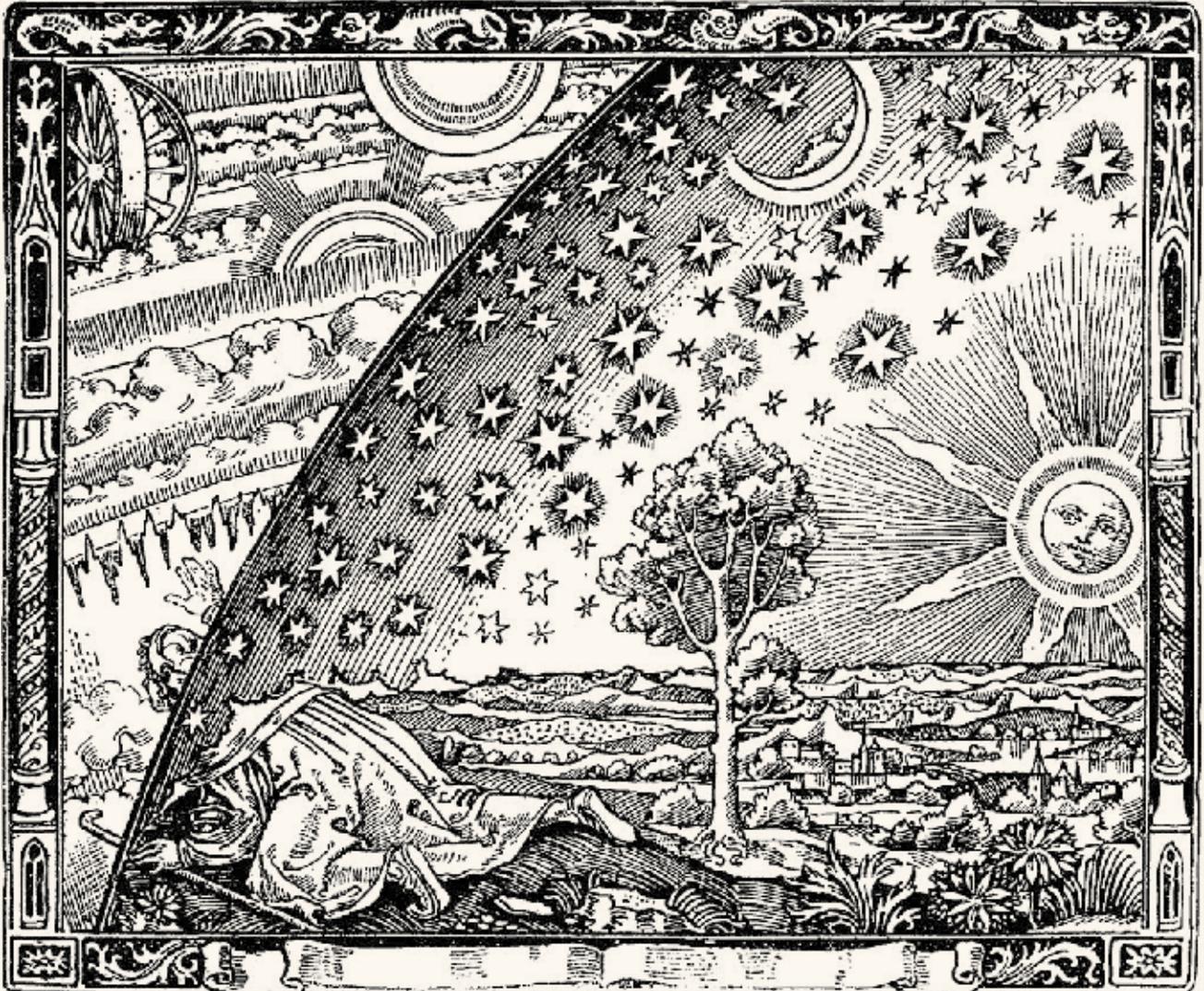


scottish justice ' matters

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REIMAGINING PUNISHMENT AND JUSTICE

PUNISHMENT BEYOND THE GATE

Sharon Mercado on mentoring and the challenges of release from prison

“The purpose of punishment, is nothing other than to dissuade the criminal from doing fresh harm to his compatriots and to keep other people from doing the same.” (*Beccaria, 1764*)

BREAKING the cycle of offending requires more than the willingness of a young man or woman to engage with a mentor. It is a journey that can be full of obstacles, depending on their own individual circumstances and for most it can seem like their punishment continues after leaving the prison gates.

In 2004, I was sitting at a table in a social work building, completing a 200 hours community service order. I was learning how to do cross stitch and making handicrafts to be sold at craft fairs, the sale of any goods to be donated to local charities such as Woman’s Aid. This might not seem like punishment (see the *Scottish Daily Express* by Mills R, Feb 2011 for example of a media view), but for me it offered a safe environment to contemplate my past and look to the future. The offence I had been convicted of did carry a custodial sentence but being given a community order meant the impact of my family, finance, housing and employment was lessened. However, the whole process from being charged to sentence took almost two years, and for that period, my life was in limbo. Indeed the wheels of criminal justice turned very slowly, and this is echoed by the young men I work with now. It is very hard to move on and make positive changes in your life when you have outstanding charges still to be dealt with.

As I neared the end of my order, I was allocated a worker from a voluntary agency that specialised in employment and disclosure, and they sowed the seeds of using my own experiences to better the lives of others. However, I needed to go on my own personal journey and understand why and how I got into offending, if I was to use my experiences in a positive way. It was not about justifying my behaviour but accepting the impact of factors, such as poor mental health, and domestic abuse, had on my life.

It was a long journey, with barriers to overcome and included achieving a BA (Hons) in criminology, before I reached my current occupation with The Wise Group, working as a mentor for the New Routes PSP.

Since inception, over 1800 young men have signed up voluntarily to the programme, which shows there is willingness for them to turn their life around. It is a job I feel very passionate about and enjoy every moment of. My role

is challenging and frustrating but also very rewarding. It has made me realise that whilst there is no excuse for offending, there is always a reason. It is possible to change your life around with the right guidance and support. Mentoring is not rocket science and can be summed up simply by helping someone to help themselves, it encourages and supports people to develop their skills, improve their performance and become the person they want to be (Parsloe 1995).

“Don’t let your past dictate your future”, is something I frequently say to the young men on my caseload. With the exception of a small minority, most young men I work with do want to lead a crime free life, move on and often speak about their hopes and aspirations when they meet me for the first time in a prison setting. The young men I work with are aged 18 - 25, serving less than four years and are prolific offenders. They have in excess of 10 convictions, although some have built up over 50. For most, this is not their first time they have been in prison, and many have done sentences in Polmont YOI prior to going to adult prison.

The tough image of a 21 year old man walking out of the prison gate with a swagger hides the young boy who has no idea where he will be sleeping that night

However, whilst it is accepted that those who commit crime need to be punished, one has to question whether the use of short term sentences serve any purpose. Prison is seen as the ‘gold standard’ by the general public and politicians; however it fails to achieve one of its primary aims, which is to reduce offending. There will always be theoretical and policy debate on how society deals with offenders and new sentencing systems are frequently being introduced or recommended, all with a set of general principles to guide them, however it would be wrong to use the assumption that sentencing is society’s major defence against lawbreaking, and the protection of the public. Punishing someone who has committed crime has to be beneficial not just to the community but to the offender also. It can be very frustrating working with a young man who is making positive steps to move forward, and then having to stop any progress they are making due to another short term sentence being imposed for an outstanding charge. It could also be argued that imprisonment is for some young men an extension of the time they have already spent as a

child in a residential or secure unit. They have become institutionalised and reintegrating back into the community after spending most of their young life in the 'cared for' setting is a difficult task.

They face challenges with housing, benefits, substance misuse and mental health before they can start to look at long term goals such as training or employment. Therefore, it could be argued that the reintegration of offenders back into the community is a process that continues long after an offender has completed their sentence and desisting from further crime.

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All of the young men on my caseload have experienced difficulties reintegrating back into the community, but especially those who are homeless on liberation. Within the area that I work, the options are very limited. The majority are offered a place in a homeless unit, which is often miles from their family, and this can have an impact on family support and relationships. The tough image of a 21 year old man walking out of the prison gate with a swagger hides the young boy who has no idea where he will be sleeping that night. Being told there is nowhere except a place in homeless unit, will often be enough for previous behaviours to return. They have awareness that the use of alcohol or drugs is prevalent within the units, and some have reported how difficult it is to avoid substance misuse when it is so openly available. Therefore, it not a surprise when someone decides to sleep rough or 'sofa surf' rather than go to a homeless unit. However, regardless of the accommodation that is offered having someone guide the young man through the process can ensure a smoother journey for all parties concerned. Whether it is trying to access housing, make a claim for benefits or get registered with a G.P. (the list goes on), hoops have to be jumped through.



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Reflecting back I firmly believe that having someone at my side to guide me through some of the difficulties I was experiencing definitely made a difference. As someone who has been through the criminal justice system I can empathise with the young men on my case load when they feel the door is consistently being shut in their face. Every person on my case load is an individual and they will all have their own story of when and how their criminality began. However, just as the offender needs to change their attitudes and behaviour so does the systemic obstacles put in place by the statutory sector need to change. It is the third sector that often leads the way in new innovative approaches to working with offenders, and they are not afraid to put their head above the parapet. Although even with third sector led schemes aimed at supporting ex-offenders into employment, opportunities can be halted by the bureaucracy of an excessively complicated benefits systems. An example of this would be a young man who was offered a real job after engaging with a community employment project, only to be told he could not take it because he had been

placed on a DWP work programme, and therefore obliged only to take offers from the programme provider because of their 'payment by results' funding.

I too have been refused employment due to an organisation having the 'fear factor' of employing someone with a criminal record, the risk of the media running a story "Charity employs ex-offender!" was too great. Attitudes need to change if those that have committed crime are to be reintegrated into the community, otherwise it can seem like even the shortest of prison sentences becomes a lifelong punishment, far beyond the prison gate.

Sharon Mercado is a mentor with the Wise Group, "an inclusive organisation that values diversity, and fully embraces the employment of people with an offending past".

Beccaria C (1764),
Dei delitti e delle pene, (On Crimes and Punishments)

Mills R (2011) [online at]
<http://www.express.co.uk/news/uk/226862/Sentenced-to-30-days-hard-knitting>

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