

Pre-trial detention and the children of prisoners

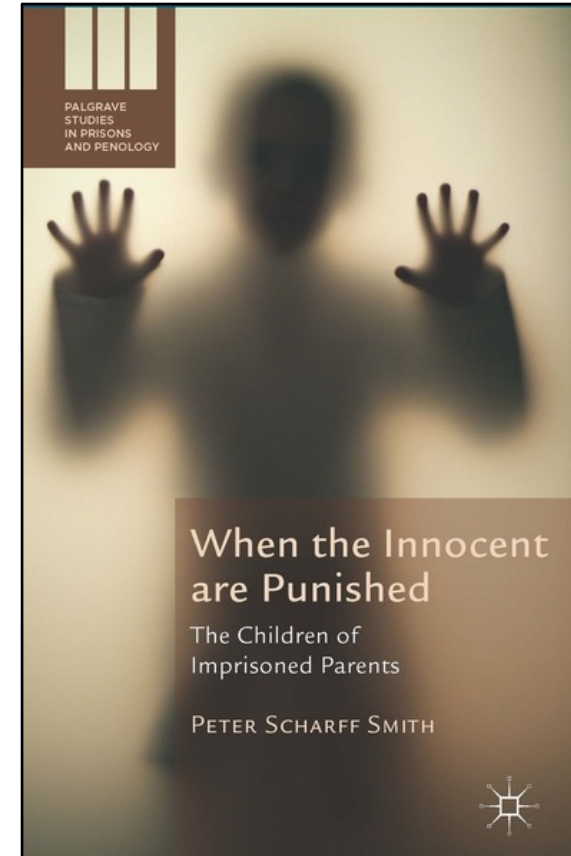
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What I am going to talk about?

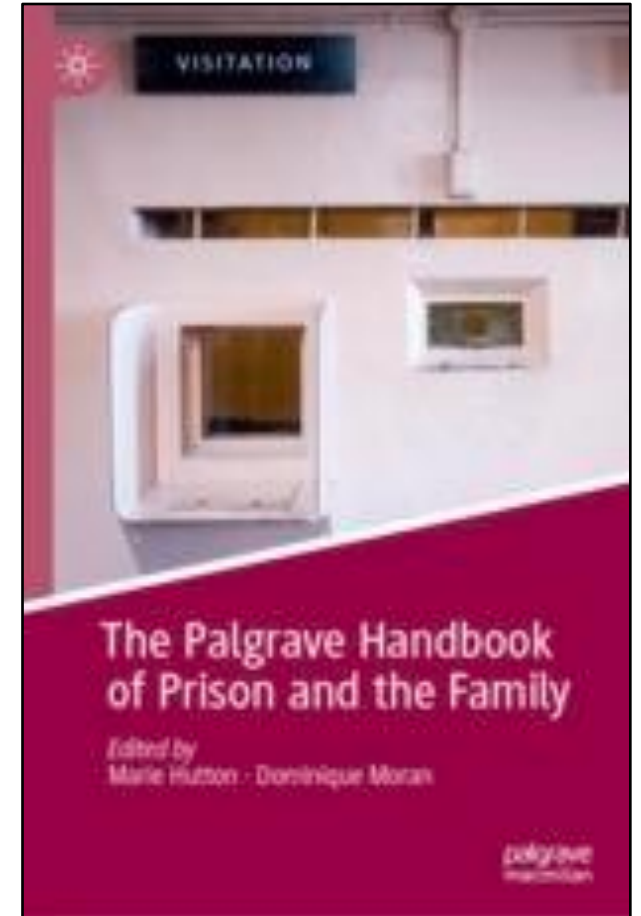
- General problems and challenges associated with pre-trial detention and how these can affect the children of prisoners
- Findings from Scandinavian research on pre-trial detention and the children of prisoners
- The exacerbation of pre-trial problems in Denmark during the pandemic



A Holistic Approach to Prisoners' Families

- From Arrest to Release

- “Research suggests that pre-trial detention can be a particularly difficult period for families facing incarceration and (...) stress afflicting the parent remaining at home can also affect the children”
- The initial process of arrest and remand can be associated with “disruption of the family income, disorientation, loss, and uncertainty”



Common pre-trial issues – from a family perspective

- A particular issue during pre-trial is the **uncertainty** and lack of knowledge of what will happen on last? Will there be a prison sentence?
- There is **uncertainty** for close kin about pre-trial detention. In some cases, the reason and might have difficulty locating the imprisoned person. Family members have no right to see the person in detention.
- **Rules and procedures** for trial, prison, and visitation rights. Many families are not aware of these rules. Social services etc.
- **Lack of contact.** In some jurisdictions there are strict rules about contact with the person in detention.
- Some families experience significant **financial problems** (lack of income, transportation costs etc.)

A potential **family crisis** due to the immediate and far ranging character of the problems.

All this of course depends very much on individual circumstances. Imprisonment of a parent can sometimes be beneficial for children and the family.

Variations in pre-trial regimes

- There seems to be a split between criminal justice systems where pre-trial detainees generally have more rights and privileges compared to sentenced prisoners (such as in England) and systems where remand prisoners tend to have fewer rights than sentenced prisoners (such as in Scandinavia)



The Scandinavian pre-trial regime – generally high levels of restrictions and isolation

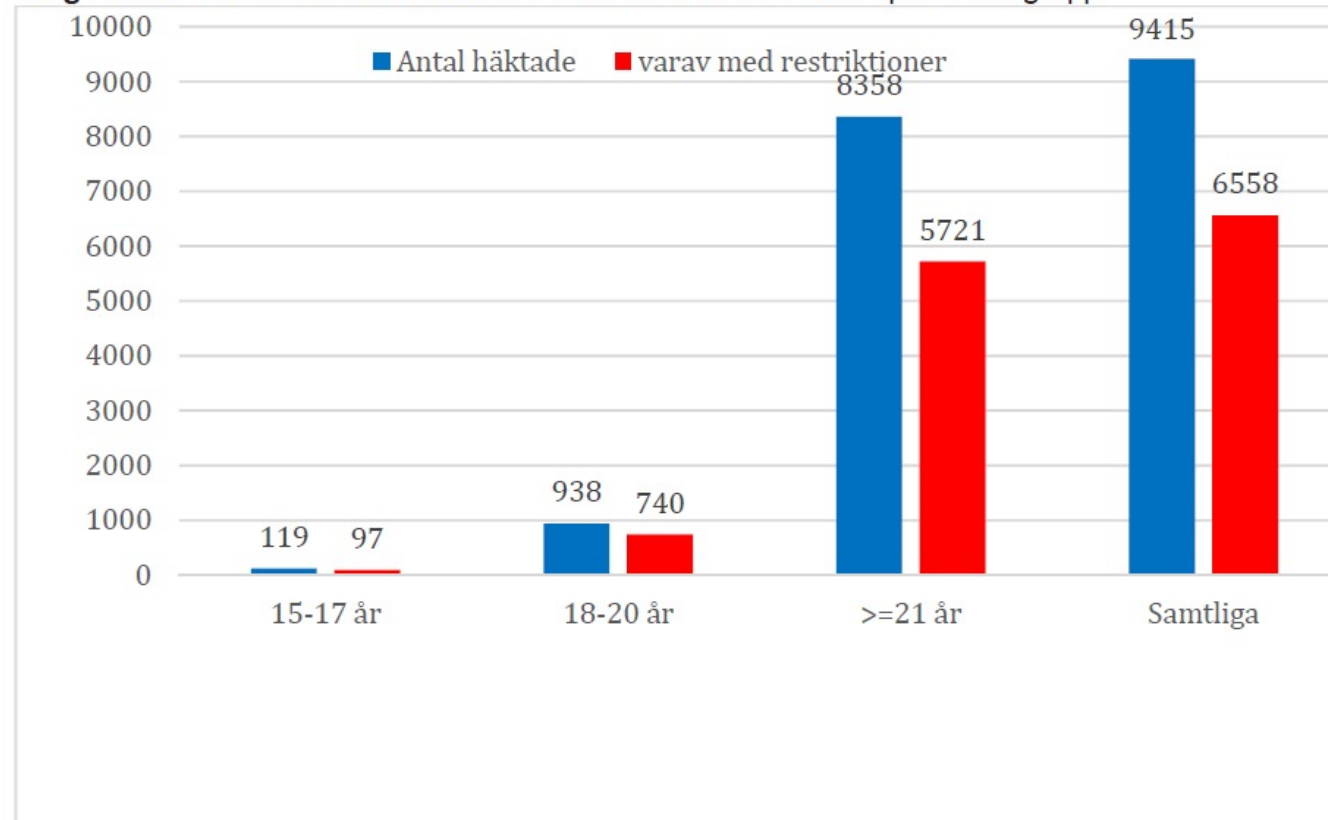


Conditions and privileges for sentenced prisoners are generally much better compared to those for pre-trial detainees

Pre-trial solitary confinement

“A peculiar Scandinavian phenomenon”

Diagram 10 Totalt antal häktade varav med restriktioner år 2013 per åldersgrupp



Parents in solitary confinement

(Holmgren et al. 2007)

- Swedish research has shown that parents in pre-trial solitary confinement have very high levels of psychological health problems, which remain constant over time, while psychological health is gradually improved among parents with access to company with other detainees
- The authors attribute this difference to the lack of contact with the children and the inability to be a parent, which is especially evident when subjected to solitary confinement
- It is very likely indeed that the children experience the same effect in cases where they have a meaningful contact with the detained parent



Contact with the outside world during pre-trial in Denmark

- Have applied for a permit "to call my 6-year old son who I have not seen for two years, but they denied me permission because I was on remand"

(pre-trial detainee,
Denmark)

- *"The worst part about remand imprisonment is the social violence and the social isolation. You are torn away from everything. You cannot keep contact with your family – visits are seldom and conducted under surveillance, it takes years for letters to arrive and you cannot use the phone. You are completely isolated from the life you had before. It's like that in prison as well of course, but its on a completely different scale when you are on remand. It's more absolute."*

(Anders, former pre-trial detainee,
Denmark)

Imprisonment and contact with family members in Denmark during the pandemic

- Visit suspension and no video visits in Denmark for pre-trial detainees, nor inmates in closed prisons
 - I pads were quickly introduced in Norway for such purposes
- For all pre-trial detainees with restrictions (approximately half) visits have been banned during most of the pandemic. As a substitute it has been possible to make an appointment to visit one specific police station in Denmark (sic!) and make a phone call from there



We need more research on pre-trial detention and the children of prisoners

- “Most empirical research on children of imprisoned parents and other family members of prisoners does not differentiate between the remand phase and imprisonment following a sentence. This is clearly the case with the available quantitative studies, which normally only record one category, namely “imprisonment”. This naturally makes it difficult to single out the characteristics of the pre-trial phase and its potential impact”.

Forthcoming
Danish study

