Interrogating penal power and developing policy responses to deaths in custody

Between 1990 and November 2014, there were 3,456 deaths in prisons in England and Wales, 1722 of which were self-inflicted. With others, Professor Sim has been researching the roles and responsibilities of politicians, policy makers and prison staff in this area and how the stigmatisation of prisoners (and their families) directly impacts on their experiences in a negative and highly detrimental manner generating pain, harm and suffering.

Professor Sim’s work is based on critiquing different aspects of penal policy through a critical examination and deconstruction of historical and contemporary state records. It focuses on the centrality of punishment within prisons, the denial of individual and collective rights to prisoners and considers how the stigmatisation of prisoners and their families not only impacts on reform and rehabilitation but can lead to self-harm and self-inflicted deaths.

This has led Professor Sim, and other researchers to suggest radical reforms to contemporary penal policies in these areas.

The significance, and impact, of his research led to Professor Sim becoming a trustee of the charity INQUEST. The charity has been campaigning for truth, justice and accountability around prisons since 1981. The charity’s work has included: campaigning for, and eventually succeeding in the abolition of the prison medical service; supporting the families of prisoners who die in custody through providing legal and practical advice; investigating contentious deaths; and lobbying for reform through providing robust research to policy makers particularly in the House of Lords.

A body of work developed by Professor Joe Sim in LJMU’s School of Humanities and Social Science has aimed to critically interrogate the issues around medical power in prison in general and deaths in custody in particular, especially with respect to those occurring in the prison system. This body of work has also been designed to make interventions into the social policy debates in these areas in order to challenge and radically change existing policies thereby minimising the victimisation of prisoners and reducing the traumas experienced by the families of the deceased.
The work of INQUEST has led to a number of key policy changes, including the introduction of an independent investigation process following deaths in police custody and in prison. Other legislative reforms included changes to the Corporate Manslaughter and Homicide Act 2007, lifting crown immunity from the prison service in relation to custodial deaths, and changes to the Coroners and Justice Act 2009, which save the key post of Chief Coroner from being abolished. This was accomplished at the same time as successfully campaigning against government proposals to introduce secret inquests: firstly in the Counter Terrorism Bill 2008; secondly in the Coroners and Justice Act 2009 and most recently in the Justice and Security Green Paper 2012.

According to one of the Co-Directors of INQUEST, Professor Sim’s formal role in this process involved firstly, attending board meetings thereby helping to formulate and develop INQUEST’s policies and approach; secondly commenting on INQUEST’s briefings to policy makers, practitioners, and the media; thirdly, offering advice to INQUEST’s case workers and Co-Directors via Email and telephone discussions.

One other key element in this process is the attempt to increase public awareness of the issues surrounding deaths in custody. Professor Sim (and other members of the Criminology team at LJMU) are heavily involved in public engagement in terms of the dissemination of their research results though publishing letters in newspapers, appearing in documentaries; writing for various blogs and practitioner journals; and providing evidence to Parliamentary inquiries.

[Professor Sim’s work is]...the kind of concise, articulate and powerful critique of apparent criminological realities, which is necessary to motivate genuine reform and can help to ensure that practitioner and others do not forget the big picture.

A representative from HM Inspectorate of Prisons

By highlighting issues such as brutality, poor conditions and the resulting violence and conflict, Professor Sim was amongst those intellectuals whose ideas and arguments contributed towards the improvements in the treatment of prisoners that followed the publication of the Woolf Report in 1991.

A serving prison governor