



The Sentencing & Penal Decision-Making European Group

Presents

Reducing the Use of Imprisonment in Sentencing & Penal Decision- Making: A European Conference

**Thursday 8th – Friday 9th June 2017
Edinburgh, Scotland**

Venue: Surgeons' Hall, Central Edinburgh, EH8 9DW

Conference Chair: Prof Cyrus Tata, Strathclyde University

Programme

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Edinburgh Law School

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Aim of the European Conference

This conference brings together academic researchers from across Europe, senior policy officials, members of the judiciary, practitioners from law, social work and other disciplines, members of the third sector, as well as those with personal experience of going through the criminal justice process to learn from each other and to debate the efforts across Europe to reduce the use of imprisonment in sentencing and penal decision-making.

It is widely recognised that imprisonment should be used as sparingly as possible. Yet across the globe, and in several European countries, the rate *and use* of imprisonment remains stubbornly high. Rather than being explicable by crime rates or efficacy in reducing offending, it is well-established that variations in the rates and use of incarceration are more the result of laws, policies, and decision-making practices, enveloped in a wider prison-centric cultural environment.

Yet despite the widespread desire to reduce the use of imprisonment, especially in respect of those committing less serious offences, progress has been relatively limited. Why is this? How can we understand efforts to reduce the use of imprisonment and how have some countries recently made significant progress? What can we learn from each other?

Scotland is an apt place to tackle the quest to reduce the use of imprisonment. Having one of the highest rates of per capita imprisonment in Western Europe, successive Scottish administrations have repeatedly stated a bold ambition to reduce radically the use of imprisonment, especially for less serious cases. Yet, how can this bold ambition be achieved? Having a lofty aspiration is not enough: there needs to be a clear, coherent and sustainable plan. This is not easy and requires considerable thought as well as learning from around the world. This conference will, I hope, help to contribute European evidence, ideas and debates to the attempt to realise this ambition in Scotland, as well as in other countries.

We cannot, of course, hope to solve all of these challenging questions within a single short conference. However, I hope that you will come away from the conference with at least one valuable learning point, which may, in turn, contribute to the process of achieving positive and sustainable change.

Professor Cyrus Tata, PhD, FRSA (Conference Chair)

Strathclyde Centre for Law, Crime & Justice, Strathclyde Law School

Thursday 8th June

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| 12.15- 13.30 | Registration & Buffet Lunch Prince Philip Building |
| 13.35- 15.10 | Opening Plenary: Rethinking the Use of Imprisonment <i>Deacon Suite</i> Welcome: Cyrus Tata – Conference Chair (University of Strathclyde, Scotland); and Fiona Jamieson – Conference Host (University of Edinburgh, Scotland) Plenary 1: Rethinking the Use of Imprisonment Chair: The Rt Hon Lady Dorrian (The Lord Justice Clerk, Judiciary, Scotland) <ul style="list-style-type: none">• The Rt Hon Lady Dorrian: <i>Opening Remarks</i>• Andrew Coyle (King's College London, England & Wales) <i>Rethinking Prisons and the Use of Imprisonment</i> |
| 15.10- 15.50 | Refreshments Break |
| 15.50- 17.20 | Roundtable Parallel Sessions |

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| <p>15.45-17.20</p> | <p>Roundtable 1 : Proportionality, Equality and Difference in the Experience of Imprisonment</p> <p><i>Deacon Suite</i></p> <p>Chair: David Strang (Chief Inspector of Prisons, Scotland)</p> <ul style="list-style-type: none">• Loraine Gelsthorpe (Cambridge University, England & Wales): <i>Reducing Women’s Imprisonment: two steps forwards, three steps backwards</i>• Carmen Navarro Villanueva (Autonomous University of Barcelona, Spain): <i>How to Minimise Minimise the Impact of Mothers’ Imprisonment on Children? Options to Reduce the Number of Incarcerated Women</i>• David Hayes (Sheffield University, England & Wales): <i>Penal Subjectivism, Severity, and Sentencing Policy: Doing Justice to the Pains of Punishment</i> |
| <p>15.45-17.20</p> | <p>Roundtable 2: Unscrambling The Custody Threshold</p> <p><i>Charter Suite</i></p> <p>Chair: Nicola Padfield (Cambridge University, and Barrister and Crown Court Recorder, England & Wales)</p> <ul style="list-style-type: none">• Andreia de Castro Rodrigues (University of Minho and University Lusíada Norte (Porto), Portugal): <i>Prison sentences: mapping the gap between empirical evidence and sentencing practices</i>• Lyndon Harris (Oxford University, England & Wales) and Julian Roberts (Oxford University, England & Wales): <i>Reconceptualising the Custody Threshold in England and Wales</i>• Jay Gormley (University of Strathclyde, Scotland): <i>Sentence Discounting: Crossing the Custodial Threshold</i> |

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| 17.20- 18.45 | <p style="text-align: center;">Drinks Reception</p> <p style="text-align: center;"><i>Deacon Suite, Prince Philip Building</i></p> <ul style="list-style-type: none">• Richard Sparks, Edinburgh Law School, Scotland• Karyn McCluskey, Community Justice Scotland |
| 19.15- | <p style="text-align: center;">Dinner in Recommended Local Restaurants</p> <p style="text-align: center;"><i>Please see final page in this programme</i></p> |

Friday 9th June

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| 09.00- | Registration, Prince Philip Building |
| 09.00- 09.30 | Refreshments |
| 09.30- 11.00 | Parallel Roundtable Sessions Prince Philip Building |
| 09.30- 11.00 | Roundtable 3: The use of Pre-Trial Detention and Custodial Sentences <i>Charter Suite</i> Chair: Sheriff Seith Ireland (Paisley Sheriff Court, Judiciary, Scotland) <ul style="list-style-type: none">• Javier Velásquez (Glasgow University, Scotland & Prosecution Service of Chile): <i>The Complexities of the "Remand Court" in Scotland</i>• Yannick van den Brink (Leiden University, Netherlands): <i>Pre-Trial Detention of Juveniles as a Last Resort? Towards a new framework for juvenile pre-trial detention decisions in the Netherlands</i>• Discussant: Rasmus Wandall (General Counsel, International Association of Prosecutors, Denmark and Bergen University, Norway) |

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| | <p>Roundtable 4: Humanism, Technology and Power in Close and Remote Penal Decision-Making</p> <p><i>Deacon Suite</i></p> <p>Chair: Tim Parkinson (British Association of Social Workers)</p> <ul style="list-style-type: none"> • Dragan Petrovec (Ljubljana University, Slovenia): <i>Back to the Future: Humanism in Criminal Justice System</i> • Jakub Drapal (Charles University, Prague, Czech Republic): <i>Lowering the Imprisonment Rate via Procedural Measures: the case of Penal Order in the Czech Republic</i> • Discussant: Mike Nellis (University of Strathclyde, Scotland) |
| <p>11.00-11.30</p> | <p>Refreshments Break</p> |
| <p>11.30-13.00</p> | <p>Roundtable 5: International Practices and Standards in the Quest for Penal Reduction</p> <p><i>Deacon Suite</i></p> <p>Chair: John Scott QC (Solicitor Advocate and Sentencing Council, Scotland)</p> <ul style="list-style-type: none"> • Jessica Jacobson (Institute for Criminal Policy Research, London University, England & Wales): <i>Understanding and reducing the resort to custody: Evidence from ten jurisdictions from around the world</i> • Vivian Geiran (Director of Probation Service, Republic of Ireland; and Chair of PC-CP Council of Europe): <i>Right-Sizing' the Use of Custodial and Community Based Sanctions: A Council of Europe Perspective</i> • Cyrus Tata (University of Strathclyde, Scotland): <i>Learning from Failure: Four Sustainable Ways to Reduce the Use of Imprisonment</i> |

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| <p>11.30-13.00</p> | <p>Roundtable 6: The Rise and Fall of Prison Populations in Europe: Unravelling the Impact of Policies and Practices</p> <p><i>Charter Suite</i></p> <p>Chair: Fergus McNeill (Glasgow University, Scotland)</p> <ul style="list-style-type: none"> • Josep Cid (Universitat Autònoma de Barcelona, Spain): <i>The Progressive Reduction in the Use of Imprisonment: the Spanish case</i> • Peter Conlong (Justice Analytical Services, Scottish Government) <i>If Crime is Falling, Why is the [Scottish] Prison Population Still So High?</i> • Sigrid van Wingerden, Sigrid (Leiden University, Netherlands) and Mojca M Plesničar (University of Ljubljana, Slovenia) and Pauline Schuyt (Leiden University, Netherlands): <i>Explaining Trends in Imprisonment Rates: The "usual suspects" and two opposing pathways</i> |
| <p>13.00-14.00</p> | <p style="text-align: center;">Lunch</p> |
| <p>14.00-15.30</p> | <p>Roundtable 7: Release from Prison: 'Readiness' and Return</p> <p><i>Deacon Suite</i></p> <p>Chair: Loraine Gelsthorpe (Cambridge University, England & Wales)</p> <ul style="list-style-type: none"> • Anthea Hucklesby (Leeds University, England & Wales) and Niamh Maguire (Waterford, Republic of Ireland): <i>Legitimacy, Fairness and Justice in the Breach Process: comparative perspectives</i> • Nicola Padfield (Cambridge University, England & Wales): <i>Reducing the Length of Imprisonment: What are the Barriers to Release?</i> • Sarah Armstrong (Glasgow University, Scotland): <i>The Regression of Sentence Progression</i> |

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| <p>14.00-15.30</p> | <p>Roundtable 8: <i>The Role of Judicial Culture and Practices in Reducing the Use of Imprisonment</i></p> <p><i>Charter Suite</i></p> <p>Chair: Sheriff Alistair Duff (Director of the Judicial Institute, Judiciary Scotland)</p> <ul style="list-style-type: none"> • Richard Hartley (University of Texas, USA): <i>Reducing the Use of Imprisonment or Widening the Net of Control: Veterans' Treatment Courts as Diversionary Programs</i> • Fiona Jamieson (Edinburgh University, Scotland): <i>Reducing the Use of Imprisonment: Why Judicial Culture Matters</i> • Tom O'Malley (Barrister and National University at Galway, Republic of Ireland): <i>Choice Architecture and the Selection of Sentence</i> |
| <p>15.30-16.00</p> | <p>Refreshments</p> |
| <p>16.00-17.30</p> | <p>Closing Plenary: The Decline of Imprisonment?</p> <p><i>Deacon Suite</i></p> <p>Chair: Vivian Gerain (Director of the Probation Service, Republic of Ireland; and Chair of the Council for Penological Cooperation, Council of Europe)</p> <ul style="list-style-type: none"> • Boone, Miranda (Leiden University, Netherlands) and Francis Pakes (University of Portsmouth, England & Wales): <i>The Collapse of the Prison Population in the Netherlands</i> • Mike Nellis (Strathclyde University, Scotland): <i>Electronic Monitoring and the Politics of Alternatives to Custody</i> • Coyle, Andrew, (King's College London, England & Wales): <i>Closing Remarks</i> |
| <p>19.00-</p> | <p>Dinner in Local Recommended Restaurants</p> |

List of Participants

- Ackerman, Graham**, (Scottish Sentencing Council, Scotland)
- Armstrong, Sarah**, (Glasgow University, Scotland)
- Anderson, Sarah** (Glasgow University, Scotland)
- Bell, Angela**, (Criminal Justice Division, Northern Ireland Executive)
- Bisset, Catherine**, (Justice Analytical Services, Scottish Government, Scotland)
- Boone, Miranda**, (Leiden University, Netherlands)
- Carnie, James** (Scottish Prison Service)
- Cid, Josep**, (Universitat Autònoma Barcelona, Spain)
- Conlong, Peter**, (Justice Analytical Services, Scottish Government, Scotland)
- Coyle, Andrew**, (King's College London, England & Wales)
- Cross, David** (Criminal Justice Social Work, Edinburgh City Council, Scotland)
- Crowe, Sheriff Frank** (Edinburgh Sheriff Court, Judiciary, Scotland)
- Dorrian, Rt Hon Lady**, (Lord Justice Clerk and Scottish Sentencing Council)
- de Castro Rodrigues, Andreia**, (University of Minho and University Lusíada Norte (Porto), Portugal)
- Drapal, Jakub**, (Charles University, Prague, Czech Republic)
- Duff, Sheriff Alistair**, (Sheriff Alistair Duff, Director of the Judicial Institute, Judiciary Scotland)
- Filshie, Emma**, (Community Justice Division, Scottish Government)
- David Gallagher** (Community Justice Scotland)
- Geiran, Vivian**, (Probation Service, Republic of Ireland; and Council for Penological Cooperation, Council of Europe)

- Gelsthorpe, Loraine**, (University of Cambridge, England & Wales)
- Gormley, Jay**, (University of Strathclyde, Scotland)
- Graham, Hannah** (University of Stirling, Scotland)
- Gunn, Dan** (Joint Faiths Board on Community Justice, Scotland)
- Hall, Sue** (Vice-President Confederation of European Probation (CEP))
- Harris, Lyndon** (Oxford University, England & Wales)
- Harrison, Karen**, (Hull University, England & Wales)
- Hartley, Richard** (University of Texas, USA)
- Hayes, David** (Sheffield University, England & Wales)
- Hucklesby, Anthea**, (Leeds University, England & Wales)
- Ireland, Sheriff Seith** (Paisley Sheriff Court, Judiciary, Scotland)
- Jacobson, Jessica** (Institute for Criminal Policy Research, London University, England & Wales)
- Jamieson, Fiona** (Edinburgh University, Scotland)
- Loucks, Nancy** (Families Outside & Strathclyde University, Scotland)
- Maguire, Niamh** (Waterford, Republic of Ireland)
- McCluskey, Karyn** (Chief Executive, Community Justice Scotland)
- McGhee, John** (Prisons Engagement Project, Scotland)
- McKenzie, Lisa** (Howard League, Scotland)
- Dean McLeay** (Prisons Engagement Project, Scotland)
- McMillan, Scott** (Prisons Engagement Project, Scotland)
- McNeill, Fergus** (Glasgow University, Scotland)
- Mellon, Maggie** (Independent Social Worker & Writer, Scotland)
- Michala, Olga** (University of Vienna, Austria)
- Morgan, Kerry** (Community Justice, Scottish Government, Scotland)
- Navarro Villanueva, Carmen** (Autonomous University of Barcelona, Spain)

Nellis, Mike (Strathclyde University, Scotland)

O'Malley, Tom (Barrister and National University at Galway, Republic of Ireland)

Padfield, Nicola (Cambridge University, and Barrister and Crown Court Recorder, England & Wales)

Parkinson, Tim (British Association of Social Workers)

Pakes, Francis (University of Portsmouth, England & Wales)

Petrovec, Dragan (Ljubljana University, Slovenia)

Pinkman, Anne (Scottish Working Group for Women's Offending)

Plesničar, Mojca M. (University of Ljubljana, Slovenia)

Pollock, Linda (Community Justice Division, Scottish Government, Scotland)

Robertson, Graham (Scottish Prison Service)

Rubio, Alejandro (Glasgow University, Scotland)

Schinkel, Marguerite (Glasgow University, Scotland, UK)

Schuyt, Pauline (Leiden University, Netherlands)

Scott, John (Advocate and Scottish Sentencing Council, Scotland)

Spencer, Alec (Scottish Consortium for Crime & Criminal Justice)

Staff, Alan (Chief Executive, Apex Scotland)

Strang, David (Chief Inspector of Prisons for Scotland, Scotland)

Tai, Leila (Oxford University, England & Wales)

Tata, Cyrus (Strathclyde University, Scotland)

Thomson, Gillian (Scottish Judiciary and Scottish Sentencing Council, Scotland)

Velásquez, Javier (Glasgow University, Scotland & Prosecution Service of Chile)

van den Brink, Yannick (Leiden University, Netherlands)

van Wingerden, Sigrid (Leiden University, Netherlands)

Wallace, Gertie (Policy Division, Prosecution Service, Scotland)

Wandall, Rasmus (General Counsel, International Association of Prosecutors, Denmark and University of Bergen, Norway)

Wardrop, Gary (Department of Justice, Northern Ireland Executive)

White, Pete (Positive Prison? Positive Futures....)

Suggested Hotel Accommodation

The Conference Venue is in central Edinburgh: **[Surgeons' Hall \(EH8 9DW\)](https://www.surgeons-hall.com/)** **<https://www.surgeons-hall.com/>**

Address: Surgeons' Hall
Nicolson Street
Edinburgh
EH8 9DW

The following hotels within 10 minutes' walking distance of the conference venue include (roughly in order of cost):

1. Ibis, South Bridge <http://www.ibis.com/gb/hotel-8484-ibis-edinburgh-centre-south-bridge/index.shtml>
2. Ibis, Royal Mile <http://www.ibis.com/gb/hotel-2039-ibis-edinburgh-centre-royal-mile-hunter-square-new-rooms/index.shtml>
3. Novotel, Lauriston Place
<http://www.accorhotels.com/gb/hotel-3271-novotel-edinburgh-centre/index.shtml>
4. Macdonald Holyrood
<https://www.macdonaldhotels.co.uk/booking/room-configuration/225c5348-a8d7-46ea-aaba-ed9d47aabce6/0/>
5. Premier Inn: Royal Mile and Lauriston Place
6. University Accommodation:
<http://www.edinburghfirst.co.uk/for-accommodation-internal/>

Recommended Nearby Restaurants

(Very roughly, in ascending order of cost)

Pizza Express

1 Victoria Terrace, Edinburgh

<https://www.pizzaexpress.com/edinburgh-george-iv-bridge>

Vittoria

19 George IV Bridge, Edinburgh

<http://www.vittoriagroup.co.uk/vittoriabridge/>

Ting Thai Caravan

Teviot Place, Edinburgh

<http://ohtaste.co.uk/ting-thai-caravan/>

Angels with Bagpipes

343 High Street, Royal Mile, Edinburgh

<http://www.angelswithbagpipes.co.uk/the-restaurant/>

The Devil's Advocate

9 Advocate's Close, Edinburgh

<http://devilsadvocateedinburgh.co.uk/>

The Outsider

15-16 George IV Bridge, Edinburgh

<http://www.theoutsiderrestaurant.com/>

Ten Hill Place

10 Hill Place, Edinburgh

<https://www.tenhillplace.com/wine-dine/>