunity to raise something with you. I am currently represented by CCA, the Centre for Criminal Appeals. From my experience this legal team operate in a manner which is different to most firms. Perhaps this is due to them having previously worked in America where the justice system is very different. I am aware that CCA also engage with law students involved with the Cardiff Innocence Project.

I do not know whether CCA will be able to help you with your research in any way but I felt it prudent to give you their details in case you want to contact them for potential assistance. Centre for Criminal Appeals, Pro Bono Centre, 48 Chancery Lane, London WC2A 1JF. They may be able to help you with general information.

I have enclosed a stamped addressed envelope which I would ask you to return to me so that I know you have received this letter.

Thank you again for doing this much needed research. Please feel free to contact me again if you have further questions.

Yours sincerely

A large black rectangular box redacting the signature of the sender.

encl. Consent form

The Prison Experiences of People Claiming Wrongful Conviction.

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1. How do you cope with imprisonment?

The approach to coping with imprisonment, for me, is multi-pronged. Different situations and experiences benefit from different management techniques. Over the years I have spent inside prison I have learned that techniques provided, such as the Complaint Form process, are not adequate in many circumstances. I have learned to recognise when using such a technique to help me cope with situations, such as inequality and discrimination, is not beneficial. On occasion speaking directly to a selected member of staff is more useful.

I have always believed that if an individual develops their brain capacity, through education, reading, puzzles etc, they are more able to cope with stresses of life. Consequently this is something I have continued to do whilst incarcerated. I have engaged with prison based studies such as creative writing and pottery but have found that most educational studies run within the prison environment are directed at people with less than GCSE knowledge. As a result of this I have pursued a degree. Unfortunately I have consistently found that the prison environment is an extremely hostile place for an individual who is perceived as intelligent and I have previously been told, by a prison officer, that the reason I encounter so many difficulties in prison is largely due to my intelligence. Due to the experiences I have had I have learned to 'hide' aspects of myself which may imply intelligence. I do not engage in prison-run quiz activities nor do I engage in many conversations with staff or other prisoners.

I have a belief that it is beneficial to an individual if they do what they are able, without risk to self or others, to aide other people. With this belief I voluntarily run activities for my unit or houseblock as a

frequent basis. I also provide arts, crafts and creative writing materials and advice to any that ask. This enables me to feel that I serve some purpose and additionally enables me to help others find coping mechanisms, or distractions, which can assist them.

When I first came into the prison system I spent the first couple of years feeling bouts of anger at the injustice done to me, by the courts and the prison system. I developed intense frustration with the level of discrimination and victimisation I encountered. For example during this time I was actively pursuing fresh evidence for an appeal and often Rule 39 letters were opened and read by staff. Enclosures were frequently removed. Repeatedly I was informed that letters I had sent had not been received. Ultimately it was at this time, due to mounting frustration, that I began to self harm by cutting and/or burning myself.

I also have a condition called HYPERGRAPHIA, and am fortunate enough to find that my compulsion to write is a beneficial coping mechanism. This can cause difficulties within the prison environment due to restrictions on the quantity of items permitted within a cell. I have copious amounts of writing and have, on occasion, been forced to dispose of some. This is detrimental two-fold. Firstly it causes complication and additional stress in relation to my condition. Secondly it means that over time I have increasingly restricted how often I use writing as a coping mechanism.

2 Do you think that claiming wrongful conviction has affected your progress through prison eg offending behaviour programmes, parole etc?

As someone maintaining innocence 12⁺ years ago I was considered to be "in denial". This then lead on to me

The Prison Experience of People Claiming Wrongful Conviction

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being considered "a liar." As a result of this when I initially reported physical abuse, for example, I was not believed. Even now, many years later, I am still considered a liar by many staff. The fact is that my prison record includes these earlier opinions and some staff choose to believe these rather than base their treatment of me on what they personally experience.

With regards to offending behaviour programmes I was advised that I "need" to complete courses related to "Victim Awareness" and "Anger Management" as well as "Interpersonal Relationship Skills". I was told I would "have to" complete these if I wanted to "get out of prison". I have always refused to participate in such courses as I do not consider myself an offender and therefore have no offending behaviour which needs addressing. I spoke to prison officers about the courses and asked how, as an innocent person, I could participate in courses such as "Victim Empathy". I was told that I should "stop being in denial". The alternative presented to me a few years later was that I do the course in relation to "some other crime" I had committed. I have never committed crime, so they resorted to telling me to stop being in denial or to complete the course so I could get out of prison. In relation to the Anger Management course I was told that "To kill someone you must have been angry". On further discussion the staff members agreed that they had NEVER seen me expressing anger in a negative manner. They went on to tell me that this was "proof that you have an anger issue". I was raised by my mother to believe that anger expressed negatively is a waste of energy and that it is more beneficial to use the

energy in a productive fashion, such as writing or exercising.

I did enroll for a course of bereavement counselling. This was a difficult decision for me but I felt I needed support. I am convicted for the death of my son and, at that point, had not been able to adequately grieve because I was so desperately trying to prove my innocence. During my first counselling session the counsellor told me that "of course you feel distressed, you killed your son." I ended the counselling at that point and still have not been able to really grieve for my son. I am aware this is something I will have to address post-release.

With regards to parole hearings I know that maintaining innocence has had an impact. My first parole hearing was due to be held nine years into my sentence. It was agreed by my then probation officers, prison and community, that there was "no point" submitting a parole application for open conditions as I had not co-operated with offending behaviour programmes. I have recently had my tariff parole hearing and have been categorised for open conditions. Considerable reference was made to my mental health during the hearing. It was acknowledged that my time in prison has been detrimental to my mental health, but that I had mental health difficulties prior to prison. It has been proposed that I transfer to an open conditions prison and engage with a psychotherapist. (Please see the section titled Parole).

3 Have any of these relationships changed over your sentence?

I have four sisters, two older and two younger. One of my elder sisters broke all contact with me the day I was convicted. The remaining three had limited contact with me but they have chosen to end this in the last three years.

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Throughout my time on bail and during my trial I had continual contact with my mother's sister. My aunt maintained limited contact with me until February 2014. She gave no explanation as to why she had chosen to cease contact, and she gave no indication of her intent to do so.

When I did have contact with my family one of my sisters told me that she initially believed I had been wrongly convicted but, due to my unsuccessful appeal and CCRC applications, I "must be guilty." From my experience I can only conclude that by maintaining my innocence when my family believe I am not has caused my family to disown me. In fact my aunt who had supported me for so many years told me on a visit, over five years ago, that she believes I am innocent of murder but am "guilty of manslaughter due to diminished responsibility." Her opinion was that my mental health was "evidence" of this. She also used to tell me to complete offending behaviour work and to "view it as addressing manslaughter not murder." I felt I had no choice but to consciously make the effort not to discuss my innocence with my family.

I also have two children, who are now 18 and 16 years old. Twelve years ago, when my son was ~~about~~^{just} four, my children visited me at [REDACTED]. At the end of the visit my son sat on my lap for a hug goodbye and he said "Why did you kill [REDACTED] (my baby)? Why didn't you love him enough? Do you love me enough?" Despite the fact their father and I had agreed to tell our children that some people thought I'd hurt their brother the Social Services department involved with our

children disagreed with that approach. In my children's childhood they were repeatedly told, by social workers, that I was guilty of murder.

My daughter currently has virtually no contact with me. I tell myself that this is due to her being a teenager as well as due to her army commitments. Sometimes I even kid myself that this is accurate but, in truth, I believe our relationship has been significantly damaged by her experience of my incarceration.

My children's father and I had separated years before my conviction. He was not the father of my son who died. Initially we had limited contact but all contact ceased a couple of years ago. He has not commented on my conviction, in any form, to me. When I have mentioned my innocence to him he has been very dismissive. He has married and had other children so perhaps it is natural for him to break contact with me now that our children are over.

When I first came into prison I had contact with my ex-husband, who is the biological father of my eldest child. Approximately a year into my sentence he was told, by Social Services, that if he maintained contact with me he would be denied contact, such as visitation rights, to our children. When my ex-husband and I last spoke he believed in my innocence.

Initially I maintained contact with friends once I was convicted. However within approximately nine months of entering the prison system the friends I had previously had chose to cease all contact with me.

Whilst incarcerated I have developed a few friendships. I am currently in contact with three former prisoners who have

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each been out of prison for at least five years. Whilst each of these ladies believe I am innocent none of them are in a position to be able to help me with my appeal process. It does bring some comfort to be able to speak with friends who have survived incarceration. However I am very aware that their experiences, as people accepting guilt, are very different to mine. I am often left feeling incredibly alone.

I have become aware over the years that my aunt, mentioned earlier, has actively prevented people who believe I am innocent from contacting me.

In terms of relationships within the prison environment I have had a difficult time. In previous years I have been physically, verbally and sexually assaulted by staff. When I have reported such an incident I have been deemed "a liar." In such a difficult environment it does not surprise me that I formed a romantic relationship with a member of prison staff. He claimed to believe in my innocence and we had many things in common. The relationship progressed to an engagement but, after two years together, the decision was made to end our relationship. He then went on to tell significant lies about me safe in the knowledge that if I said anything I would not be believed. (He no longer works within the prison service due to accusations that he sold prisoner information to the media). I am aware that the relationship was detrimental to me in terms of my mental health, my progress through the prison system and my ability to form friendships. I was also often put in the position that I had to endure mistreatment

and/or abuse in order to ensure that my relationship with this prison officer was not questioned.

A further relationship I should mention concerns another prisoner, maintaining innocence, who I used to write to. Initially the prison system permitted our contact. After two years of written communication we were authorised to have interprison telephone contact. We had one such conversation but our next application was denied. We spent a year attempting to challenge this but found that our letters to each other were being returned. After about a year of challenging the difficulties it was verbally confirmed to me that he and I were no longer permitted to communicate as we were "both in denial" and were allegedly "encouraging each other" to maintain innocence. I did briefly continue to challenge this but later chose to end all communication. This was as a result of the officer, I later became involved with, threatening to have my girlfriend "beaten up" in prison. My friend had been convicted of a sexual offence and, having previously witnessed three uniformed staff physically attacking a hand-cuffed male prisoner, I was in no doubt that my friend could be assaulted. Obviously I could not even tell my friend why I was choosing to break all ties with him.

Although not directly related to my conviction I do believe that the charge against me had an impact on my relationship with my birth family. My mother died almost six months before my conviction. As I was on bail at this time I was prevented from being with my sisters during our mother's final hours. As I was dealing with my impending trial I was limited in my ability to grieve with my sisters. Our father

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died almost a year after my conviction and again I was unable to grieve with my sisters. I was refused permission to attend his funeral memorial service but my sisters did not understand prison policy and considered it my choice.

I was also not allowed to attend my son's funeral. He was cremated almost two years ago now and it was felt that as I maintained innocence I should not be permitted to attend. One staff member told me that I would "not be given permission to gloat." I took this to mean that they believed me to be guilty and that as I maintained innocence I was being denied permission to attend his service. I was also told by another member of staff that if I had admitted guilt and done some of the offending behaviour programmes I would have been given permission to attend his funeral with staff escorting me. She went on to tell me that as I maintained innocence "it would not be fair to others" if I attended the service.

4 Can you briefly explain how your case was handled?

home, at my request. Both he and I were interviewed by the police over this incident. When [redacted] left the hospital he had to live at my mother's, whilst the police investigation continued, but my other children remained with me.

When [redacted] was eleven weeks old I removed him from my mother's home due to an incident I had witnessed

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there. I called Social Services to tell them what I was doing and they approved my decision. I later discovered

returned home with me on 25th July 2002. On 30th July 2002 he was unwell, vomiting a green mucus and a transparent russet coloured liquid. I contacted the NHS Direct telephone line. As I had checked his temperature, soft spot, nappies, reaction to light and touch, as well as checking for any sign of a rash on his body, and all appeared normal the helpline told me there was no cause for concern and that [redacted] probably had a cold.

On the 31st July 2002 [redacted] and my other children spent several hours with my elder sisters and their children. They told me that [redacted] had been fine all day.

On the 1st August 2002, around lunchtime, I again needed to call the NHS helpline as [redacted] had spots of blood on the roof of his mouth. Again I was told not to worry and was advised that he had probably scratched his mouth with his nail. As the bleeding was minor, and was not affecting his feeding, I accepted this advice.

A few hours later I had cause to contact the helpline again. My children and I had been shopping and when we returned home I left [redacted] sleeping in his pushchair. When I went to wake him he had had a nose bleed, but was

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sleeping. I was asked if I could wake him. I could not. I was then asked if I could find a pulse. Initially I couldn't, but to this day I believe I found a slight, weak pulse when I placed my cheek in front of his mouth.

NHS Direct told me that they would send an ambulance to my home. In fact it was a police paramedic who arrived first and he attempted to resuscitate my son. Contrary to usual practice he used his hand, rather than a couple of fingers, to do this.

By the time the ambulance arrived I was preparing my other children to go to the hospital with us. I assumed that we would all go there and my mother would collect them for the night. (At this point I believed that [REDACTED] was seriously ill.) I am a practical person so wanted to ensure I had clothes etc for [REDACTED] at the hospital. I also asked my other children to get clothes, nightwear and toys to take to my mother. This was a practical preparation tool as well as a way to occupy my other children whilst the police and ambulance crew were there. At my trial one of the ambulance crew commented that I "had been pottering around" whilst my "son was dying."

The ambulance crew took [REDACTED] but as I was explaining to my other children that they couldn't come to the hospital I was not in the ambulance. I followed behind in a police car. I was accompanied by a police officer during my entire time at the hospital. My children were initially taken to a police station and from there to a foster care home.

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██████ first post mortem was conducted on the night of 1st August 2002. Standard S.U.D.I procedures were not followed. A further post mortem was conducted a few days later. At some point, a month or so later, there was a coroner's court hearing. The police wanted to conduct another post mortem. This application was denied but the Coroner agreed that an academic review could take place. The previous post mortem reports, which concluded as "unascertainable", were given to a Home Office pathologist to consider. In late October 2002 I was arrested, in the early hours, on a charge of murder. I spent one week in prison before gaining bail.

Throughout all of this I saw a Family Liaison Officer once. I was not given any advice of support available to me or my children. Nor was I given any information concerning possible processes.

A couple of days after ██████ died I was allowed to return to my home. I discovered that the police had not taken the blanket that had been wrapped around ██████ in his pushchair. This concerned me as he had bled onto it. I offered it to the police at this point but they did not take it. Additionally, prior to my trial I saw a couple of photographs the police had taken of my home. I discovered that they had re-arranged items within my home in order to present me as an inappropriate parent.

My first interview with the police, uncounselling,

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was conducted at the hospital. It was very superficial and even now gives me no cause for concern. My first official, cautioned interview was held that night at a police station. As I had been under the care of a mental health team (for mild post natal depression) it was decided that I had to have an appropriate adult present for the interview. My aunt, previously mentioned, took on this role. During this interview I chose not to have a solicitor present and I spoke freely, including telling the police that my son

My son's name is actually written [redacted] but is pronounced [redacted]. Throughout the course of this cautioned interview the police kept pronouncing his name the way it is spelt. I repeatedly corrected them on this but they continued to mispronounce. I believe now that this was deliberately done in an effort to incite anger.

It is my view that, due to the previous leg break, when [redacted] died there were concerns. These were then considered in relation to my contact with NHS Direct and the incomplete first post mortem. I believe that a decision was made to pursue a murder charge rather than risk my bringing a ~~gao~~ case against them. Added to this belief is the fact that the police, after charging me with murder, [redacted]

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Part way through my trial the Crown Prosecution Service attempted to use emotional blackmail to convince me to plead guilty to manslaughter. They told me that they would guarantee no more than a five years sentence and that I would then be able to maintain contact with my other children. They indicated that I would lose all contact with my children if I continued to plead not guilty of murder and was found guilty. My (legal aid funded) legal team were insistent that I consider this option. When I again stressed that I was not guilty of any misdemeanor they told me that they "had to" give me the option.

These are just a few examples of things which happened during my case and trial which have affected my view of the justice system. Perhaps one of the more significant examples concerns my trial. For $2\frac{1}{2}$ weeks the CPS table was in front of me and they positioned their paperwork so that I had a clear view of my son's eyeball examination. After the first day of this they were asked to move the image. What they in fact did was make it more prominent.

My experiences with the police, CPS and probation services, prior to prison leave me in no doubt that

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that such entities are discriminatory and unjust. They seem to be legally permitted to inflict psychological and emotional abuse. Furthermore they appear to be dismissive of any evidence or opinions which could point towards an individuals innocence. They seem to acknowledge that a person may be innocent, or be found to be not guilty, but then only factor this into what evidence or opinions they will use which may imply guilt.

Whilst incarcerated I have repeatedly witnessed various forms of inequality and discrimination across all sectors of the prison population. However, for those who maintain innocence this is multiplied. I have found that often wrongly convicted individuals are deemed liars and/or attention seekers. On the whole the attitude of staff is hostile and dismissive. It is also a frequent occurrence that when such individuals are assaulted or threatened in any way it is seen as something they "deserved".

The prison system by its very nature is organised in a way which can support those who admit guilt. This is evident in the language used by staff as well as in prison schemes such as the Incentive Earned Privileges (IEP) scheme. In many prisons you cannot gain the highest IEP level unless you participate in offending behaviour work.

This morning I have had an appointment to sort through my stored property. Included in it was a letter dated 23rd

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July 2007 which I have never been made aware of. Today I was finally able to obtain this letter and read it. It was a letter which contains addresses for a variety of organisations which support those who maintain innocence. Had I been an addict and had committed a crime in relation to the addiction I would not have been prevented from receiving letters containing support group details such as AA or NA. It seems that by stating that you are wrongly convicted you are then giving the prison system the opportunity to treat you unfairly.

Another difficulty often encountered within the prison system concerns "purposeful activity". It is compulsory that all convicted people engage in such activity, which constitutes education and/or employment. Speaking for myself, the educational options are severely limited and although it has been possible for me to gain a degree accessing further funding for other courses has proven extremely difficult. Once you have a degree you are denied access to student loans and so ~~those~~ have to resort to charities. I have found that most charities are not willing to fund educational courses for anyone who does not have a "realistic prospect of release". As someone maintaining innocence who does not participate in offending behaviour programmes it is very difficult to prove you have such a prospect.

From personal experience I can say that I have never felt safe in prison. I have learned that often staff members have

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disclosed my charge to other prisoners and have encouraged prisoners to view me as not caring about what I've (allegedly) done. This has changed over the years admittedly, and it is a less frequent occurrence now. However, it does still happen occasionally. The number of physical assaults I've experienced has also lessened over the years but I cannot say whether this is due to the prison system changing or myself. On previous occasions when I have been physically assaulted I have not even raised my hand or voice to defend myself. I've found that often if you do defend yourself you are all but encouraging the other person to assault you more by allowing the incident to become a physical fight. By not retaliating after a couple of thumps, with no reaction, the other person usually stops. Perhaps my decision to never retaliate is also influenced by my belief that violence solves nothing and that an individual has no right, under any circumstances, to inflict any form of pain onto another. My religion also teaches that whatever you inflict on others you receive back nine-fold.

I have had an appeal hearing but did not present fresh evidence directly related to my case. My case was referred to the Court of Appeal by the Attorney General as a result of the "Carrings Ruling". It is my understanding that he considered 64 such cases and only referred three. I did not have to present a case to a single judge but went straight to a full hearing. The exact conclusion of my appeal was that I "should not be allowed a second bite of the cherry". The fact that this was later documented in

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Archbold has, on occasion, caused other people to view me as guilty and in denial. One staff member stated that "even the Court of Appeal think you're taking the piss."

I believe that I should have been allowed to submit specific fresh evidence at my appeal hearing and that to deny me that opportunity was detrimental. If you maintain innocence you should be able to submit all new evidence at a hearing as if you only have permission to submit some, such as the Canning's Ruling, but are unsuccessful any legal aid funded future appeal is difficult to obtain.

For my CCRC application I was able to submit case specific medical evidence however even this was limited. The restrictions on legal aid prevented me from enlisting the help of many experts who could have aided my case. Again this meant I could not submit all the potential evidence which supported my innocence.

Having been unsuccessful at the CoA and CCRC, and having legal aid to contend with, it has been extremely difficult to obtain new legal representation for a further CCRC application. Most of the firms I contacted felt that my case was "too complex" and that it would be "extremely difficult" and/or "very unlikely" to obtain legal aid for experts opinions. Fortunately I do now have legal representation but this has taken me a few years to obtain. Thankfully this firm took me as a Pro Bono case initially and only six months later began to consider a legal aid

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application

I recognise that my experiences in prison, and with the justice system as a whole, have had an impact on me. Prior to prison I was politically left-wing and often participated in events designed to support the promotion of equality. I was never afraid to oppose discrimination in a peaceful manner. Whilst in prison I have learned that whilst the system "promotes equality and fairness", this is just lip-service. Many years ago I was told by a friend, who also maintains innocence, that in the criminal justice system the justice is criminal, and over the years I have repeatedly seen evidence of this. The justice system actively supports inequality and discrimination based ~~on~~ on innocence. This appears to be the only system I am aware of which treats you better if you have actually harmed another/committed an offence.

6. In terms of the future I have spent many years not allowing myself to think about life after prison. I have had my hopes raised too many times. However, I have now been put in a position which means this has to change.

PAROLE:-

I have recently had a parole hearing. This was my first parole hearing and was held as I was just post-tariff. It has been decided that I should be moved to "open conditions". It has further been decided that I should have

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another parole hearing, for potential release, in May 2017. I have found that none of the staff members involved with me understand why this troubles me. I find it extremely offensive to give an individual ROTLs in my situation. I am being told that ROTLs will enable me to reintegrate to the community. However, I realize that such reintegration will be in terms of someone believed guilty. It is very probable that my appeal hearing, should the CCRC refer me, will not be before May 2017. Therefore upon release I will be considered an ex-offender. I will not be able to recover from the trauma of the justice system as I will still be involved with it. I will not be able to attempt to repair the rift with my family as I will not have proven my innocence. I will not be able to pursue a future career of my choice as being classified as an ex-offender limits my employment options. Being released as a guilty ex-offender presents a whole range of problems. I feel so strongly about such a prospect that I would gladly endure more years in the draconian prison system in order to pursue an appeal and leave as an innocent, wrongly convicted person. I have been told this is not an option unless I break prison rules, something I am not prepared to do. Furthermore my careworker has told me it is "very unusual" to have only 15 months between parole hearings. I have spoken to a legal advisor who has informed me that she believes it has been done deliberately to ensure I am released prior to any appeal hearing. She is of the opinion that the justice system will suffer less if I am already released when I prove my innocence.

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This to me suggests that even the parole board feel there is a possibility that such an appeal will be successful. Having served 12 years in closed conditions the parole board felt that they could not recommend release as I would need time to reintegrate and so have given me the minimum time in which to do that.

Prison staff are now telling me that once I am "completely out of prison" I will be able to work on my appeal. This tells me that prison staff do not understand the appeal process. Realistically by the time I am released through parole my appeal application will already have gone through the CCRC stage and there will be very little I can do. I have now learned not to ever attempt to have these types of conversations with prison staff.

BACKGROUND

Name and age: [REDACTED] 40yrs old D.O.B. [REDACTED]

Length of sentence: Life 12 year tariff

Time served: 12 years and almost 3 months

Date of alleged offence: [REDACTED]

Previous appeal: denied 2005

Previous CCRC application: denied 22-7-10

I am currently preparing a further CCRC application with a different legal team, and have been advised it could be 18-24 months before I have another appeal hearing.

Ms. Emma Burtt
Centre for Criminology,
Manor Road Building
Manor Road
Oxford
OX1 3UQ

22nd April 2016

Dear Ms Burtt,

Thank you for your recent letters. I'm glad that you found my anecdotes helpful. I've found the exercise quite thought provoking and it's certainly helped me to prepare my own parole submissions which went in last month.

In response to your follow up questions and using the same paragraph numbering:

1. I'm lucky that I don't find emotional control difficult. During some of my formative years in the 1960's a 'stiff upper lip' was considered virtuous and I did my best to grow one. My career and parenthood gave me plenty of tests and over the years I've developed the ability to display the emotions I choose to. That's not to say I don't feel emotions. I just try to conceal feelings that could get me into trouble and to maintain a stable facade. Showing weakness or vulnerability in prison can attract bullies. Showing anger could increase my deemed risk and lead to difficulties with parole (if I didn't have enough already). The same goes for any perceived emotional instability.

There are times when the pressure of the task I face seems insurmountable and it would be easy to allow myself to become downhearted, morose, or worse. It's on those occasions when I need to keep a tight rein. I have to maintain morale. I've witnessed people give up and succumb to breakdown. It's very difficult to recover from that. I take physical exercise when I can. Getting outdoors for fresh air and a brisk walk perhaps with a bit of humorous company and chat usually works. I write letters to friends and family highlighting some of the ridiculous absurdities of prison life and mocking the staff and regime. I distract myself with books, TV and chess.

I do express emotion, but in a self controlled way. I don't cry in public. I do laugh and joke as much as I can. I express anger and frustration verbally in measured and appropriate terms. I try to maintain awareness of my non-verbal communication.

2. Over the years I've adapted the way I respond. At first, when I was at HMP [REDACTED] I found it difficult. It seemed that staff were instructed to put pressure on prisoners to confess. At various times by different people I was told that if I didn't admit the offence then I would inevitably spend much longer in prison. I wasn't unduly worried about this because: A) I expected to be released on appeal; B) I'd read about cases such as 'Oyston' which made it unlawful for parole boards to deny progress due to maintained innocence; C) I read a lot of articles about prisoners who maintained their innocence and had progressed; D) I had support from organisations such as MOJUK and their weekly newsletters full of pertinent information.

I tried using some of these articles in interviews with staff and at sentence planning boards to demonstrate that I knew that what staff were telling me was incorrect but without much success. The breakthrough came after I had been transferred to [REDACTED] with the publication of PSI 36/2010. This gave guidance on how life sentenced prisoners maintaining their innocence should be assessed. Chapter 4 section 14 conceded for the first time that the prison service was aware that some prisoners were in fact wrongly convicted. It changed the emphasis in risk assessment from what risk had reduced to what risk remained. This document completely changed the balance of power in meetings. After that it was easy. I could take a copy of the relevant section with me and simply read from it telling the staff how they were supposed to treat me. Some long serving and experienced staff didn't like it but what could they do. If they deviated from the guidance they knew that I would be able to have complaints against them upheld.

3. I don't think I fully understand how prison has changed me. I've aged, but that would have happened anyway. Before prison I was always busy. If there was a queue at the till in a shop I wouldn't enter. I was always trying to improve my efficiency. Before prison I had trouble finding time for everything. During the early days in prison I had trouble filling my time. Everything in prison takes a long time, queuing for food, waiting weeks for simple applications or complaints to be answered, waiting for late unlocks with no information. It's probably made me more patient.

I've seen first hand the waste, inefficiency, laziness, lack of accountability, absent management, obstructive industrial relations, and carelessness of the public sector. It's been a real eye-opener. The taxpayer is clearly not getting value for money. It's changed my political views, I'm now less liberal.

I've mixed much more with people from different backgrounds and cultures to my own. I've met many interesting foreign nationals. I now know a lot more about drugs and crime, at least academically. I've learnt about some aspects of law. I'm not sure if any of this has changed me. I feel I already had a broad perspective.

I've gone from being very capable and employable and independent to being virtually unemployable and probably unable to support myself on release. I am not at all happy about this.

4. I always try to be honest but also considerate. There is no point upsetting people about things they are powerless to influence. Many prisoners have just cause to feel aggrieved at their treatment by the criminal justice system. I can talk with other prisoners about some of the injustices of prison life. In some ways it's easier because they are going through many of the same things that I am going through. A lot of mandatory lifers maintain their innocence to a greater or lesser extent.
5. No, at least not that I'm aware of. Many prisoners maintain their innocence to a greater or lesser extent.
6. At my current prison, [REDACTED] there are virtually no consequences for anything at present. It is close to being out of control. Staff morale is as low as I've ever seen it. Prisoners are verbally abusive to staff and face no sanctions. Prisoners openly fight with each other and provided no-one is seriously hurt face no sanctions. Prisoners caught with contraband are often allowed to keep it, or hand it over with no sanctions. It hasn't always been like this.

I try not to have bad relationships with anyone. I try to maintain professional, transactional relationships with the staff I have to deal with. I'm always polite but firm when necessary. I try not to get into a confrontation or disagreement unless I am confident of my position and even then I prefer a diplomatic solution.

There are different types of prison rules. There are the formal rules laid down by statutory instrument. There are the PSOs and PSIs set by NOMS nationally. Then there are the often petty and unlawful local rules set by local governors and staff. The governors and staff break far more of the rules than I ever have, by a mile.

I have stood up to some attempts to introduce unnecessary local rules such as the wearing of prison clothing under the excuse of protective wear for health and safety. I am usually able to pre-empt a confrontation by talking to staff early so they don't lose face in a humiliating public climb-down. Prisoners acting together can threaten the security of prisons so the staff are trained to de-escalate situations where prisoners object collectively to a local rule. It can usually be done positively so it comes across as helpful advice to management rather than prison mutiny.

Luckily, my upbringing and career allowed me to develop quite good social skills. This is an area that many prisoners (and staff) struggle with. It has enabled me to appear respectful and compliant whilst actually standing firm. Many prisoners make every interaction with staff difficult. They can be up to all sorts of things and some present formidable challenges. Compared to some other prisoners I make life very easy for staff.

7. Not at all. Even when pressed by staff in the early days I explained that if I made a false confession to murder the next thing I'd be asked was where the body was. So far as I'm aware there is no body. No one has died in my case. That is why I maintain my innocence.
8. The criminal justice system has many different parts. I was treated badly by the police, who fabricated evidence, perverted the course of justice, lied to my family and friends, and completely destroyed my life. At the time I was appalled. Since being in prison, talking to other prisoners and reading about other cases I've discovered that this is the norm for CID and the prosecution of serious crimes. Government is aware but does nothing. I suspect the formation of elected police commissioners is an attempt to distance the Home Secretary from responsibility.

I was treated badly at court. My barrister said the judge wouldn't allow him to criticise the police so the jury didn't get to hear the half of what had happened. My barrister failed to adduce much of the evidence uncovered by my solicitors so the jury were not aware of it. Because this was available at trial it does not count as 'fresh evidence' for appeal. The judge was disgracefully biased towards the prosecution. He allowed evidence that should have been excluded then told the jury to ignore it. He openly scoffed at evidence that [REDACTED] had been seen. His summing up contained 113 mistakes, almost all favourable to the prosecution, and neglected to mention 18 points helpful to the defence.

I was picked on by prison officers at [REDACTED] after I naively told the truth about the assault I witnessed on a prisoner by staff. I learnt from that and have been careful since. Prison officers are all individuals, and some are far worse than others. But they all wear the same uniform. It takes a certain type of person to choose to punish people for a living. There is a culture of collusion and cover up to protect each other. They justify this by claiming that when they are threatened and need back up they want their colleagues to come quickly and not hesitate to recall a time they weren't backed up. Their union, the POA, controls much of prison life. Just as in the police there is a code of omerta. You couldn't get a clearer case of 'joint enterprise'.

Apart from the prison officers there are many other prison staff such as, probation and psychology professionals, teachers, chaplains, healthcare professionals, workshop instructors. Some are brilliant, gifted, genuine, wonderful people trying hard to do the best thing and make a real positive difference. Others are cheating, dishonest, lazy, ne'er-do-wells. Most are somewhere in between. I think it's important to be wary of everyone until one is sure about them. Prison is a hostile environment that seldom brings out the best in people.

9. I haven't finished with the police and courts yet. If I can get my wrongful conviction quashed the next step will be to expose the police corruption which led to it. That is bound to bring me into conflict with them as I don't expect they'll admit wrongdoing easily.

Meanwhile, if I'm released on license the police will have a say in my management through the Multi Agency Public Protection Arrangements (MAPPA). The police are aware of some of the evidence I have against them as it was given to the CCRC to support a ground for my appeal and the CCRC simply handed it to the police. There is real chance that the police will make my life on licence difficult and possibly even act to get me recalled to prison. I will do what I can to protect myself from them.

It's difficult to speculate about what might happen in the future.

10. New prisoners are usually on remand as I was. It is a nightmare time. Everything is unfamiliar. Remand jails are the worst type of prison. Family and friends suffer dreadfully. The one piece of advice would be to try to get bail. It's much easier to prepare for trial if you're not in prison.

My advice for someone just wrongfully convicted and facing the prospect of a long sentence would be to head for one of the long term B Cat jails such as Gartree or Lowdham Grange which are generally calmer places where you will meet other long term wrongly convicted prisoners who will be able to help you.

Get a laptop under the 'Access to Justice' scheme (this will be a battle but well worth it). Register with MOJUK and subscribe to their newsletter. Ask family and friends to: organise support, contact journalists with a track record in miscarriages of justice, set up a website about your case and media contact points. Change your legal team. Don't go to appeal with the same barristers who let you down at trial. Look for firms with appeal court success.

Don't trust anyone, especially staff. Ask for a copy of everything they write about you. Take your own minutes of meetings. Some staff will be rude or abusive, don't allow yourself to be dragged down to their level, you are better than them, demonstrate it at every interaction. Go to the library and read the PSIs especially 36/2010. The staff must follow them. Don't be afraid to use the complaints system. Get outdoors at every opportunity. Keep physically fit. Make friends with prisoners who laugh a lot, avoid the moaners. Never give up or show weakness.

I think that's everything. I hope it makes sense.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

BIBLIOGRAPHY

- Allen, G. and Dempsey, N. (2016), 'Prison Population Statistics', *Briefing Paper Number SN/SG/04334*, 4 July, available at: www.parliament.uk/briefing-papers/sn04334.pdf
- Allison, M. and Ireland, J. (2010), 'Staff and prisoner perceptions of physical and social environmental factors thought to be supportive of bullying: The role of bullying and fear of bullying', *International Journal of Law and Psychiatry*, 33(1): 43–51.
- Alvesson, M. (2011), *Interpreting Interviews*, Sage Publications.
- Anderson, B. and Anderson, D. (1998), *Manufacturing Guilt: Wrongful Convictions in Canada*, Fernwood Publishing.
- Anderson, E. (2002), 'The Ideologically Driven Critique', *American Journal of Sociology*, 107(6): 1533–50.
- Annisson, H. and Condry, R. (2018), *The pains of indeterminate imprisonment for family members: findings and recommendations: extended report*, University of Southampton.
- Armbrust, S. (2004), 'When Money Isn't Enough: The Case for Holistic Compensation of the Wrongfully Convicted', *American Criminal Law Review*, 41(1): 157–82.
- Armour, S. (2004), 'Wrongly convicted walk away with scars', *USA Today*, 13 October, available at: <http://www.truthinjustice.org/scars.htm>
- Atkinson, P. (1997), 'Narrative turn or blind alley?', *Qualitative Health Research*, 7(3): 325–44.
- Atkinson, P. and Silverman, D. (1997), 'Kundera's Immortality: The interview society and the invention of the self', *Qualitative Inquiry*, 3(3): 304–25.
- Attrill, G. and Liell, G. (2007), 'Offenders' Views on Risk Assessment', in N. Padfield (ed.), *Who to Release? Parole, Fairness and Criminal Justice*, Willan Publishing: 191–201.

- Bachman, R. and Schutt, R. (2011), *The Practice of Research in Criminology and Criminal Justice*, 4th edn, London: Sage Publications.
- Bagaric, M. and Amarasekara, K. (2001), 'Feeling Sorry? – Tell Someone Who Cares: The Irrelevance of Remorse in Sentencing', *The Howard Journal*, 40(4): 364–76.
- Batt, J. (2004), *Stolen Innocence: The Authorised Story of Sally Clark*, Ebury Press.
- Beard, J. (2017), *Sentences of Imprisonment for Public Protection*, Briefing Paper No. 06086, 25 October 2017.
- Beck, U. (1992), *Risk Society: Towards a New Modernity*, Sage.
- Beetham, D. (1991), *The Legitimation of Power*, Palgrave Macmillan.
- Beetham, D. (2013), 'Revisiting Legitimacy, Twenty Years On', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 19–36.
- Berger, P.L. (1963), *Invitation to Sociology: A Humanistic Perspective*, New York: Doubleday Anchor Books.
- Berlin, S. (2018), *Analysis of CCRC referral rate*, Criminal Cases Review Commission, available at: https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-1jdn5d1f6iq1l/uploads/2018/06/CCRC_REFERRAL_RATE_-_ANALYSIS.pdf
- Blaauw, E. (2005), 'Bullying and suicides in prisons', in J. Ireland (ed.), *Bullying Among Prisoners. Innovations in theory and research*, Willan Publishing: 44–61.
- Bochner, A.P. (2001), 'Narrative's Virtues', *Qualitative Inquiry*, 7(2): 131–57.
- Bolton, G. (2003), 'Around the slices of herself', in K. Etherington (ed.), *Narrative Study of Trauma, the Body and Transformation*, Philadelphia: Jessica Kingsley: 121–37.
- Bolton, G. (2004), 'Introduction: Writing Cures', in G. Bolton, S. Howlett, C. Lago, and J.K. Wright (eds.), *Writing Cures: An Introductory Handbook of Writing in Counselling and Therapy*, Brunner-Routledge: 1–3.

- Bosworth, M. (1996), 'Resistance and Compliance in Women's Prisons: Towards a Critique of Legitimacy', *Critical Criminology*, 7(2): 5–19.
- Bosworth, M. (1999), *Engendering Resistance: Agency and Power in Women's Prisons*, Ashgate.
- Bosworth, M. (2006), 'Self-Harm in Women's Prisons', *Criminology and Public Policy*, 5(1): 157–9.
- Bosworth, M. and Carrabine, E. (2001), 'Reassessing Resistance: Race, Gender and Sexuality in Prison', *Punishment and Society*, 3(4): 501–15.
- Bosworth, M., Campbell, D., Demby, B., Ferranti, S.M., and Santos, M. (2005), 'Doing Prison Research: Views From Inside', *Qualitative Enquiry*, 11(2): 249–64.
- Bottoms, A. (1999), 'Interpersonal Violence and Social Order in Prisons', *Crime and Justice*, 26: 205–81.
- Bottoms, A. and Tankebe, J. (2012), 'Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice', *Journal of Criminal Law and Criminology*, 102(1): 119–70.
- Bottoms, A. and Tankebe, J. (2013), '"A Voice Within": Power-Holders' Perspectives on Authority and Legitimacy', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 60–82.
- Bourdieu, P. and Wacquant, L. (1992), *An Invitation to Reflexive Sociology*, Polity Press.
- Bradford, B. (2014), 'Policing and social identity: procedural justice, inclusion and cooperation between police and public', *Policing and Society*, 24(1): 22–43.
- Bradford, B., Jackson, J., and Hough, M. (2013), 'Police futures and legitimacy: Redefining 'good policing'', in J. Brown (ed.), *The Future of Policing*, Routledge: 79–99.

- Bradford, B., Jackson, J., and Hough, M. (2014a), 'Police legitimacy in action: Lessons for theory and practice', in M. Reisig and R. Kane (eds.), *The Oxford Handbook of Police and Policing*, Oxford: Oxford University Press: 551–70.
- Bradford, B., Murphy, K., and Jackson, J. (2014b), 'Officers as Mirrors: Policing, Procedural Justice and the (Re)production of Social Identity', *British Journal of Criminology*, 54(4): 527–50.
- Braggins, J. and Talbot, J. (2003), *Time to Learn: Prisoners' Views on Prison Education*, Prison Reform Trust.
- Brison, S. (2001), *Aftermath: Violence and the Remaking of a Self*, Princeton: Princeton University Press.
- Bunting, M. (2008), *A Fair Cop*, The Friday Project.
- Butler, M. and Drake, D. (2007), 'Reconsidering Respect: Its Role in Her Majesty's Prison Service', *Howard Journal of Criminal Justice*, 46(2): 115–27.
- Campbell, K. and Denov, M. (2004), 'The Burden of Innocence: Coping with a Wrongful Imprisonment', *Canadian Journal of Criminology and Criminal Justice*, 46(2): 139–63.
- Carlen, P. (1983), *Women's Imprisonment: A Study in Social Control*, Routledge.
- Carlen, P. and Worrall, A. (2004), *Analysing Women's Imprisonment*, Willan Publishing.
- Carrabine, E. (2004), *Power, Discourse and Resistance. A Genealogy of the Strangeways Prison Riot*, Ashgate Publishing.
- Carrabine, E. (2005), 'Prison Riots, Social Order and the Problem of Legitimacy', *British Journal of Criminology*, 45(6): 896–913.
- Cheliotis, L. and Liebling, A. (2006), 'Race Matters in Prison: Towards a Research Agenda', *British Journal of Criminology*, 46(2): 286–317.

- Christian, J. (2005), 'Riding the Bus: Barriers to Prison Visitation and Family Management Strategies', *Journal of Contemporary Criminal Justice*, 21(1): 31–48.
- Christians, C.G. (2005), 'Ethics and Politics in Qualitative Research', in N. Denzin and Y. Lincoln (eds.), *The Sage Handbook of Qualitative Research*, 3rd edn, London: Sage Publications: 139–64.
- Clear, T. and Sumter, M. (2002), 'Prisoners, Prison and Religion', *Journal of Offender Rehabilitation*, 35(3–4): 125–56.
- Clear, T., Stout, B., Dammer, H., Kelly, L., Hardyman, P., and Shapiro, C. (1992), 'Does Involvement in Religion Help Prisoners Adjust to Prison?', *National Council on Crime and Delinquency Focus*, November: 1–7.
- Clemmer, D. (1940), *The Prison Community*, Holt, Rinehart and Winston.
- Clemmer, D. (1958), *The Prison Community*, Holt, Rinehart and Winston.
- Clone, S. and DeHart, D. (2014), 'Social Support Networks of Incarcerated Women: Types of Support, Sources of Support, and Implications for Reentry', *Journal of Offender Rehabilitation*, 53(7): 503–21.
- Cochran, J. and Mears, D. (2013), 'Social isolation and inmate behavior: A conceptual framework for theorizing prison visitation and guiding and assessing research', *Journal of Criminal Justice*, 41(4): 252–61.
- Cohen, S. and Taylor, L. (1972), *Psychological Survival: The Experience of Long-Term Imprisonment*, Penguin Books.
- Coicaud, J. (2002), *Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility*, Cambridge: Cambridge University Press.
- Coicaud, J. (2013), 'Crime, Justice, and Legitimacy: A Brief Theoretical Inquiry', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 37–59.

- Comfort, M. (2007), 'Punishment beyond the legal offender', *Annual Review of Law and Social Science*, 3(1): 271–96.
- Comfort, M., Grinstead, O., McCartney, K., Bourgois, P., and Knight, K. (2005), "'You Can't Do Nothing in This Damn Place": Sex and Intimacy Among Couples with an Incarcerated Male Partner', *The Journal of Sex Research*, 42(1): 3–12.
- Condry, R. (2003), *After the Offence: The Construction of Crime and its Consequences by Families of Serious Offenders*, PhD Thesis, University of London, London School of Economics and Political Science, available at: <https://core.ac.uk/download/pdf/46518498.pdf>
- Condry, R. (2007), *Families Shamed: The Consequences of Crime for Relatives of Serious Offenders*, Cullompton: Willan.
- Condry, R. (2011), 'Prisoners and their Families', in B. Crewe and J. Bennett (eds.), *The Prisoner*, London: Routledge.
- Condry, R., Kotova, A., and Minson, S. (2016), 'Social Injustice and Collateral Damage: The Families and Children of Prisoners', in Y. Jewkes, J. Bennett, and B. Crewe (eds.), *The Handbook on Prisons*, 2nd edn, London: Routledge.
- Conlon, G. (1990), *Proved Innocent. The Story of Gerry Conlon of the Guildford Four*, Hamish Hamilton.
- Connelly, F.M. and Clandinin, D.J. (1990), 'Stories of Experience and Narrative Inquiry', *Educational Researcher*, 19(5): 2–14.
- Connery, D.S. (1996), *Convicting the Innocent: The Story of a Murder, A False Confession, and the Struggle to Free a Wrong Man*, Brookline Books.
- Connolly Baker, K. and Mazza, N. (2004), 'The healing power of writing: Applying the expressive/creative component of poetry therapy', *Journal of Poetry Therapy*, 17(3): 141–54.

- Couser, G.T. (1997), *Recovering Bodies. Illness, Disability, and Life Writing*, The University of Wisconsin Press.
- Crawley, E. (2004), 'Emotion and performance: Prison officers and the presentation of self in prisons', *Punishment and Society*, 6(4): 411–27.
- Crawley, E. (2005), 'Institutional thoughtlessness in prisons and its impacts on the day-to-day prison lives of elderly men', *Journal of Contemporary Criminal Justice*, 21(4): 350–63.
- Crawley, E. (2007), 'Imprisonment in Old Age', in Y. Jewkes (ed.), *Handbook on Prisons*, Willan Publishing: 224–44.
- Crawley, E. and Sparks, R. (2005), 'Older Men in Prison: Survival, Coping and Identity', in A. Liebling and S. Maruna (eds.), *The Effects of Imprisonment*, Willan Publishing: 242–365.
- Crewe, B. (2005), 'Codes and Conventions: The Terms and Conditions of Contemporary Inmate Values', in A. Liebling and S. Maruna (eds.), *The Effects of Imprisonment*, Willan Publishing: 177–208.
- Crewe, B. (2006a), 'Male prisoners' orientations towards female officers in an English prison', *Punishment and Society*, 8(4): 395–421.
- Crewe, B. (2006b), 'Prison Drug Dealing and the Ethnographic Lens', *The Howard Journal of Criminal Justice*, 45(4): 347–68.
- Crewe, B. (2006c), 'The Drugs Economy and the Prisoner Society', in Y. Jewkes and H. Johnston (eds.), *Prison Readings. A Critical Introduction to Prisons and Imprisonment*, Willan Publishing.
- Crewe, B. (2007a), 'Power, Adaptation and Resistance in a Late-Modern Men's Prison', *British Journal of Criminology*, 47: 256–75.

- Crewe, B. (2007b), 'Prisoner society in the era of hard drugs', *Punishment and Society*, 7(4): 457–81.
- Crewe, B. (2007c), 'The Sociology of Imprisonment', in Y. Jewkes (ed.), *Handbook on Prisons*, Willan Publishing: 123–51.
- Crewe, B. (2009), *The Prisoner Society: Power, Adaptation and Social life in an English Prison*, Oxford: Oxford University Press.
- Crewe, B. (2011a), 'Depth, weight, tightness: Revisiting the pains of imprisonment', *Punishment and Society*, 13(5): 509–29.
- Crewe, B. (2011b), 'Soft power in prison: Implications for staff-prisoner relationships, liberty and legitimacy', *European Journal of Criminology*, 8(6): 455–68.
- Crewe, B. (2014), 'Not Looking Hard Enough: Masculinity, Emotion, and Prison Research', *Qualitative Inquiry*, 20(4): 392–403.
- Crewe, B., Bennett, P., Smith, A., and Warr, J. (2014), 'The emotional geography of prison life', *Theoretical Criminology*, 18(1): 56–74.
- Crewe, B., Liebling, A., and Hulley, S. (2011), 'Staff culture, use of authority and prisoner quality of life in public and private sector prisons', *Australian and New Zealand Journal of Criminology*, 44(1): 94–115.
- Crewe, B., Liebling, A., and Hulley, S. (2015), 'Staff-Prisoner Relationships, Staff Professionalism, and the Use of Authority in Public- and Private-Sector Prisons', *Law and Social Inquiry*, 40(2): 309–44.
- Crighton, D. (2002a), 'Intentional Self-Injury', in G. Towl, L. Snow, and M. McHugh (eds.), *Suicide in Prisons*, Blackwell Publishers: 48–65.
- Crighton, D. (2002b), 'Suicide in Prison: A Critique of UK Research', in G. Towl, L. Snow, and M. McHugh (eds.), *Suicide in Prisons*, Blackwell Publishers: 26–47.
- Crighton, D. and Towl, G. (2008), *Psychology in Prisons*, 2nd edn, Blackwell Publishers.

Criminal Cases Review Commission (2011), *Annual Report and Accounts 2010/11*,
London: The Stationery Office, available at: [https://s3-eu-west-2.amazonaws.com/
ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/01/CCRC_ANNUAL_REPORT_
AND_ACCOUNTS_2010_11_Web-1.pdf](https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/01/CCRC_ANNUAL_REPORT_AND_ACCOUNTS_2010_11_Web-1.pdf)

Criminal Cases Review Commission (2012), *Annual Report and Accounts 2011/12*,
London: The Stationery Office, available at: [https://s3-eu-west-2.amazonaws.com/
ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/01/CCRC_ANNUAL_REPORT_
AND_ACCOUNTS_2011_12_-_WEB_VERSION_.pdf](https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/01/CCRC_ANNUAL_REPORT_AND_ACCOUNTS_2011_12_-_WEB_VERSION_.pdf)

Criminal Cases Review Commission (2013), *Annual Report and Accounts 2012/13*,
London: The Stationery Office, available at: [https://s3-eu-west-2.amazonaws.com/
ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/03/ccrc-annual-report-2012-13.pdf](https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/03/ccrc-annual-report-2012-13.pdf)

Criminal Cases Review Commission (2014), *Annual Report and Accounts 2013/14*,
London: The Stationery Office, available at: [https://s3-eu-west-2.amazonaws.com/
ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/01/CCRC_Annual_Report_2013_14_
Web.pdf](https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/01/CCRC_Annual_Report_2013_14_Web.pdf)

Criminal Cases Review Commission (2015), *Annual Report and Accounts 2014/15*,
London: The Stationery Office, available at: [https://s3-eu-west-2.amazonaws.com/
ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/07/CCRC-Annual-Report-and-
Accounts-2014-15.pdf](https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2015/07/CCRC-Annual-Report-and-Accounts-2014-15.pdf)

Criminal Cases Review Commission (2016), *Annual Report and Accounts 2015/16*,
London: The Stationery Office, available at: [https://s3-eu-west-2.amazonaws.com/
ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2017/01/CCRC-Annual-Report-and-
Accounts-2015-16-HC244-Web-Accessible-v0.2-2.pdf](https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-ljdn5d1f6iq1l/uploads/2017/01/CCRC-Annual-Report-and-Accounts-2015-16-HC244-Web-Accessible-v0.2-2.pdf)

- Criminal Cases Review Commission (2017), *Annual Report and Accounts 2016/17*, London: The Stationery Office, available at: https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-1jdn5d1f6iq11/uploads/2015/01/1096_WLT_Criminal-Cases-Review-AR_WebAccessibleM-1.pdf
- Criminal Cases Review Commission (2017), *Guide to information about the CCRC*, available at: <https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-1jdn5d1f6iq11/uploads/2017/12/A-Guide-to-Information-about-the-CCRC-3.11.17-1.docx>
- Criminal Cases Review Commission (2018), *Annual Report and Accounts 2017/18*, London: The Stationery Office, available at: https://s3-eu-west-2.amazonaws.com/ccrc-prod-storage-1jdn5d1f6iq11/uploads/2018/07/CCRC-Annual-Report-2017-18_Web-Accessible.pdf
- Criminal Cases Review Commission (n.d), *About us*, available at: <https://ccrc.gov.uk/about-us/>
- Davies, E. (2015), 'Categorisation – as easy as A B C...D?', *Inside Time*, 1 May, available at: <https://insidetime.org/categorisation-as-easy-as-a-b-c-d/>
- De Viggiani, N. (2012), 'Trying to be Something You Are Not: Masculine Performances within a Prison Setting', *Men and Masculinities*, 15(3): 271–91.
- Dean, J. and Whyte, W. (1958), 'How Do You Know If the Informant is Telling the Truth?', *Human Organization*, 17(2): 34–38.
- Denov, M. and Campbell, K. (2004), 'Introduction', *Canadian Journal of Criminology and Criminal Justice*, 46(2): 101–06.
- Dexter, L.A. (2006), *Elite and Specialized Interviewing*, ECPR Press.
- Digard, L. (2010), 'When legitimacy is denied: Offender perceptions of the prison recall system', *Probation Journal*, 57(1): 43–61.

- Dirkzwager, A.J. and Kruttschnitt, C. (2012), 'Prisoners' perceptions of correctional officers' behavior in English and Dutch prisons', *Journal of Criminal Justice*, 40 (5): 404–12.
- Duarte Esgalhado, B.M. (2001), 'For Then and Now: Memory and Writing', *Narrative Enquiry*, 11(2): 235–56.
- Duff, R.A. (1986), *Trials and Punishments*, Cambridge: Cambridge University Press.
- Duff, R.A. (1996), 'Punishment, Citizenship and Responsibility', in H. Tam (ed.), *Punishment, Excuses and Moral Development*, Avebury: 17–34.
- Dunn, J. (2013), 'Legitimacy and Democracy in the World Today', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 7–18.
- Edgar, K. (2007), 'Black and Minority Ethnic Prisoners', in Y. Jewkes (ed.), *Handbook on Prisons*, Willan Publishing: 268–92.
- Eisner, E.W. (1997a), 'The New Frontier in Qualitative Research Methodology', *Qualitative Inquiry*, 3(3): 259–73.
- Eisner, E.W. (1997b), 'The Promise and Perils of Alternative Forms of Data Representation', *Educational Researcher*, 26(6): 4–10.
- Elizabeth, V. (2008), 'Another String to Our Bow: Participant Writing as Research Method', *Qualitative Social Research*, 9(1): Art. 31.
- Ellis, C. and Bochner, A.P. (2000), 'Autoethnography, Personal Narrative, Reflexivity: Researcher as Subject', in N. Denzin and Y. Lincoln (eds.), *The Sage Handbook of Qualitative Research*, 2nd edn, London: Sage Publications: 733–68.
- Ericson, R., Baranek, P., and Chan, J (1991), *Representing Order: Crime, Law and Justice in the News Media*, Milton Keynes: Open University Press.
- Esterberg, K. (2002), *Qualitative Methods in Social Research*, McGraw Hill.

- Etherington, K. (2005), 'Researching trauma, the body and transformation: A situated account of creating safety in unsafe places', *British Journal of Guidance and Counselling*, 33(3): 299–313.
- Etter, B. (2013), 'The contribution of forensic science to miscarriage of justice cases', *Australian Journal of Forensic Sciences*, 45(4): 368–80.
- Fagan, J. (2008), 'Legitimacy and Criminal Justice', *Ohio State Journal of Criminal Law*, 6: 123–40.
- Ferszt, G., Salgado, D., Defedele, S., and Leveillee, M. (2009), 'Houses of Healing: A Group Intervention for Grieving Women in Prison', *The Prison Journal*, 89(1): 46–64.
- Festinger, L. (1954), 'A Theory of Social Comparison Processes', *Human Relations*, 7(2): 117–40.
- Finer, J.J. (1973), 'Ineffective Assistance of Counsel', *Cornell Law Review*, 58(6): 1077–120.
- Fishman, L.T. (1990), *Women at the Wall: A study of prisoners' wives doing time on the outside*, State University of New York Press.
- Fontana, A. and Frey, J.H. (2005), 'The Interview: From Neutral Stance to Political Involvement', in N. Denzin and Y. Lincoln (eds.), *The Sage Handbook of Qualitative Research*, 3rd edn, London: Sage Publications: 695–727.
- Franke, D., Bierie, D., and MacKenzie, D.L. (2010), 'Legitimacy in corrections. A randomized experiment comparing a boot camp with a prison', *Criminology and Public Policy*, 9(1): 89–117.
- Garrett, B.L. (2008), 'Judging Innocence', *Columbia Law Review*, 108(1): 55–142.
- Garrett, B.L. (2011), *Convicting the Innocent. Where Criminal Prosecutions Go Wrong*, Harvard University Press.

- Garrett, B.L. and Neufeld, P.J. (2009), 'Invalid Forensic Science Testimony and Wrongful Convictions', *Virginia Law Review*, 95(1): 1–98.
- Genders, E. (2002), 'Legitimacy, accountability and private prisons', *Punishment and Society*, 4(3): 285–303.
- Genders, E. and Player, E. (1990), 'Women Lifers: Assessing the Experience', *The Prison Journal*, 70(1): 46–57.
- Gershman, B. (1999), *Prosecutorial Misconduct*, West Group.
- Glaser, B. and Strauss, A. (1967), *The Discovery of Grounded Theory: Strategies for Qualitative Research*, Aldine Publishing Company.
- Goffman, E. (1959), *The Presentation of Self in Everyday Life*, Anchor Books.
- Goffman, E. (1961), *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*, Anchor Books.
- Goffman, E. (1963), *Stigma. Notes on the Management of Spoiled Identity*, London: Penguin.
- Goffman, E. (1968), *Stigma: Notes on the Management of Spoiled Identity*, London: Penguin.
- Gold, G.J. and Weiner, B. (2000), 'Remorse, Confession, Group Identity, and Expectancies About Repeating a Transgression', *Basic and Applied Social Psychology*, 22(4): 291–300.
- Gooch, K. (2018), 'Where have all the 'real men' gone?: Revisiting the rules, roles and relationships within the changing society of captives', *The Society of Captives Today: Celebrating the 60th Anniversary*, University of Leicester, 27–28 June.
- Greer, K. (2000), 'The changing nature of interpersonal relationships in a women's prison', *The Prison Journal*, 80(4), 442–68.

- Greer, S. (1994), 'Miscarriages of Criminal Justice Reconsidered', *The Modern Law Review*, 57(1): 58–74.
- Gross, S.R. (1998), 'Lost Lives: Miscarriages of Justice in Capital Cases', *Law and Contemporary Problems*, 61(4): 125–52.
- Gross, S.R. and O'Brien, B. (2008), 'Frequency and Predictors of False Conviction: Why We Know So Little, and New Data on Capital Cases', *Journal of Empirical Legal Studies*, 5(4): 927–62.
- Gross, S.R., Jacoby, K., Matheson, D.J., Montgomery, N., and Patil, S. (2005), 'Exonerations in the United States 1989 through 2003', *The Journal of Criminal Law and Criminology*, 95(2): 523–53.
- Gross, S.R., O'Brien, B., Hu, C., and Kennedy, E.H. (2014), 'Rate of false conviction of criminal defendants who are sentenced to death', *Proceedings of the National Academy of Sciences of the United States of America*, 111(20): 7230–5.
- Grounds, A. (2004), 'Psychological Consequences of Wrongful Conviction and Imprisonment', *Canadian Journal of Criminology and Criminal Justice*, 46(2): 165–82.
- Grounds, A. (2005), 'Understanding the Effects of Wrongful Imprisonment', in M. Tonry (ed.), *Crime and Justice: An Annual Review of Research*, 32, Chicago University Press: 1–58.
- Grounds, A. and Jamieson, R. (2003), 'No Sense of an Ending: Researching the Experience of Imprisonment and Release upon Republican Ex-Prisoners', *Theoretical Criminology*, 7(3): 347–62.
- Hammersley, M. (1992), *What's Wrong with Ethnography? Methodological explorations*, London: Routledge.

- Haney, C. (2006), *Reforming Punishment: Psychological Limits to the Pains of Imprisonment*, American Psychological Association.
- Hannah-Moffat, K. (2001), *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*, University of Toronto Press.
- Hannah-Moffat, K. (2005), ‘Criminality, need and the transformative risk subject: Hybridizations of risk / need in penality’, *Punishment and Society*, 7(1): 29–51.
- Harrel, W.A. (1981), ‘The Effects of Alcohol Use and Offender Remorsefulness on Sentencing Decisions’, *Journal of Applied Social Psychology*, 11(1): 83–91.
- Hickman, A. (2004), ‘Wrongful Convictions and Commissions of Inquiry: A Commentary’, *Canadian Journal of Criminology and Criminal Justice*, 46(2): 183–7.
- Hill, P. with Bennett, R. (1990), *Stolen Years: Before and After Guildford*, Doubleday.
- Hill, P. with Hunt, G. (1995), *Forever Lost, Forever Gone*, Bloomsbury Publishing.
- HM Prison Service (2005), ‘Offender Assessment and Sentence Management – OASys’, PSO 2205, available at: https://www.justice.gov.uk/downloads/offenders/psipso/psos/PSO_2205_offender_assessment_and_sentence_management.doc
- HM Prison Service (2009), ‘Indeterminate Sentence Manual’, PSO 4700, available at: <https://www.justice.gov.uk/offenders/psos/pso-4700-indeterminate-sentence-manual>
- HMP Frankland (2016a), *A Prisoners Guide to Aid Your Sentence Plan*.
- HMP Frankland (2016b), *Prisoners Induction Guide 2016*.
- HMP Winchester (2016), *Security Category Review Decision*, HM Prison Service.
- Hochschild, A. (1979), ‘Emotion work, feeling rules, and social structure’, *American Journal of Sociology*, 85(3): 551–75.
- Hochstetler, A., Delisi, M., and Pratt, T. (2010), ‘Social Support and Feelings of Hostility among Released Inmates’, *Crime and Delinquency*, 56(4): 588–607.

- Hogue, T.E. and Peebles, J. (1997), 'The influence of remorse, intent and attitudes toward sex offenders on judgments of a rapist', *Psychology, Crime and Law*, 3(4): 249–59.
- Hostetter, E. and Jinnah, D. (1993), *Families of adult prisoners*, Prison Fellowship Ministries.
- Hough, M. (2007), 'Policing, New Public Management and Legitimacy', in T. Tyler (ed.), *Legitimacy and Criminal Justice: International Perspectives*, Russell Sage Foundation: 63–83.
- Hough, M., Jackson, J., and Bradford, B. (2013), 'Legitimacy, Trust, and Compliance: An Empirical Test of Procedural Justice Theory Using the European Social Survey', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 326–52.
- Hoyle, C. and Sato, M. (2019), *Reasons to Doubt: Wrongful Convictions and the Criminal Cases Review Commission*, Oxford: Oxford University Press.
- Huff, C. (2002), 'Wrongful Conviction and Public Policy: The American Society of Criminology 2001 Presidential Address', *Criminology*, 40(1): 1–18.
- Huff, C. (2004), 'Wrongful Convictions: The American Experience', *Canadian Journal of Criminology and Criminal Justice*, 46(2): 107–20.
- Huff, C., Rattner, A., and Sagarin, E. (1986), 'Guilty Until Proved Innocent: Wrongful Conviction and Public Policy', *Crime and Delinquency*, 32(4): 518–44.
- Huff, C., Rattner, A., and Sagarin, E. (1996), *Convicted but Innocent: Wrongful Conviction and Public Policy*, Sage Publications.
- Hulley, S., Liebling, A., and Crewe, B. (2012), 'Respect in prisons: Prisoners' experiences of respect in public and private sector prisons', *Criminology and Criminal Justice*, 12(1): 3–23.

- Innocence Network UK. (n.d), *Dossier of Cases*, available at:
<http://www.innocencenetwork.org.uk/wp-content/uploads/2012/05/INUK-Dossier-of-Cases.pdf>
- Ireland, C. and Ireland, J. (2000), 'Descriptive analysis of the nature and extent of bullying behaviour in a maximum-security prison', *Aggressive Behavior*, 26(3): 213–23.
- Ireland, J. (1999), 'Provictim attitudes and empathy in relation to bullying behaviour among prisoners', *Legal and Criminological Psychology*, 4(1): 51–66.
- Ireland, J. (2000), "'Bullying" among prisoners: A review of the research', *Aggression and Violent Behavior*, 5(2): 201–15.
- Ireland, J. (2002), *Bullying Among Prisoners: Evidence, Research and Intervention Strategies*, Routledge.
- Ireland, J. and Archer, J. (1996), 'Descriptive Analysis of Bullying in Male and Female Adult Prisoners', *Journal of Community and Applied Social Psychology*, 6(1): 35–47.
- Ireland, J. and Power, C. (2004), 'Attachment, emotional loneliness, and bullying behaviour: A study of adult and young offenders', *Aggressive Behavior*, 30(4): 298–312.
- Ireland, J. and Qualter, P. (2008), 'Bullying and social and emotional loneliness in a sample of adult male prisoners', *International Journal of Law and Psychiatry*, 31(1): 19–29.
- Irwin, J. (1970), *The Felon*, Prentice Hall.
- Irwin, J. (1985), *The Jail*, University of California Press.
- Irwin, J. and Cressey, D. (1962), 'Thieves, Convicts and the Inmate Culture', *Social Problems*, 10(2): 142–55.
- Irwin, J. and Owen, B. (2005), 'Harm and the Contemporary Prison', in A. Liebling and S. Maruna (eds.), *The Effects of Imprisonment*, Willan Publishing: 94–117.

- Jackson, J. and Bradford, B. (2009), 'Crime, policing and social order: on the expressive nature of public confidence in policing', *British Journal of Sociology*, 60(3): 493–521.
- Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P., and Tyler, T. (2012), 'Why Do People Comply with the Law? Legitimacy and the Influence of Legal Institutions', *British Journal of Criminology*, 52: 1051–71.
- Jackson, J., Tyler, T., Bradford, B., Taylor, D., and Shiner, M. (2010), 'Legitimacy and Procedural Justice in Prisons', *Prison Service Journal*, 191: 4–10.
- Jacobs, J. (1977), *Stateville: The Penitentiary in Mass Society*, University of Chicago Press.
- Jamieson, R. and Grounds, A. (2005), 'Release and adjustment: perspectives from studies of wrongly convicted and politically motivated prisoners', in A. Liebling and S. Maruna (eds.), *The Effects of Imprisonment*, Willan Publishing: 33–65.
- Jardine, C. (2017), 'Constructing and maintaining family in the context of imprisonment', *British Journal of Criminology*, 58(1): 114–31.
- Järvinen, M. (2000), 'The Biographical Illusion: Constructing Meaning in Qualitative Interviews', *Qualitative Inquiry*, 6(3): 370–91.
- Jenkins, S. and Woffinden, B. (2009), *The Murder of Billie-Jo*, Metro Publishing.
- Jewkes, Y. (2002), *Captive Audience: Media, Masculinity and Power in Prisons*, Cullompton: Willan.
- Jewkes, Y. (2005), 'Loss, Liminality and the Life Sentence: Managing Identity Through a Disrupted Lifecourse', in A. Liebling and S. Maruna (eds.), *The Effects of Imprisonment*, Willan Publishing: 366–88.
- Jiang, S. and Winfree, L. (2006), 'Social Support, Gender, and Inmate Adjustment to Prison Life: Insights From a National Sample', *The Prison Journal*, 86(1): 32–55.

- Johnson, R. (1987), *Hard Time: Understanding and Reforming the Prison*, Brooks Cole Publishing.
- Jones, R. and Schmid, T. (2000), *Doing Time, Prison Experience and Identity Among First-Time Inmates*, JAI Press.
- Kassin, S.M. (1997), 'The Psychology of Confession Evidence', *American Psychologist*, 52(3): 221–33.
- Kassin, S.M. (2012), 'Why Confessions Trump Innocence', *American Psychologist*, 67(6): 431–45.
- Kee, R. (1989), *Trial and Error*, Penguin Books.
- Kehily, M.J. (1995), 'Self-narration, Autobiography and Identity', *Construction, Gender and Education*, 7(1): 23–32.
- Kennedy, J. (2004), 'Writing the Wrongs: The Role of Defence Counsel in Wrongful Convictions – A Commentary', *Canadian Journal of Criminology and Criminal Justice*, 46(2): 197–208.
- Kerley, K. and Copes, H. (2009), "'Keepin' My Mind Right" Identity Maintenance and Religious Social Support in the Prison Context', *International Journal of Offender Therapy and Comparative Criminology*, 53(2): 228–44.
- Kerley, K., Allison, M., and Graham, R. (2006), 'Investigating the impact of religiosity on emotional and behavioral coping in prison', *Journal of Crime and Justice*, 29(2): 69–93.
- Kiesinger, C.E. (2002), 'My Father's Shoes: The Therapeutic Value of Narrative Reframing', in A.P. Bochner and C. Ellis (eds.), *Ethnographically Speaking: Autoethnography, Literature and Aesthetics*, Walnut Creek: Altamira: 95–114.

- Kilty, J. (2010), 'Gendering violence, remorse, and the role of restorative justice: deconstructing public perceptions of Kelly Ellard and Warren Glowatski', *Contemporary Justice Review: Issues in Criminal, Social and Restorative Justice*, 13(2): 155–72.
- King, R. and McDermott, K. (1990), "'My geranium is subversive": Some notes on the management of trouble in prisons', *British Journal of Sociology*, 41(4): 445–71.
- Kirby, M. (2010), 'Forensic Evidence: Instrument of Truth or Potential for Miscarriage?', *Journal of Law, Information and Science*, 20(1): 1–20.
- Kotova, A. (2018), "'Time...lost time': Exploring how partners of long-term prisoners experience the temporal pains of imprisonment", *Time and Society*, doi: 10.1177/0961463X18763688.
- Kruttschnitt, C. (2005), 'The Politics of Confinement: Women's Imprisonment in California and the UK', in A. Liebling and S. Maruna (eds.), *The Effects of Imprisonment*, Willan Publishing: 146–73.
- Kruttschnitt, C. and Gartner, R. (2003), 'Women's Imprisonment', in M. Tonry (ed.), *Crime and Justice: An Annual Review of Research*, 30, Chicago University Press: 1–81.
- Kruttschnitt, C., Gartner, R., and Miller, A. (2000), 'Doing Her Own Time? Women's Responses to Prison in the Context of the Old and New Penology', *Criminology*, 38(3): 681–718.
- LaFree, G. (1998), 'Social Institutions and the Crime "Bust" of the 1990s', *Journal of Criminal Law and Criminology*, 88(4): 1325–68.
- Leo, R. (2005), 'Rethinking the Study of Miscarriages of Justice: Developing a Criminology of Wrongful Conviction', *Journal of Contemporary Criminal Justice*, 21(3): 201–23.

- Leo, R. (2014), 'The Justice Gap and the Promise of Criminological Research', *Criminology, Criminal Justice, Law and Society*, 15(3): 1–37.
- Lerman, A. and Page, J. (2012), 'The state of the job: An embedded work role perspective on prison officer attitudes', *Punishment and Society*, 14(5): 503–29.
- Liebling, A. (1992), *Suicides in Prison*, London: Routledge.
- Liebling, A. (1994), 'Suicide Amongst Women Prisoners', *The Howard Journal of Criminal Justice*, 33(3): 1–9.
- Liebling, A. (1999), 'Prison Suicide and Prisoner Coping', *Crime and Justice*, 26: 283–359.
- Liebling, A. (2000), 'Prison Officers, Policing and the Use of Discretion', *Theoretical Criminology*, 4(3): 333–57.
- Liebling, A. (2004), 'The Late Modern Prison and the Question of Values', *Current Issues in Criminal Justice*, 16(2): 202–19.
- Liebling, A. (2007), 'Prison Suicide and its Prevention', in Y. Jewkes (ed.), *Handbook on Prisons*, Willan Publishing: 423–46.
- Liebling, A. (2011a), 'Distinctions and distinctiveness in the work of prison officers: Legitimacy and authority revisited', *European Journal of Criminology*, 8(6): 484–99.
- Liebling, A. (2011b), 'Moral Performance, Inhuman and Degrading Treatment', *Punishment and Society*, 13(5): 530–50.
- Liebling, A. (2013), '“Legitimacy Under Pressure” in High Security Prisons', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 206–26.
- Liebling, A. and Arnold, H. (2012), 'Social relationships between prisoners in a maximum security prison: Violence, faith, and the declining nature of trust', *Journal of Criminal Justice*, 40: 413–24.

- Liebling, A. and Ludlow, A. (2016), 'Suicide, Distress and the Quality of Prison Life', in Y. Jewkes, B. Crewe, and J. Bennett (eds.), *Handbook on Prisons*, 2nd edn, London: Routledge: 224–45.
- Liebling, A. and Maruna, S. (2005), 'Introduction: the effects of imprisonment revisited', in A. Liebling and S. Maruna (eds.), *The Effects of Imprisonment*, Willan Publishing: 1–29.
- Liebling, A. and Price, D. (2001), *The Prison Officer*, Waterside Press.
- Liebling, A. assisted by Arnold, H. (2004), *Prisons and Their Moral Performance. A Study of Values, Quality, and Prison Life*, Oxford: Oxford University Press.
- Liebling, A., Durie, L., Stiles, A., and Tait, S. (2005), 'Revisiting Prison Suicide: The Role of Fairness and Distress', in A. Liebling and S. Maruna (eds.), *The Effects of Imprisonment*, Willan Publishing: 209–31.
- Liebman, J.S., Fagan, J., and West, V. (2000), 'A Broken System: Error Rates in Capital Cases, 1973–1995', *Columbia Law School, Public Law Research Paper No. 15*, available at: <https://ssrn.com/abstract=232712>
- Liptak, A. (2002), 'The Nation; Not at All Remorseful, But Not Guilty Either', *The New York Times*, 3 November, available at: <http://www.nytimes.com/2002/11/03/weekinreview/the-nation-not-at-all-remorseful-but-not-guilty-either.html>
- Loader, I. and Sparks, R. (2013), 'Unfinished Business: Legitimacy, Crime Control, And Democratic Politics', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 105–26.
- Lomax, S.C. (2007), *Justice for Jill. How the Wrong Man was Jailed for the Murder of Jill Dando*, John Blake Publishing.
- Lomax, S.C. (2008), *Jeremy Bamber. Evil, Almost Beyond Belief?*, The History Press.

- Lowman, J. and Palys, T. (1999), 'Going the Distance. Lessons for Researchers from Jurisprudence on Privilege', *A Third Submission to the SFU Research Ethics Policy Revision Task Force*, available at: <https://www.sfu.ca/~palys/Distance.pdf>
- MacFarlane, B.A. (2006), 'Wrongful Convictions: The Effect of Tunnel Vision and Predisposing Circumstances in the Criminal Justice System', *Goudge Inquiry Research Paper*, Government of Ontario, available at: http://www.attorneygeneral.jus.gov.on.ca/inquiries/goudge/policy_research/pdf/Macfarlane_Wrongful-Convictions.pdf
- Maguire, A. with Gallagher, J. (1994), *Why Me? One Woman's Fight for Justice and Dignity*, Harper Collins.
- Mansfield, M. (1994), *Presumed Guilty: The British Legal System Exposed*, Mandarin.
- Maruna, S. (2001), *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*, American Psychological Association.
- Mathiesen, T. (1965), *The Defences of the Weak*, London: Tavistock.
- Matthews, R. (2005), 'The Myth of Punitiveness', *Theoretical Criminology*, 9(2): 175–201.
- Matthews, R. (2009), *Doing Time: An Introduction to the Sociology of Imprisonment*, 2nd edn, Basingstoke: Palgrave Macmillan.
- Mbuba, J. (2012), "'Lethal Rejection" Recounting Offenders' Experience in Prison and Societal Reaction Post Release', *The Prison Journal*, 92(2): 231–52.
- McCorkle, R. (1992), 'Personal Precautions to Violence in Prison', *Criminal Justice and Behavior*, 19(2): 160–73.
- McDermott, K. and King, R. (1988), 'Mind Games: Where the Action is in Prisons', *British Journal of Criminology*, 28(3): 357–77.

- McHugh, M., Heavens, J., and Baxter, K. (2008), 'Recruitment and assessment of prison staff', in J. Bennett, B. Crewe, and A. Wahidin (eds.), *Understanding Prison Staff*, Cullompton: Willan: 369–85.
- McKie, I. and Russell, M. (2007), *Shirley McKie: The Price of Innocence*, Birlinn Limited.
- McMahon, M. (1995), 'False confessions and police deception: The interrogation, incarceration, and release of an innocent veteran', *American Journal of Forensic Psychology*, 13(3): 5–43.
- Medlicott, D. (2001), *Surviving the Prison Place: Narratives of Suicidal Prisoners*, Ashgate.
- Medlicott, D. (2007), 'Women in Prison', in Y. Jewkes (ed.), *Handbook on Prisons*, Willan Publishing: 245–67.
- Merton, R. (1938), 'Social structure and anomie', *American Sociological Review*, 3(1): 672–82.
- Ministry of Justice. (2018), *Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to December 2017 Assaults and Self-harm to September 2017*, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/676144/safety-in-custody-q3-2017.pdf
- Minson, S. and Condry, R. (2015), 'The visibility of children whose mothers are being sentenced for criminal offences in the courts of England and Wales', *Law in Context*, 32: 28–45.
- Miscarriages of Justice Organisation (2012), *Annual Report 2011–2012*, available at: <http://www.miscarriagesofjustice.org/wpcontent/uploads/2013/04/2Miscarriages-of-Justice-Organisation-Annual-Report-2011-2012.pdf>
- Miscarriages of Justice UK. (n.d), *Miscarriages of Justice UK (MOJUK)*, available at: <http://www.mojuk.org.uk>

- Morris, P. and Morris, T. (1963), *Pentonville: A Sociological Study of an English Prison*, Routledge.
- Mullin, C. (1990), *Error of Judgment. The Truth About the Birmingham Bombings*, Poolbeg.
- Murphy, K. and Cherney, A. (2012), 'Understanding Cooperation with Police in a Diverse Society', *The British Journal of Criminology*, 52(1): 181–201.
- Murphy, K., Hinds, L., and Fleming, J. (2008), 'Encouraging public cooperation and support for police', *Policing and Society*, 18(2): 136–55.
- Nash, J. (2008), *I am Innocent! A Comprehensive Encyclopedic History of the World's Wrongly Convicted Persons*, Da Capo Press.
- National Offender Management Service (2011), 'Categorisation and Recategorisation of Adult Male Prisoners', *PSI 40/2011*, available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2011/psi-40-2011-categorisation-adult-males.doc>
- National Offender Management Service (2013), 'Incentives and Earned Privileges', *PSI 30/2013*, available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2013/PSI-30-2013-incentives-and-earned-privileges.doc>
- National Offender Management Service (2014), 'Sentence Planning', *PSI 19/2014*, available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2014/psi-19-2014-ai-14-2014-pi-13-2014-sentence-planning.pdf>
- National Offender Management Service (2015a), 'Generic Parole Process for Indeterminate and Determinate Sentenced Prisoners (GPP)', *PSI 22/2015*, available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2015/psi-22-2015-generic-parole-process-indeterminate-determinate-sentenced-prisoners.doc>

- National Offender Management Service (2015b), 'Prison Library Service', *PSI 02/2015*, available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2015/psi-02-2015-prison-library-service.pdf>
- National Offender Management Service (2016), *Service Specification for Residential Services*, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/530579/Residential_Services.pdf
- Naughton, M. (2007), *Rethinking Miscarriages of Justice. Beyond the Tip of the Iceberg*, Palgrave MacMillan.
- Naughton, M. (2009), 'Does the NOMS Risk Assessment Bubble Need to Burst for Prisoners Who May Be Innocent to Make Progress?', *The Howard Journal*, 48(4): 357–72.
- Naughton, M. (2012), 'The Criminal Cases Review Commission: Innocence Versus Safety and the Integrity of the Criminal Justice System', *Criminal Law Quarterly*, 58(2): 207–44.
- Naylor, L. (2004), *Judge for Yourself How Many Are Innocent*, Roots Books.
- Nedderman, A., Underwood, L., and Hardy, V. (2010), 'Spirituality Group with Female Prisoners: Impacting Hope', *Journal of Correctional Health Care*, 16(2): 117–32.
- Nelken, D. (2010), *Comparative Criminal Justice: Making Sense of Difference*, London: Sage Publications.
- Nelson, A., Woodhams, J., and Hatcher, R. (2010), 'Female prisoners' understanding of 'bullying' and their methods of coping: a multinational perspective', *Psychology, Crime and Law*, 16(8): 649–70.
- Nelson, E. (2013), 'Writing as method: Depth psychological research and archetypal voice', *International Journal of Multiple Research Approaches*, 7(3): 330–42.

- Neuman, W.L., Wiegand, B., and Winterdyk, J.A. (2004), *Criminal Justice Research Methods. Qualitative and Quantitative Approaches*, Toronto: Pearson.
- Newton, C. (1994), 'Gender theory and prison sociology: Using theories of masculinities to interpret the sociology of prisons for men', *The Howard Journal of Criminal Justice*, 33(3): 193–202.
- Noaks, L. and Wincup, E. (2004), *Criminological Research: Understanding Qualitative Methods*, London: Sage Publications.
- Nobles, R. and Schiff, D. (2000), *Understanding Miscarriages of Justice*, Oxford: Oxford University Press.
- O'Brien, M. (2012), *Prisons Exposed*, Y Lolfa.
- O'Brien, M. with Lewis, G. (2008), *The Death of Justice*, Y Lolfa.
- O'Donnell, I. (2014), *Prisoners, Solitude, and Time*, Oxford: Oxford University Press.
- O'Donnell, I. (2016), 'Prisoner Coping and Adaptation', in M. Bosworth, C. Hoyle, and L. Zedner (eds.) *Changing Contours of Criminal Justice*, Oxford: Oxford University Press: 169–81.
- O'Neill, E. (2011), 'Rebalancing the Scales? Handling Miscarriage of Justice Cases', *Political Insight*, 2(2): 26–8.
- Onyx, J. and Small, J. (2001), 'Memory-Work: The Method', *Qualitative Inquiry*, 7(6): 773–86.
- Penn, P. (2001), 'Chronic Illness: Trauma, Language and Writing: Breaking the Silence', *Family Process*, 40(1): 33–52.
- Pennebaker, J.W. (1993), 'Putting Stress into Words: Health, Linguistic and Therapeutic Implications', *Behavioral Research Therapy*, 31(6): 539–48.
- Pennebaker, J.W. and Seagal, J.D. (1999), 'Forming a story: the health benefits of narrative', *Journal of Clinical Psychology*, 55(10): 1243–54.

- Pettus-Davis, C., Howard, M., Roberts-Lewis, A., and Scheyett, A. (2011), 'Naturally Occurring Social Support in Interventions for Former Prisoners with Substance Use Disorders: Conceptual Framework and Program Model', *Journal of Criminal Justice*, 39(6): 479–88.
- Phillips, C. (2012), *The Multicultural Prison: Ethnicity, Masculinity, and Social Relations Among Prisoners*, Oxford: Oxford University Press.
- Pithouse-Morgan, K., Khau, M., Masinga, L., and van de Ruit, C. (2012), 'Letters to Those Who Dare Feel: Using Reflective Letter-Writing to Explore the Emotionality of Research', *International Journal of Qualitative Methods*, 11(1): 40–56.
- Plummer, G., Newman, K., and Winter, R. (1993), 'Exchanging Letters: a format for collaborative action research?', *Educational Action Research*, 1(2): 305–14.
- Portelli, A. (1981), 'The Peculiarities of Oral History', *History Workshop Journal*, 12(1): 96–107.
- Portelli, A. (1991), *The Death of Luigi Trastulli and Other Stories: Form and Meaning in Oral History*, State University of New York Press.
- Portelli, A. (2005), 'A Dialogical Relationship: An Approach to Oral History', *Expressions Annual*, available at: http://www.swaraj.org/shikshantar/expressions_portelli.pdf
- Powell, C. (1994), *Murder at White House Farm. The Story of Jeremy Bamber*, Headline.
- Power, K., Dyson, G., and Wozniak, E. (1997), 'Bullying Among Scottish Young Offenders: Inmates' Self-Reported Attitudes and Behaviour', *Journal of Community and Applied Social Psychology*, 7(3): 209–18.
- Presser, L. (2003), 'Remorse and Neutralization among Violent Male Offenders', *Justice Quarterly*, 20(4): 801–25.

- Prison Reform Trust (n.d), *Information Sheet for People Maintaining Innocence*, available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Maintaining%20innocence%20information%20sheet.pdf>
- Prisoners' Advice Service (n.d), *Outreach*, available at: <http://www.prisonersadvice.org.uk/information/outreach/>
- Proeve, M. and Howells, K. (2006), 'Effects of remorse and shame and criminal justice experience on judgments about a sex offender', *Psychology, Crime and Law*, 12(2): 145–61.
- Proeve, M., Smith, D., and Mead Niblo, D. (1999), 'Mitigation Without Definition: Remorse in the Criminal Justice System', *Australian and New Zealand Journal of Criminology*, 32(1): 16–26.
- Quirk, H. (2007), 'Identifying Miscarriages of Justice: Why Innocence in the UK is Not the Answer', *The Modern Law Review*, 70(5): 759–77.
- Quirk, H. and Requa, M. (2012), 'The Supreme Court on Compensation for Miscarriages of Justice: Is it better that ten innocents are denied compensation than one guilty person receives it?', *The Modern Law Review*, 75(3): 387–400.
- Radelet, M.L. and Bedau, H.A. (1998), 'The Execution of the Innocent', *Law and Contemporary Problems*, 61(4): 105–24.
- Ramsey, R. and Frank, J. (2007), 'Wrongful Conviction: Perceptions of Criminal Justice Professionals Regarding the Frequency of Wrongful Conviction and the Extent of System Errors', *Crime and Delinquency*, 53(3): 436–70.
- Rattner, A. (1988), 'Convicted but Innocent: Wrongful Conviction and the Criminal Justice System', *Law and Human Behavior*, 12(3): 283–93.
- RCJ Advice (n.d), *Miscarriage of Justice*, available at: <http://www.rcjadvice.org.uk/miscarriages-of-justice/>

- Reisig, M. and Lloyd, C. (2009), 'Procedural Justice, Police Legitimacy, and Helping the Police Fight Crime: Results from a Survey of Jamaican Adolescents', *Police Quarterly*, 12(1): 42–62.
- Reisig, M. and Mesko, G. (2009), 'Procedural justice, legitimacy, and prisoner misconduct', *Psychology, Crime and Law*, 15(1): 41–59.
- Rhodes, L. (2004), *Total Confinement*, University of California Press.
- Ricciardelli, R. and Clow, K. (2012), 'The Impact of an Exonoree's Guest Lecture on Students' Attitudes Toward Wrongly Convicted Persons', *Journal of Criminal Justice Education*, 23(2): 127–47.
- Richardson, L. (2000), 'Writing as a method of inquiry', in N. Denzin and Y. Lincoln (eds.), *The Sage Handbook of Qualitative Research*, 2nd edn, London: Sage Publications: 923–48.
- Richardson, L. and Adams St. Pierre, E. (2005), 'Writing. A Method of Inquiry', in N. Denzin and Y. Lincoln (eds.), *The Sage Handbook of Qualitative Research*, 3rd edn, London: Sage Publications: 959–78.
- Rivlin, A., Hawton, K., Marzano, L., and Fazel, S. (2013), 'Psychosocial Characteristics and Social Networks of Suicidal Prisoners: Towards a Model of Suicidal Behaviour in Detention', *PLoS One*, 8(7): 1–11.
- Roberts, J. and Stanton, E. (2007), 'Free and Uneasy: A Long Road Back After Exoneration, and Justice is Slow to Make Amends', *The New York Times*, 25 November, available at: <http://www.nytimes.com/2007/11/25/us/25dna.html?ex=1353646800&en=4ce9ccb7633c3cc5&ei=5088>
- Roberts, S. (2003), '“Unsafe” Convictions: Defining and Compensating Miscarriages of Justice', *The Modern Law Review*, 66(3): 441–51.

- Rocque, M. (2011), 'Racial Disparities in the Criminal Justice System and Perceptions of Legitimacy: A Theoretical Linkage', *Race and Justice*, 1(3): 292–315.
- Rosanvallon, P. (2011), *Democratic Legitimacy: Impartiality, Reflexivity, Proximity*, Princeton University Press.
- Ross, R., McKay, H., Palmer, W., and Kenny, C. (1978), 'Self-Mutilation in Adolescent Female Offenders', *Canadian Journal of Criminology*, 20(4): 375–92.
- Rowe, A. (2011), 'Narratives of self and identity in women's prisons: Stigma and the struggle for self-definition in penal regimes', *Punishment and Society*, 13(5): 571–91.
- Rubin, A. (2015), 'Resistance or friction: Understanding the significance of prisoners' secondary adjustments', *Theoretical Criminology*, 19(1): 23–42.
- Rubin, H.J. and Rubin, I.S. (2012), *Qualitative Interviewing: The Art of Hearing Data*, 3rd edn, London: Sage Publications.
- Rumsey, M.G. (1976), 'Effects of Defendant Background and Remorse on Sentencing Judgments', *Journal of Applied Social Psychology*, 6(1): 64–8.
- Ryan, G. and Bernard, H.R. (2000), 'Data Management and Analysis Methods', in N. Denzin and Y. Lincoln (eds.), *The Sage Handbook of Qualitative Research*, 2nd edn, London: Sage Publications: 769–802.
- Sandberg, S. (2009), 'A Narrative Search for Respect', *Deviant Behavior*, 30(6): 487–510.
- Sandberg, S. (2010), 'What can "Lies" Tell Us about Life? Notes towards a Framework of Narrative Criminology', *Journal of Criminal Justice Education*, 21(4): 447–65.
- Sanders, A., Young, R., and Burton, M. (2010), *Criminal Justice*, 4th edn, Oxford: Oxford University Press.
- Scheck, B., Neufeld, P., and Dwyer, J. (2001), *Actual Innocence*, Penguin Books.
- Schmid, T.J. and Jones, R.S. (1991), 'Suspended Identity: Identity Transformation in a Maximum Security Prison', *Symbolic Interaction*, 14(4): 415–32.

- Schwartz, B. (1972), 'Deprivation of Privacy as a Functional Prerequisite: The Case of the Prison', *Journal of Criminal Law and Criminology*, 63(2): 229–39.
- Scott, D. (2009), *Ghosts Beyond Our Realm: A Neo-abolitionist Analysis of Prisoner Human Rights and Prison Officer Culture*, VDM Verlag.
- Scott, D. (2011), '“That’s not my name”: prisoner deference and disciplinarian prison officers', *Criminal Justice Matters*, 84(1): 8–9.
- Scullion, K. (2004), 'Wrongful Convictions and the Criminal Conviction Review Process Pursuant to Section 696.1 of the Criminal Code of Canada', *Canadian Journal of Criminology and Criminal Justice*, 46(2): 189–95.
- Secretary of State (2015), *Secretary of State’s Directions to the Parole Board*, available at: <https://www.gov.uk/government/publications/secretary-of-states-directions-to-the-parole-board-april-2015>
- Shalev, S. (2014), 'Solitary confinement as a prison health issue', in S. Enggist, L. Moller, G. Galea, and C. Udesen (eds.), *WHO Guide to Prisons and Health*, Copenhagen: World Health Organization: 27–35.
- Simon, R. (1993), 'The Psychological and Legal Aftermath of False Arrest and Imprisonment', *Bulletin of the American Academy of Psychiatry and the Law*, 21(4): 523–8.
- Singleton, N., Meltzer, H., and Gatward, R. (1998), *Psychiatric Morbidity Among Prisoners in England and Wales*, Office for National Statistics.
- Smith, D. (2007), 'The Foundations of Legitimacy', in T. Tyler (ed.), *Legitimacy and Criminal Justice. International Perspectives*, Russell Sage Foundation: 30–58.
- Smith, R., Grimshaw, R., Romeo, R., and Knapp, M. (2007), *Poverty and disadvantage among prisoners’ families*, Joseph Rowntree Foundation, available at: <https://www.jrf.org.uk/file/37391/download?token=EcytYCAu&filetype=full-report>

- Smyth, J.M. and Greenberg, M.A. (2000), 'Scriptotherapy: The effects of writing about traumatic events', in J. Masling and P. Duberstein (eds.), *Psychodynamic Perspectives on Sickness and Health*, Washington, DC: American Psychological Association: 121–64.
- Sparks, R. (1994), 'Can Prisons Be Legitimate? Penal Politics, Privatization, and the Timeliness of an Old Idea', *British Journal of Criminology*, 34: 14–28.
- Sparks, R. (2018), 'Time-lord or earthling?: Sykes, legitimacy and time-travel', *The Society of Captives Today: Celebrating the 60th Anniversary*, University of Leicester, 28 June.
- Sparks, R. and Bottoms, A. (1995), 'Legitimacy and Order in Prisons', *The British Journal of Sociology*, 46(1): 45–62.
- Sparks, R. and Bottoms, A. (1996), 'Legitimacy and Order in Prisons', *The British Journal of Sociology*, 46(1): 45–62.
- Sparks, R. and Bottoms, A. (2007), 'Legitimacy and Imprisonment Revisited: Notes on the Problem of Order Ten Years After', in J. Byrne, F. Taxman, and D. Hummer (eds.), *The Culture of Prison Violence*, Allyn and Bacon: 91–104.
- Sparks, R., Bottoms, A., and Hay, W. (1996), *Prisons and The Problem of Order*, Clarendon Press.
- Stearns, D. and Parrott, W. (2012), 'When feeling bad makes you look good: Guilt, shame, and person perception', *Cognition and Emotion*, 26(3): 407–30.
- Sunshine, J. and Tyler, T. (2003), 'The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing', *Law and Society Review*, 37(3): 513–48.
- Sykes, G. (1958), *The Society of Captives*, Princeton University Press.
- Sykes, G. and Matza, D. (1957), 'Techniques of neutralization: A theory of delinquency', *American Sociological Review*, 22(6): 664–70.

- Sykes, G. and Messinger, S. (1960), 'The Inmate Social System', in R. Cloward, D. Cressey, G. Grosser, R. McCleery, L. Ohlin, G. Sykes, and S. Messinger (eds.), *Theoretical Studies in Social Organization of the Prison*, Social Science Research Council: 5–19.
- Tankebe, J. (2013), 'Viewing Things Differently: The Dimensions of Public Perceptions of Police Legitimacy', *Criminology*, 51(1): 103–35.
- Tankebe, J. and Liebling, A. (2013), 'Legitimacy and Criminal Justice: An Introduction', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 1–6.
- Tavuchis, N. (1991), *Mea Culpa. A Sociology of Apology and Reconciliation*, Stanford University Press.
- Thomas, J. and Zaitzow, B. (2006), 'Conning or Conversion? The Role of Religion in Prison Coping', *The Prison Journal*, 86(2): 242–59.
- Thomas-Peter, B. (2006), 'The Modern Context of Psychology in Corrections: Influences, Limitations and Values of 'What Works'', in G. Towl (ed.), *Psychological Research in Prisons*, Blackwell Publishers: 24–39.
- Thorp, T. (2005), *Miscarriages of Justice Report*, New Zealand: Legal Research Foundation.
- Toch, H. (1992), *Living in Prison: The Ecology of Survival*, The Free Press.
- Tombs, J. (2008), 'Telling Sentencing Stories', in P. Carlen (ed.), *Imaginary Penalties*, Willan Publishing: 84–112.
- Towl, G. (2003), 'Psychological Services in HM Prison Service', in G. Towl (ed.), *Psychology in Prisons*, Blackwell Publishers: 1–9.
- Truth in Justice (n.d), *Innocence Projects Contact List*, available at: <http://www.truthinjustice.org/ipcontacts.htm>

- Tyler, T. (1990), *Why People Obey the Law*, Princeton University Press.
- Tyler, T. (1997), 'The psychology of legitimacy: A relational perspective on voluntary deference to authorities', *Personality and Social Psychology Review*, 1(4): 323–45.
- Tyler, T. (2000), 'Social Justice: Outcome and Procedure', *International Journal of Psychology*, 35(2): 117–25.
- Tyler, T. (2003), 'Procedural Justice, Legitimacy and the Effective Rule of Law', in M. Tonry (ed.), *Crime and Justice: An Annual Review of Research*, 30, Chicago University Press: 283–357.
- Tyler, T. (2005), 'Policing in Black and White: Ethnic Group Differences in Trust and Confidence in the Police', *Police Quarterly*, 8(3): 322–42.
- Tyler, T. (2006), *Why People Obey the Law*, Princeton University Press.
- Tyler, T. (2007), *Psychology and the Design of Legal Institutions*, Wolf Legal Publishers.
- Tyler, T. (2008). 'Psychology and Institutional Design', *Review of Law and Economics*, 4(3): 801–87.
- Tyler, T. (2010), "'Legitimacy in corrections" Policy implications', *Criminology and Public Policy*, 9(1): 127–34.
- Tyler, T. and Fagan, J. (2008), 'Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?', *Ohio State Journal of Criminal Law*, 6: 231–77.
- Tyler, T. and Huo, Y. (2002), *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*, Russell-Sage Foundation.
- Tyler, T. and Jackson, J. (2013), 'Future Challenges in the Study of Legitimacy and Criminal Justice', in J. Tankebe and A. Liebling (eds.), *Legitimacy and Criminal Justice: An International Exploration*, Oxford: Oxford University Press: 83–104.

- Tyler, T., Braga, A., Fagan, J., Meares, T., Sampson, R., and Winship, C. (2007), 'Legitimacy and Criminal Justice: International Perspectives', in T. Tyler (ed.), *Legitimacy and Criminal Justice. International Perspectives*, Russell Sage Foundation: 9–29.
- Tyler, T., Schulhofer, S., and Huq, A. (2010), 'Legitimacy and Deterrence Effects in Counterterrorism Policing: A Study of Muslim Americans', *Law and Society Review*, 44(2): 365–402.
- Useem, B. and Kimball, P. (1989), *States of Siege: US Prison Riots, 1971-1986*, Oxford: Oxford University Press.
- Vollen, L. and Eggers, D. (2005), *Surviving Justice. America's Wrongfully Convicted and Exonerated*, McSweeney's Books.
- Wachtel, T. and McCold, P. (2001), 'Restorative Justice in Everyday Life', in H. Strang and J. Braithwaite (eds.), *Restorative Justice and Civil Society*, Cambridge: Cambridge University Press: 114–29.
- Ward, J. (1993), *Ambushed: My Story*, Vermillion.
- Weathered, L. (2007), 'Does Australia Need a Specific Institution to Correct Wrongful Convictions?', *Australian and New Zealand Journal of Criminology*, 40(2): 179–98.
- Weisman, R. (1999), 'Detecting remorse and its absence in the criminal justice system', *Studies in Law, Politics, and Society*, 19: 121–35.
- Weisman, R. (2004), 'Showing Remorse: Reflections on the Gap Between Expression and Attribution in Cases of Wrongful Conviction', *Canadian Journal of Criminology and Criminal Justice*, 46(2): 107–38.
- Wells, C. and Quick, O. (2010), *Lacey, Wells and Quick: Reconstructing Criminal Law: Text and Materials*, 4th edn, Cambridge: Cambridge University Press.

- Wells, G.L. and Olson, E.A. (2003), 'Eyewitness Testimony', *Annual Review of Psychology*, 54(1): 277–95.
- Westervelt, S.D. and Cook, K.J. (2009), 'Framing innocents: The wrongly convicted as victims of state harm', *Crime, Law, and Social Change*, 53(3): 259–75.
- Wildeman, J., Costelloe, M., and Schehr, R. (2011), 'Experiencing Wrongful and Unlawful Conviction', *Journal of Offender Rehabilitation*, 50(7): 411–32.
- Wilkes, R. (1994), *Blood Relations. Jeremy Bamber and the White House Farm Murders*, Robinson Publishing.
- Wills, T. (1981), 'Downward Comparison Principles in Social Psychology', *Psychological Bulletin*, 90(2): 245–71.
- Woffinden, B. (1987), *Miscarriages of Justice*, Hodder and Stoughton.
- Woolf Report (1991), *Prison Disturbances April 1990: Report of an Inquiry by the Rt Hon. Lord Justice Woolf (Part I and II) and his Honour Judge Stephen Tumim (Part II)*, Cm. 1456, London: HMSO.
- World Health Organisation (1992), *The ICD-10 Classification of Mental and Behavioural Disorders. Diagnostic criteria for research*, available at: <http://www.who.int/classifications/icd/en/GRNBOOK.pdf>
- Yang, S., Kadouri, A., Revah-Levy, A., Mulvey, E., and Falissard, B. (2009), 'Doing time: A qualitative study of long-term incarceration and the impact of mental illness', *International Journal of Law and Psychiatry*, 32(5): 294–303.
- Yeasmin, S. and Rahman, K.F. (2012), 'Triangulation Research Method as the Tool of Social Science Research', *BUP Journal*, 1(1): 154–63.
- Zamble, E. and Porporino, F. (1988), *Coping, Behaviour and Adaptation in Prison Inmates*, Springer-Verlag.

Zedner, L. (1994), 'Reparation and Retribution: Are They Reconcilable?', *The Modern Law Review*, 57(2): 228–50.