

List of Abstracts

Paper Session 1

Panel 1 (St. Laurence's) Prison and Prison Officers

Chair: Mairéad Seymour

Joe Garrihy

Occupational Culture and Identity for Prison Officers

This paper will begin by defining the occupational culture of prison officers drawn from current literature. I will then critically discuss the concepts that I have identified as meriting particular attention. I will elaborate on how these will form the theoretical framework upon which my research will be based. Prison officers' occupational culture has been characterised by social isolation, group solidarity, cynicism, suspiciousness and machismo. However, studies have shown that prison officers are not a homogenous group. There is an identifiable 'normative code' but this varies in salience and intensity across different prisons and, more specifically, on different shifts and wings in the same prison. Despite the relatively slight literature on prison officers, a range of theories have been utilized in their analysis. I will discuss the most important of these and adapt additional theories to the prison field. The concept of 'dirty work' and the related 'taint' and 'stigma', including the more recent development of 'emotional taint', will be applied to the prison context. These will be linked to Goffman's 'impression management' and 'presentation of the self', synthesising Crawley's application of Hochschild's 'emotional labour' to prison work. The performative nature of the prison environment and the embodiment of 'situated identity' through occupational culture will be discussed with particular attention to Mauss' 'techniques of the body'. I will extrapolate on how the analysis of occupational culture in prison necessitates the conceptualisation of the prison as a gendered environment and assert the significance of training and enculturation for recruit and early career prison officers. The potential for perceived threat to occupational culture will be considered with regard to social resistance theories and a possible 'governmentality gap'. The role of industrial relations in prison officers' occupational culture is essential to fully understand the range of influences that affect prison officers' occupational culture.

Dominic Kelly

Let's Dig a Little Deeper: The Trauma of Working in Prison

Prison officers shape, in part, the way that prison systems run, the quality of services received by prisoners and particularly the climate in which prisoners are treated. Yet, discussions of prison officers too often default solely to their custodial role and rely upon stereotypical caricatures as cynical, callous and indifferent obstacles to the care and rehabilitation of prisoners and the reform of prisons. Such narrow preconceptions fail to fully consider the reality of prison life, of who prisoners and prison officers are and what they are exposed to and participate in within prison walls. This paper aims to provide the audience with an alternate lens on prisons and on prison officers. Prisons are trauma silos - they contain and care for traumatised individuals within a traumatic environment of confinement, deprivation and violence. As such, prison officers engage in "trauma work", whose exposure to such realities impact upon cognitions, emotions, cultural norms and working behaviours. The paper begins by outlining the prevalence of trauma within the prison sphere: its traumatised inhabitants, the traumatic events in which prisoners and prison officers are exposed to and the prevalence of post-traumatic reactions to working in prison. The paper moves on to

highlight research exploring how prison officers react to organisational change as one example of challenging stereotypes through an application of a trauma framework. The paper concludes to discuss the implications of viewing prison officers and prisons within a trauma perspective in terms of looking beyond typecasts, supporting staff that work in prison and reforming prisons.

Aoife Watters

Gender and Control in Irish Prisons: An Analysis of the Prison Disciplinary System

The maintenance of order is an important aim of prisons; Sykes declared that after custody the next most important aim of a prison is the maintenance of internal order. To maintain order a number of control mechanisms are employed by prisons, one of which is the formal disciplinary system. Indeed the formal disciplinary system has been described as being at the heart of maintaining good order and discipline in prisons (King 1985). This system, generally speaking, consists of rules and sanctions for breaches of the rules. The operation of the disciplinary system can differ substantially between prisons due to, inter alia, the heterogeneous characteristics of prisoners detained in a prison. The disciplinary process also impacts on prisoners to different extents. Research has shown that prisoners' gender can affect the operation of the disciplinary system and it also has a bearing on the impacts of the process for prisoners. This paper offers broad analysis of the use of the disciplinary system as a control mechanism in Irish prisons. Preliminary insights from prisoner interview data will seek to identify whether the discipline system operates differently in male and female prisons and has different impacts on male and female prisoners in Ireland.

Panel 2 (RD 006) Vulnerable Witnesses

Chair: Claire Hamilton

Miriam Delahunt

Recent Developments in Support Measures for Vulnerable Witnesses in Criminal Proceedings

In recent years, the Court of Appeal in England and Wales (R v B [2010] EWCA Crim 4, R v Wills [2011] EWCA Crim 1938 and R v Lumbaba and JP [2014] EWCA Crim 2064), has taken steps to greatly modify the manner of cross examination of vulnerable witnesses. Are these judicially created decisions an exaggerated reaction to the aggressive cross examination methods as seen recently in cases involving vulnerable witnesses in Stafford and Telford?

In this jurisdiction, Part 5 of the recently published Criminal Law (Sexual Offences) Bill 2014 prohibits the personal cross examination of a complainant by the defendant in certain circumstances. It also allows for the use of screens and widens the legislative parameters for the use of these, and existing, support measures, under the Criminal Evidence Act 1992.

The legislation required by the 'Victim's Directive' (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA), which must be implemented by November 2015, may impose further measures to facilitate the giving of evidence of vulnerable witnesses in criminal proceedings. Will it extend these measures as far as have been recently imposed in England and Wales and would such steps trigger a constitutional challenge here under Art.38.1 of the Constitution of Ireland and Art.6 of the Convention on Human Rights? Or are they measures which should be implemented in Ireland to ensure that the most vulnerable can be sure that the impunity of those who offend against them is broken?

This paper will examine potential legislative changes as well as what may be on the horizon in light of recent changes in our neighbouring jurisdiction.

Sarah Bryan O’Sullivan

Protection Against Cross-Examination by the Accused in Sexual Offence Trials – the Criminal Law (Sexual Offences) Bill 2014

This paper will discuss how the law in Ireland allows a defendant in a rape or sexual offence trial to represent himself/herself, and in doing so conduct a personal cross-examination of the complainant. For decades the trauma and distress suffered by sexual offence victims during the course of the trial has been an issue of contention, particularly amongst feminist commentators. The ordeal endured by complainants has led to the trial process being described as ‘secondary victimisation’, a process by which the complainant is violated a second time by the justice system.

While there are many aspects of sexual offence trials which contribute to this distress, in cases where the complainant is personally cross-examined by the accused the trauma is arguably increased. In many other jurisdictions laws have been introduced to prohibit an accused from conducting such a cross-examination. In Ireland however, such a prohibition has yet to be enacted.

In recent months there has been much discussion relating to the Criminal Law (Sexual Offences) Bill 2014. The heads of the Bill were published at the end of November and one of the proposed provisions seeks to protect minors from cross-examination by the accused. However, this protection is not extended to adult sexual offence complainants. This paper will argue that the 2014 Bill in its current form does not go far enough and that the law needs to be changed so that all complainants of rape and sexual offences can be reassured that they will never have to endure such a cross-examination.

Eoin O’Connor

The Witness Protection Programme in Ireland

The witness protection programme in Ireland currently operates on an ad hoc, non-statutory basis. It has been criticised for the effect it can have on the defendant’s right to a fair trial. With a view to counteracting some of the complaints that have been made about the present programme, the current Labour/Fine Gael Programme for Government has promised to introduce statutory witness protection guidelines.

This paper will begin by outlining the origins of the present witness protection programme. This will involve showing how it was introduced in the wake of the Veronica Guerin murder and used in the prosecution of John Gilligan and other members of his criminal gang.

It will then move on to examine some of the criticisms made of the use of a witness protection programme in Ireland. For example, Shane Kilcommins and Barry Vaughan have stated that the introduction of the witness protection programme ‘provides further evidence that the Irish criminal justice system no longer irradiates with due process concerns.’ Liz Campbell is also concerned about the use of the witness protection programme, because in her view, aspects of the programme give rise to due process concerns. From examining some of the criticisms made, the paper will also focus on some of the legal difficulties the present system operates under.

Finally, the paper will suggest that the use of a witness protection programme does not always mean a denial of due process. The paper will conclude by showing that a properly established witness

protection programme, which is placed on a statutory basis, can balance the right of the State to prosecute serious crime with the rights of the accused to a fair trial.

Clare Cresswell

Lived Experience of Victimisation in Ireland

In 2013 the national helpline for victims of crime, Crime Victims Helpline, received over 2,200 calls. The highest percentages of calls (23%) were from victims of robbery, burglary and theft. Through volunteer work with the helpline, this researcher became aware of the differential impact of perceived 'less serious' crimes and the importance of subsequent victim support. A study was carried out using the social psychological perspective of phenomenology, in order to understand more deeply the experience of burglary and theft on victims who had contacted Crime Victims Helpline. There is no other known phenomenological research on the lived experiences of victims of crimes of burglary or theft in Ireland. The emotional effects of the crime can be severe, and financial and security concerns also arise. For some victims, dealing with the criminal justice system may bring about secondary victimisation, and they can be shocked when they realise that their role is as a witness only in an adversarial criminal justice process in which the state and not the individual, takes the case against the offender. The Victim's Charter (2010) which sets out a framework of rights and entitlements for crime victims is not legally enforceable but victims will acquire legal rights in Ireland in November 2015, when the EU directive 2012/29/EU becomes enshrined in Irish law. For this study, five participants were recruited and interpretative phenomenological analysis (IPA) was used to analyse data transcribed from semi-structured telephone interviews. Three main themes emerged from the participants' accounts: the psychological impact; feelings around others' support; and the different ways in which victims cope following a crime. The findings highlight the considerable trauma associated with being victimized by burglary and theft and point to deficiencies in resources for victims as well as to potential new areas for research.

Panel 3 (NA 006) Policing

Chair: Cheryl Lawther

Kirsty Doyle

Policing Public Order in the Night-time Economy

Night-time economies are characterised by a high concentration of bars, nightclubs and fast food restaurants in spatially condensed areas. Their emergence was driven by the need to generate economic activity, employment and vibrancy in struggling cities. In this respect, many night-time economies have proved successful. However, the night-time economy is also a space where public order is often disrupted. In addition, night-time economies have been identified by scholars as areas that are particularly difficult to police. This paper will explore changes in policing styles over the past twenty years and identify how they have been influenced by economic, social, and political factors. The purpose of highlighting these changes and their influences is to identify the limitations of statistics on public order offences in Ireland and to indicate why we should be sceptical of their representation of the night-time economy. This paper will draw on both national and international literature to outline the problematic nature of policing the night-time economy. It will identify gaps for further research and outline how the researcher plans to fill these with the completion of her doctoral research.

Heather Panter

Heterosexism and Genderism within Policing

Recently, research on LGB populations has increased in the realm of queer criminology, with the exception of research that specifically examines or includes transgender identities. While there is evidence that transgender individuals and LGB individuals both experience similar types of discrimination, there are important differences between those who identify as transgender (one's gender identity) and those who identify as LGB (one's sexuality). The present study provides comparative data from the United States, England, and Wales on a particularly under-researched group within criminology: transgender police officers (US) and police constables (UK). Drawing upon qualitative in-depth interviews with a total of 20 officers and 19 constables, this research expands knowledge about transgender identities within queer criminology and offers both theoretical contributions and the first empirical data on transgender identities within policing specifically.

This research discovered that transgender police officers and constables faced varied amounts of heterosexism and genderism based on how masculine or feminine they presented themselves which can lead to social non-acceptance within police culture. This social non-acceptance potentially could explain how transgender specific bias can impact how the police view transgender identities. Historically, research has shown that policing has treated transgender identities poorly in the context of victimization and during police interactions.

This study also explored how to improve occupational environments for transgender police officers and provided policy recommendations to improve officers' acceptance of transgender identities within police culture. Notably, results revealed that positive leadership combined with the implementation of gender transition policies create a more supportive and less biased work environment for those who identify as transgender. This study discovered that police agencies in America, England, and Wales need to improve administrative support and social sensitivity in respect to transgender identities.

Ciarán Kearney

Policing Oversight in Ireland: A North-South Comparison of the Northern Ireland Policing Board with Proposals for a New Police Authority

Policing reform remains a topical and arguably contentious subject for policy-makers in Ireland, north and south. In the north of Ireland, the Good Friday Agreement led to the formation of an Independent Commission on Policing (a.k.a. the Patten Commission) which in turn brought forth an unprecedented policing reform package intended to herald "a new beginning to policing". Among the key recommendations was the legal constitution of the Northern Ireland Policing Board (NIPB).

This public authority became a key component part of what has been described as the new architecture of accountability for policing in the north of Ireland. The NIPB was established on 1st November 2001 and its powers, functions and responsibilities are enshrined in the Police (Northern Ireland) Act 2000 and Police (Northern Ireland) Act 2003. In the south of Ireland, the Minister for Justice has stated that proposals tabled in the Oireachtas for a new Police Authority in the south of Ireland are part of a series of measures essential "to build a 21st century police service in An Garda Síochána".

This paper will compare the legal powers and responsibilities of the Northern Ireland Policing Board with the proposed Police Authority. It will argue that lessons from external civilian oversight (ECO) of policing through the NIPB in the north have significance for policing reform in the south. It will

examine this within the wider international literature about Security Sector Reform (SSR) and potential future directions in oversight.

Paper Session 2

Panel 4 (St. Laurence's) Experiences of Imprisonment

Chair: Eamonn Carrabine

Dinah Aitken

In Harm's Way: The Experience of Young People with a Family Member in Prison

The working title of my PhD thesis is 'In harm's way: the experience of young people with a family member in prison'. In the context of a country with a high rate of imprisonment, and with the growing recognition of the positive role that families can play in supporting prisoners during their sentence and post-release, this study investigates the perspective of teenagers and young adults. The experience of families affected by imprisonment is under-researched compared to other areas of criminology, and that of the 16+ age group has been virtually ignored.

This research therefore attempts to interact with young people, which in itself poses methodological challenges such as identifying participants, negotiating with gatekeepers, and developing an effective interview technique. Analysis of the early findings of the research has suggested a new theoretical approach. The young people thus far interviewed have disclosed that they suffer harm as a result of their family member's imprisonment. The penal harm suffered by prisoners has been theorised, but the situation of families has not been considered from a harm perspective.

If the discussion shifts from the suffering that families feel to the actual harm that a sentence of imprisonment occasions to them, then it becomes possible to keep the focus on the harmful act (arguably, the sentence of imprisonment) rather than the suffering, which casts the family members into the unasked-for role of victim, and limits the state response to one that merely tries to lessen the suffering rather than addressing the cause of the harm.

My thesis therefore attempts to cover new ground by focusing on young people, and by demonstrating that understanding their experience can lead to a new discourse about the wider problems posed by the over-use of imprisonment as a punishment.

Jacqueline Gallagher

An Exploratory Study which Explores the Views of Children of Imprisoned Parents

The 1916 proclamation called on the Irish State to "promise to cherish all children of the nation equally" (Begg 2006). However almost one hundred years on, one cohort of Ireland's vulnerable society who are not cherished are children of prisoners, these are often referred to as the invisible victims of crime.

The United Nations Convention on the Rights of the Child outlines that every child has rights, including the right not to be discriminated against based on the status or activities of their parents and the right to have their best interests be a primary consideration in all actions concerning them (Children's Rights Alliance 2012; European Convention on Human Rights 2010). The Universal Declaration of Human Rights posits that mothers and children who do not have their basic human rights protected are more likely to suffer negatively (Alejos 2005).

Several studies have been carried out on these invisible victims in the United Kingdom (Shaw 1992; Glover 2009; Poehlmann 2005) and in other countries (Alejos 2005; Cunningham and Baker 2004; Gabel and Johnston 1995). These studies illustrate that children whose parent has spent time in prison suffer psychological, behavioural, social and emotional problems.

In Ireland the topic has received very little attention and to date there are no accurate figures available on the amount of children in Ireland who are affected by parental imprisonment.

Therefore the purpose of this study is to examine the views of these individuals in relation to their personal experience of growing up in Ireland with a parent who has spent time incarcerated during their childhood. A qualitative type study comprised of adults allows the researcher to seek a greater understanding of the experiences of the sample and a range of themes are emerging. The presentation will discuss in detail the findings.

Michael Mullan

Outside Inside: Unique Concerns for LGBT Prisoners in Ireland

This paper examines the penological challenges confronting Irish prisons in the near future with the likely increase in lesbian, gay, bisexual and transgender (LGBT) prisoners. There is a dearth of analysis in regards to the unique needs of LGBT prisoners in Ireland. The paper begins with the incidence of LGBT prisoners and the likely future disproportionate incarceration of LGBT prisoners which is largely based on international trends. Next, homophobia in Irish prisons is analysed, with the US & UK experience complimenting Irish examples of homophobia and transphobia. Health concerns of LGBT prisoners including mental health, aids, and unique health issues for transgender prisoners are then discussed. Penultimately, sex in prison is analysed, both in relation to consensual and non-consensual sexual relations between prisoners. The paper concludes with policy recommendations such as those based on prisoner protection, the development of an LGBT policy by the Irish Prison Service, staff training and monitoring.

Panel 5 (RD 006) Criminalising the Margins

Chair: Matt Bowden

Nóra Ní Loinsigh

Property Offences And Inequality In Ireland: An Examination Of The Use Of The Criminal Law To Protect Property And Its Relationship With Inequality In Irish Society

This paper seeks to address the connection between societal inequality and the criminal law that protects property. More specifically it seeks to address the philosophical question as to the impact that inequality has on the principled justifications for the use of the criminal law to protect property. It is philosophical in nature, and proceeds in three stages. The first of these asks what principles are generally used to justify protecting private property in society. The second looks to the justifications for the more specific use of the criminal law in this protection. And the final and most crucial question addresses how inequality impacts upon these justifications. This final question will be approached by addressing the impact of inequality on a general level and also on the level of the individual offender within an unequal society. It will ask whether criminalisation can be justified at all in the context of inequality, and whether it can be justified in the case of an individual suffering deprivation within such a context.

Paul Lynch

Common Law Breach of the Peace: An Elastic Crime?

Common law breach of the peace (CLBOP) is a legal instrument of disputed origins and application even in the jurisdictions where its reach is limited to permit the police to effect the arrest of those breaching its broad and ill-defined precepts. The purpose of this paper is to demonstrate that the uncertainty surrounding the breadth and application of the instrument is exacerbated when, as occurred following the decision of the High Court in *Thorpe v DPP*, the courts extend the reach of the instrument so as to classify it as a crime.

Further to show that the aforementioned activism heightens the necessity to have the boundaries of the instrument clearly demarked because in such circumstances a member of the public falling foul of the instrument is catapulted from the threshold of the criminal justice system into the very bowels of it.

The paper argues that the actus reus of the instrument as determined in *Thorpe* encourages overcriminalization and further that the absence of any discernible mens rea renders those infringing strictly liable. The upshot is that the police in the first instance and the judiciary at the adjudication stage are endowed with wide discretion to shape the parameters of the instrument. Finally the paper will claim that CLBOP as elucidated in *Thorpe* moves the moment of criminal liability beyond attempt towards an act outside the purview of criminality. The paper concludes that the move to criminalise CLBOP in *Thorpe* represents an unprincipled extension of the law which expands the intrusive reach of the State into the personal liberty of citizens without due regard to the conventional safeguards limiting the remit of the criminal law.

Darren Broomfield

'Trickle Down Misery': Examining Affective Inequality in the Lives of Criminalised Persons

Crimes against people, property and drug offences make up the majority of crime processed within the Irish criminal justice system in Ireland. Those who carry out these crimes are often portrayed as a feckless, dangerous minority blighting our towns and cities. My research seeks to examine and map the lived experiences of some of those who most commonly become criminalised in Ireland through analysing the narratives of fifteen people who have both histories of addiction, criminal behaviour and who are presently on bail from the District Court. The people's narratives will be examined for lived experiences of affective inequality, institutional injustices, care relations along with how these interplayed with their criminal histories. I plan to bring the emergent themes from these personal narratives into conversation with how potential state recklessness has impacted the criminalisation of the research participants. In the paper being presented at this conference, I present the emergent themes from the narratives of some of the research participants, utilising cultural and left realist criminology, in order to highlight the complex relations between care, the State, community, family and self in their criminalisation.

Daniel Watters

Sports Law: Criminalising Sportspersons?

Over the past number of years, there has been an increasing tendency for sports related disputes to end up before the courts of Ireland. Some of these cases are of a criminal nature. The Gaelic Athletic Association (GAA) in particular has seen an increased amount of its members come before the courts

on criminal charges, generally in relation to assault and the playing of either Gaelic football or hurling.

This paper will examine the Irish position in relation to the criminal law and its interaction with the GAA. It will examine the emerging case law in the area and see how this compares with other jurisdictions which have considerably more experience in the area, particularly the Canadian and English courts.

The paper will then build upon the legal aspect of criminal violence and sport and look at the links between criminology and sport. This emerging concept has been developed by Groombridge (2012) who sees it as a separate area of research, distinct from sport and the law and the sociology of sport. The criminalisation of certain aspects of sport ranges from the use of performance enhancing drugs or doping as it is commonly known to the use of the criminal law to punish certain acts of violence during matches.

Finally, the paper will propose an internal solution as to how the GAA could reduce the encroachment of the criminal authorities onto their traditional jurisdictions and leave criminal intervention to only the most serious of cases.

Panel 6 (NA 006) What's in a Name? The Importance of Labels/Discourse

Chair: Tanya Serisier

Paul Bermingham

Medico-Legal Responses to Mentally Disordered Criminal Offenders in Ireland, 1850-1921

Michel Foucault's seminal interventions in the fields of discourse, madness, punishment, and sexuality in the 1960s and 70s caused a seismic shift in the scope of their epistemological framework. He undermined previous conceptions of the individual speaking subject as the primary discursive actor. Detailing the state's coercive practices as enacted through its institutions, he argued that a complex political discursive structure produces and positions subjects in society. The individual is forced towards the fringes of discourse functionality – their subjective interpretation of chance events and originating experience subverted, constrained, ordered, and produced by societal and political forces.

This presentation seeks to explore some epistemological questions in reconciling Foucault's methods of analysing discourse with feminist methodologies. I will subject Foucault's approach to the critiques and feminist writings of Linda Alcoff, Gayatri Chakravorty Spivak, and Audre Lorde in pursuit of a unitary methodology for researching gendered bodies under the carceral gaze. I argue that a reconciliation of these two methodologies would provide new avenues for analyses of the double punishment of women in prison, as well as societal, political, and medico-legal constructions of the doubly deviant female offender.

Maeve O'Doherty

The 'monster' other and his 'ideal victim'; a gendered hegemonic discourse of sexual violence in online news media

Much academic debate in terms of criminality is focused on specific subjects in society such as; the victim, the perpetrator or indeed the criminal act itself. This paper will draw on post-modern philosophies of Critical Discourse Analysis to demonstrate how victims and perpetrators of rape and

sexual assault are positioned through specifically gendered discourses. Although, it has been argued that there are many mediums in society that contribute to a particular discourse, it has been suggested that the media play a significant role in their reproduction. Therefore this paper will utilise reportings of rape and sexual assault from online news articles, in Ireland in 2014. It will not only draw on what is said within the text but will also examine what is excluded from language to demonstrate the silences and omissions apparent in such constructions in Ireland today. In doing so, it will emphasise the power relations that are evident in the language utilised in reportings of rape and sexual abuse. It will argue that both victim and perpetrator are positioned in relation to each other and not in isolation. Additionally, it will suggest that these subjects are not only constructed in relation to one another but are also constructed in relation to dominant discourses of femininity and masculinity in society.

Elizabeth Agnew

Exploring the Dominance of the 'Other' within Sexual Crime Discourses and the Consequential Challenges in Addressing 'Risky' Behaviour and Youth Sexual Deviance

This paper explores two key themes which reflect some core tenets of the Conference themes: the social and political struggle to regulate youth sexuality; and the demonization of children and young people within contemporary 'deviancy' discourses. Considering the former, my research will prioritise and apply the principal theories of sex and sexuality as a foundation to analysis of the power dynamics at play within popular discourses about 'new' youth sexual cultures and 'deviant' or 'risky' sexual behaviour, especially the emerging new phenomenon of 'cyberbullying' and 'sexting'. The second theme explores the 'othering' and demonization of sex offenders within media, public and official discourses leading to a range of socially constructed stereotypes becoming embedded within public consciousness. This paper will argue that, coupled with the stereotypes concerning legitimate victim and offender status, this process contributes to the demonization of children and young people within a narrow terrain of non-sexual deviant activity. As a result, the current restricted focus on sexual crime within social and political discourses fails to account for a growing and sizeable proportion of sex offending including peer on peer sexual abuse and exploitation.

This working paper, prior to progressing with my project's primary research, outlines key challenges faced by policy makers in their understanding of cyberbullying and sexting among young people, including the need to depart from the 'othering' of sexual offenders, and institutionalised social constructs concerning sexual deviance and youth criminality. Reflecting on, and challenging, what is termed 'risky' behaviour and the social and political debates on youth sexuality and agency is crucial in addressing what is deemed premature sexualisation and 'risky' behaviours among young people.

Francie Derderyan

Would having a Specific and Discrete Definition of Gender Crimes Contribute to the Future Prosecution of the Crime in the International Criminal Court?

The International Criminal Court has the jurisdiction to prosecute crimes of genocide, war crimes and crimes against humanity. Nevertheless, rape and other sexual violence crimes were not recognized by the international community as a crime, but as a collateral damage. Not to mention that the ICC does not provide a statutory definition of rape. And yet there has not been prosecution of rape and other gender-based crimes as crimes per se.

The following research paper goes into a detailed examination whether a single article defining gender-based crimes as discrete crime, not as a subsection of another crime, will contribute for the

successful prosecution of sexual violence crimes. Therefore, the first Chapter introduces the main root causes of gender-based crimes, by examining the place of gender based crimes within the Rome Statute and the different established inter-disciplinary theories.

More detailed analysis of rape as crime and its prosecution will be provided. Thorough assessment of the substantive developments of gender-based crimes in the ad-hoc tribunals will be established, followed by analysis of the substantive and procedural legal issues dealt during the prosecution of sexual violence by the ICC.

The research paper is structured as analysing the substantive and procedural issues of the gender-based crimes. Consequently, the article will assess the Lubanga case, which is the first case to have had the opportunity to incorporate gender based crimes as charges. Unfortunately, the Office of the Prosecution did not succeed with the prosecution of rape and other crimes of sexual violence.

Based on the statutory laws and jurisprudence and detailed academic analysis, the final chapter will measure new approach towards the incorporation of gender-based crimes within the Rome Statute and the international legislation. The concept of fair labelling and its application to sexual violence crimes, presents answers to the fears of having a discrete crime of gender-based crimes.

Panel Session 3

Panel7 (St. Laurence's) Experience of Prison

Chair: Nicola Hughes

Agnieszka Martinowicz

Diversity in Prisons? Experiences of Polish Prisoners in Northern Ireland

This paper will discuss the experiences of Polish male prisoners, detained in Northern Ireland, and the custodial staff dealing with increasingly diverse prison populations. It will reflect on how the demographic changes in the general population in the last decade impact on prisons, and the adaptation of prison regimes in light of the changing prisoner needs.

Eoin Guilfoyle

Community Service Orders: A Critical Analysis of Some Recent Developments

This paper will begin with a critical analysis of the Criminal Justice (Community Service) (Amendment) Act 2011. It will ask questions such as: what was/is the aim of the Act, what changes did it make and what impact has it had since its introduction? While the negative effects of prison sentences are by now well documented and the need for a greater use of alternatives to imprisonment is widely accepted, this paper will question whether the introduction of the 2011 Amendment Act was the most appropriate response in achieving this goal.

The paper will then proceed to discuss a number of other recent developments and assess the likely impact they will have on the Community Service Order and its use. These include: the O' Brien V DPP (2014) judicial review case, the 2014 Fines Act as well as the growing practice amongst some members of the judiciary of attaching a requirement to perform 'unpaid work in the community' as a condition of a suspended sentence.

Paul Gavin

The Experiences of Irish Prisoners in England and Wales

The plight of Irish prisoners abroad is a very under researched area and it is estimated that there are at least 1,000 Irish prisoners serving time in England and Wales. This paper will discuss my PhD research on the topic of the mental health of Irish prisoners in England and Wales and will build on my recent publication, *Out of Sight, Out of Mind: Irish Prisoners in England and Wales* in the *Irish Probation Journal* (2014). The findings of this article will be discussed before considering a wide range of quantitative and qualitative data obtained through a series of semi-structured interviews conducted with former Irish prisoners in England and Wales. Topics such as mental health, accommodation, education, family contact and the very notion of being Irish and what this can mean for prisoners in England and Wales will be discussed. Furthermore, this presentation will discuss aspects of the research process and the ethical minefield which surrounds the granting of access to prisoners for the purposes of research in the UK.

Christian Perrin

The Impact of Peer Support Roles on Prisoners: Preliminary Findings

Several peer-support schemes are currently operating in UK prisons. Via these schemes, prisoners are able to access support for issues ranging from emotional distress and addiction problems to practical and educational needs. Such schemes are built upon principles of mutual reciprocity, empathy, and emotional support. Although these schemes have existed in prisons for decades, research focussing on those who uphold peer-support roles is very scarce. A deeper understanding of how adopting a peer-support role in prison may affect offenders' attitudes, beliefs, emotions, and experiences of imprisonment is needed. In the present study, 14 offenders volunteering as prison 'Listeners', 'Insiders', and 'Toe-by-Toe' mentors participated in semi-structured interviews. Transcripts were analysed using interpretative phenomenological analysis. Analysis revealed three super-ordinate themes ('personal transformation', 'countering negative prison emotions', and 'acquiring life tools'), all comprised of several subordinate themes which were unpacked through an analytical commentary. Results suggest that prisoners who adopt peer-support roles experience profound internal changes and complete attitude shifts, many of which have been theoretically linked with better reintegration outcomes. Furthermore, peer-support roles appear to help prisoners cope with the realities of imprisonment, principally through instilling meaning, purpose, and perspective. Suggestions regarding how such schemes may be utilised in the future in terms of offence-related risk factors are offered.

Panel 8 (RD 006) Historical Perspectives

Chair: TBC

Abigail Rieley

Monocles and Manacles: The Essential Fascination of White Collar Crime: A Comparison of Press Treatment of Privileged Offenders in the 19th Century with the Present Day

Crime has always been a staple of daily newspaper coverage but it's fair to say that, from a journalistic perspective, not all crimes are equal. There is a very specific type of crime, or rather, type of criminal, that will guarantee blanket coverage and banner headlines on the front page. These crimes are not picked for their severity, or for their societal impact, but because of their perpetrator. The privileged offender will garner more coverage than the career criminal but I would argue that

the reasons for the focus on these unusual criminals goes beyond sheer voyeurism and touches on a deeper motive, a cautionary tale, even a bogey man.

Using detailed case histories drawing on a wide range of contemporary 19th century sources and comparing these to the coverage of some of the most high profile privileged offenders of the past ten years, with particular consideration of non-fatal “white collar crime”, I’ll be examining the media fascination and public hunger for these charismatic criminals.

The period from 1830 to 1860 was one of great transformation for the press. It was during this period that the reporting of court stories evolved into the form recognisable today. I will look at the development of the Irish court reporter, from the scandalous reports of the penny-a-liners in the early decades of the century to the more sophisticated reporting of legally trained gentlemen later on in the century. By analysing the placing and frequency of the stories I will assess the weight given to the story and the degree to which weighting might be influenced by public appetite or whether other factors were at play.

Digitisation makes deep analysis of newspaper coverage on a given person possible in an entirely new way. I have followed certain case studies through dozens of titles across decades of coverage to provide an unprecedented overview of how these cases were handled.

Jean Walker

The Good Girl, the Bad Girl, the Criminal and the Law

This paper investigates the interaction between middle class Irish women and the criminal court system in colonial Ireland in the Mid-nineteenth century. Using specific case studies, it will address a number of questions concerning gender, class and prostitution in a historical context.

In 1861 Louisa Jolly, a young governess who had recently moved to Dublin, was handed into a cab on Sackville street. The cab stopped at Milltown and the cabbie assaulted his passenger, who later tentatively identified her attacker as Dublin cab man John Curran in a police line-up in the yard of Dublin Castle. In the absence of categorical identification, a witness was found by the police in the person of a young prostitute named Agnes Wyles who was in Sackville Street on the evening in question.

The Dublin city cabmen subscribed to a fund for the defence of their colleague, members of Dublin Corporation initiated a subscription fund in recognition of, and compensation for, the ‘diabolical attempt’ made on the person of a young woman who could have been any one of their wives or daughters, and Agnes Wyles was found to have been pressured into perjuring herself by the police, and sentenced to a year of hard labour in Grangegorman. In a turn of events seemingly dictated by societal conventions, it was the outsider who became a victim of the forces of law and order, the courts and the media.

Through a reading of the extensive coverage of the ‘Milltown Outrage’ in contemporary newspaper editorials and letters pages, this paper seeks to examine the triangulation between the heroine victim, the alleged perpetrator of the crime, and the outcast female whose testimony positioned the main actors in this drama in apposition to each other. The relationship between women of different social grades, including not only Jolly and Wyles but also the female employer of the cabbie John Curran, will be discussed, and is juxtaposed with their complex relationship with the male hegemony within whose judicial functions they become submerged.

Aoife O’Connor

Juvenile Crime in 19th Century Dublin

In discussing juvenile crime in nineteenth century Ireland both contemporary and secondary sources focus on reformatories and industrial schools with little discussion of the role of prisons. This paper seeks to redress that imbalance by offering a contextualised analysis of children, aged seven to sixteen, incarcerated in Dublin prisons in the thirty-two year period between 1859 and 1891. This paper offers a close analysis of the crimes and biographical detail of over twelve thousand children named in the registers of four Dublin prisons. The criminal behaviour of the children is contextualised by surveying nineteenth century conceptions of childhood and child development. Further contextualisation is achieved through examining the social conditions and urban geography of Dublin city in the nineteenth century drawing attention to the 'human eco-system' inhabited by both the children and those with an interest in policing their behaviour: family, neighbours, legislators, judiciary, penal personnel, commentators and reformers. The overall result is a picture of child criminality in nineteenth century Dublin, its possible causes and contemporary attempts at solutions, with an emphasis on the role of prisons in a system which sought to both punish and reform juvenile offenders.

Panel 9 (NA 006) Women in Prison

Chair: Sinéad Freeman

Sinead O'Malley

Mothers in Prison in Ireland: What is their Story?

International research suggests that between 60-80% of female prisoners are mothers, and 25% are pregnant or recently given birth prior to committal. Moreover, the majority are single mothers and primary carers of two or more children who intend to continue their parental role once released. However, it is difficult for mothers to see out their sentence with minimal contact with her children and then re-establish relationships once released. Irish based research in this area is non-existent, we also have no data on how many children are in fact affected by maternal incarceration.

The aim of this project is to address this gap using a mixed method approach. The primary quantitative phase aims to identify how many incarcerated woman are mothers, how many children they have, and their childcare arrangements. An Audio Computer Assisted Self Interview (ACASI) will be installed in the prison computers, providing a private self-interview experience through the use of voiceover and headphones. The second qualitative phase aims to explore the experiences of the incarcerated mother's separation from their children and their sense of motherhood. Face-to-face interviews using a narrative inducing question will provide a platform for the women to tell their stories. While quantitative data is useful, the qualitative phase of this project provides three-dimensional depth to the unilateral statistical data.

This is a participatory project, therefore over the period of six months female inmates will design and implement all informative and advertising materials and deliver information sessions to raise awareness about the project. Apart from participatory research being embedded in a rights-based paradigm, it will assist in recruitment by insuring that language and design are relevant and comprehensible for the target group. It will also help develop relations between the researcher and the women.

Laura Abbott

Maternity in Prison

The issues women face in prison are reflected in the literature, however the gender divide is especially apparent when approaching the delivery of midwifery care for the pregnant prisoner. The social implications for the female prison population have been encapsulated in a number of reports (North, 2006; Corston; 2007 and Gullberg, 2013). It is reported by Corston (2007) that 18,000 children are affected by their mothers being in prison. The MUJ (2014) report that over 50% of women in prison are victims of domestic abuse, a third of women are victims of child sexual abuse, 40% of women left school or were excluded before the age of 16 and almost 20% of women imprisoned had no permanent home address. Many women in prison are already mothers and it is thought that around 7% of the female prison population are pregnant. Women are usually the primary caregiver of their children, and geographically, prisons in the U.K are spread across wide areas making it difficult to maintain the relationship with a child. Prisons have been traditionally designed for and run by men (Gelsthorpe and Morris, 2002). This has an impact on the female prisoner and particularly when that woman is pregnant. Midwifery care for the pregnant woman in prison has not been standardised in the U.K and there is no specific PSO for the pregnant prisoner which potentially impacts upon her care whilst incarcerated. There are some areas of excellent care but pregnant women will often rely on the support and voluntary care by charities such as “Birth Companions” whilst in prison. A pregnant woman may be particularly vulnerable within the prison estate (Abbott, 2014) and the gender divide is apparent when uncovering the unique needs of the pregnant prisoner.

Gillian McNaul

Interrogating ‘Gender Responsive Justice’: The Experiences of Imprisoned Women in Northern Ireland

This working paper is derived in the early stages of doctoral research focusing on a gendered critique of women’s custodial remand policy in Northern Ireland. The research proposes that women’s custodial remand sentencing decisions are rooted in their gendered marginalisation, rather than the severity of their crime. An element of this decision-making, which this paper will explore, is the significance and influence of an emergent paradigm regarding women’s imprisonment: ‘gender responsivity’. This paper will identify and explore the tensions between contrasting interpretations of ‘gender responsive justice’ particularly its adoption within the discourse of ‘rehabilitation’ within a liberal framework of ‘new penalty’. It contends that gender responsivity enables the deflection of the reality of women’s imprisonment to take place at three distinct but linked levels. First, ideologically through focusing on causation, pathologising the individual and problematizing her environment, rather than locating causality within the political economic structures of society and its structural relations of inequality. Second, through the discursive transformation of penal policy into ‘gendered specific justice’, masking the actuality of the prison environment and the harms it enacts, while constructing a discourse of incarceration’s potential to reform and rehabilitate that neglects the reality of the prison’s identity, concealing the punitive control it delivers. Finally, as a consequence, the criminal justice process fails to address the reality of women’s post-release life, promoting ‘reintegration’ without acknowledging the structural inequalities that contextualised women’s experiences pre-incarceration. One of the outcomes of the prison’s discursive transformation is its reinforcement of an unquestioning acceptance of, and commitment to, ‘the logic’ of imprisonment. While the reformative aims of gender responsivity proclaim ‘improvement’ in the lives of imprisoned women post-release, what results is a disproportionate increase in their incarceration, as those making sentencing decisions accept the premise that ‘gender responsivity’ within prisons provides the foundation on which women’s ‘rehabilitation’ can be constructed.

Sharon Walker

Is the Disproportionate Rise of Female Prisoners Linked with Disproportionate Sentencing?

Irish Prison Service statistics show the proportion of females committed to prison in relation to males has risen from 11.9% in 2007 to 17.8% in 2013. This represents an increase of 100% in female committals, compared with a 25% rise in male committals.

The Central Statistics Office provides detailed information about offences committed and prosecuted. This shows an anomaly: female offending has remained static during these years, remaining less frequent and predominantly non-violent, in comparison to male offending.

The criminal sentencing process in Ireland is discretionary and guidelines are, as yet, only making cameo appearances. The judge, although bound to uphold the principle of proportionality, is not under any legislative imperative to give reasons for his decision to incarcerate where a lesser sentence could be imposed. This issue is particularly important in relation to females because of the additional burdens imprisonment may impose where she is a family caregiver or in need of education or treatment not available through a short stay in prison.

Qualitative analysis of judicial decision-making may indicate some reasons as to why more judges appear to be willing to imprison the female. Judges might feel the custody threshold is lower in a group of lower risk offenders committing less serious offences, but where the offender presents herself as a nuisance to society by persistently reoffending. Judges might view aggravating and mitigating factors differently where a male commits the same offence. Perhaps they might hold a latent perception of the female offender as either a deviant who breaches gender norms by her crime, or as 'more troubled than troublesome', requiring incarceration 'for her own sake'.

The reality of female offenders is that they represent a minority group within the state. They exist in a patriarchal criminal justice system and failure to conduct empirical research into this decision-making lacuna could result in increasing numbers of females in Ireland entering the revolving door of prison.

Poster Abstracts

Lauren Belshaw

The Impact of State Intervention on the Work of Community-based Restorative Justice Projects in Northern Ireland

My PhD is examining the relationship between 'bottom-up' community-based approaches to criminal justice and 'top-down' State approaches to criminal justice by researching the impact of State intervention on the work of community-based restorative justice projects in Northern Ireland. This has involved investigating whether State intervention, in the form of the protocol and funding arrangements, have been effective and added value to the work of community-based restorative justice projects or whether it has restricted or constrained this work. Furthermore, this research has explored the complexities in the relationship between community-based restorative justice projects, paramilitary organisations and official State agencies. Using Northern Ireland as a case study, this research will make a contribution to the wider literature on restorative justice and its interaction with the criminal justice system by examining the relationship between community responses to crime and official agency responses. Furthermore, this research aims to develop a theoretical

framework for the effective collaboration of 'bottom-up' community based approaches to crime and 'top-down State approaches to crime. This research is an ethnographic study comprising of participant observation and semi-structured interviews.

Jill Dealey

Denying the Deniers? Probation Service Supervision of Sex Offenders in Denial

Denial in sex offenders is complex and can create significant difficulty for the supervision and management of a case. This has been highlighted as problematic, with deficiencies in the training and support of probation officers considered to be a major factor (HMIP 2010; Ministry of Justice 2011).

The study discusses the issues which can arise for probation officers and evaluates existing approaches to probation supervision of sexual offenders in denial. The research has used questionnaire, interview and observational techniques to explore the ways in which qualified probation officers approach this work. It also considers recent innovations in the treatment of sexual offenders and how these might impact upon work with those in denial.

The literature review examines the concept of the risk society (Beck 1991, Giddens 1991,1992) and the development of public managerialism. Both have had a role shaping the contemporary probation service, and underpin risk assessment and management decisions. Additionally, the concept of denial is explored in two ways; in terms of its relationship with empathy and a consideration of denial as a dynamic continuum which will shift and change over time. This leads to a discussion of ways of approaching the issue of denial with sexual offenders.

Artur Pytlarz

Taking Matters Into Your Own Hands - Fear of Crime, Community, State and "Responsibilization" in Rural Settings in Ireland

A withdrawal of the state and market from rural communities are characteristic factors of contemporary landscape of rural Ireland. That removal of presence of state institutions makes rural Ireland especially vulnerable to crime.

Rural communities adopt many security initiatives which fill the void after the disappearance of the state agents. One of the factors characteristic for those communities is that there are in the area of operation of community alert scheme. According to information obtained in August 2014 there are 520 communities and 85000 people involved in community alert schemes.

Researchers such as Zedner (2004) and Hughes (2007) argue that the role of the state and community is changing. The state is no longer able to play the role of security provider thus the task of crime control is relocated to other bodies such as private actors, the community and individual citizens. It is a process of 'Responsibilization', a practice where local communities are encouraged to share responsibility for their own safety and that can be seen as a transfer of former criminal justice state obligations onto civil society.

My research focuses on effect of 'responsibilization' on members of rural communities.

Jean Anne Kennedy

Advising the Court? The Role of Pre-Sentence Reports in Irish Sentencing Practices

Pre-sentence reports (PSRs) provide judges with information on the personal circumstances, background and attitude of the offender, and usually include sentence recommendations. Yet little is known about the actual role played by such reports in sentencing, how they are interpreted by judges or how they influence sentencing in specific cases, particularly in the Irish context. The main objective of this research is to investigate the role played by PSRs in the sentencing of offenders with particular emphasis on understanding the process of communication involved from the perspectives of those who create the reports, probation officers, and those who receive and use the reports, judges.

Employing a multi-modal research methodology, this research will draw on a range of qualitative methods including ethnography of the court, analysis of a small sample of real cases, observation of probation practice and interviews with judges, probation officers, defence and prosecution solicitors. The research findings will enhance our understanding of a previously unexplored influence on sentencing decision-making in Ireland and, as such, will be highly relevant to all stakeholders. This poster presentation will look at the use of PSRs in Ireland and set the Irish experience in the wider European context, asking what comparison might be drawn at national and European level.

Kate O'Hara

Sentencing in a Highly Discretionary System: Imposing Community versus Custodial Sentences in Ireland

Ireland's highly discretionary and unstructured sentencing system provides a rare opportunity to study the behaviour of judges when relatively free of externally imposed constraints. While this is so, few have investigated sentencing trends, attempted to examine judicial influences or succeeded in prompting the reform of sentencing practices. As a result of an over-reliance on short prison sentences, Ireland introduced the Criminal Justice(Community Service)(Amendment) Act 2011 requiring courts to give greater consideration to Community Service Orders in cases where prison sentences of less than 12 months are deemed appropriate. A Community Service Order is a direct prison alternative requiring an offender to complete between 40 and 240 hours unpaid community work in lieu of a prison term. Administrative data collected by three criminal justice agencies, pertaining to all adults sentenced to a short term of imprisonment or Community Service Order between 2011 and 2012 were linked and analysed. This poster will present profiles of offenders receiving these sentences, geographical and court variations in sentencing outcomes and group differences. Results and implications for policy are discussed.

Norma Kennedy

Reducing Crime and Repairing Harm: The Role of the Family Conference in Responding to Youth Crime

Family Conferencing was introduced under section 78 of the Children Act 2001 as an alternative discretionary disposal available to the Children Court to deal with young first time offenders aged between 12-18 years old. Overseen by the specialist child division of the Irish Probation Service known as the Young Person's Probation (YPP), Family Conferencing entails bringing together the principal stakeholders of the crime to discuss the harm caused by the young person's behaviour and to reach agreement on how the matter should be resolved in the short term and during the six months of probation supervision period that follows the conference. This Masters research study investigates, through the perspective of the YPP Practitioners, the reintegrative potential of family conferencing for young offenders. Employing qualitative semi-structured interviews, the findings reveal that restorative elements found to be present in these conferences lend the process the

potential to promote victim awareness and feelings of remorse in the young person while also having the potential to promote positive changes to their behaviour. Findings also reveal low victim participation rates and low numbers of referrals from The Children Court.

Shane Horgan

Cyber-fears and Virtual Anxieties: An exploration of public sensibilities towards the digital dimensions of crime and disorder

This project is concerned with exploring the nature of people's perceptions of crime and disorder in the online world and how this informs their everyday lives. Within criminology, considerable advances have been made in understanding fear of crime in the 'real' world. However, how applicable is this literature to our understandings of crime and disorder in an online world? This project hypothesizes that, while there are indeed similarities between traditional 'fear of crime' and 'fear of crime online', there are also important differences. Little research on 'fear of crime online' has previously been carried out and there is a need for more detailed and nuanced understandings of the phenomenon. This project will use both quantitative and qualitative methods to explore both the processes of production and the nature and qualities of crime and disorder online. In a world where social relations are increasingly entangled with technology, developing knowledge in this area could have positive implications for the successful future development of national economies in times of austerity, and secondly be of practical relevance in developing and having an impact on policy. Furthermore, exploring the differences or unique qualities of fear induced by crime online may have significant theoretical implications for criminological understandings of fear of crime in both the real world and online.