



Supervisable

Experiences of criminal justice supervision in Scotland

Howard League for Penal Reform

Key points

- The emergence of 'mass supervision' has largely escaped the attention of legal scholars and social scientists more concerned with the 'mass incarceration' reflected in prison growth.
- Supervision in Europe has developed rapidly in scale, distribution and intensity in recent years. The info-graphic on the following page visually represents the dramatic increase in the number of people subject to supervision in Scotland from about 3,000 in 1980 to over 23,000 by 2014. The numbers in prison have also increased over this period but crime rates have fallen.
- While statistics highlight the scale of supervision as a penal institution, they do not provide an insight into how supervisees experience it. 'Supervisable' was a pilot study funded by the Howard League which used photography to help us represent and understand the experiences of people who are supported and supervised in the community as part of the criminal justice system. The pilot study took place in England, Germany and Scotland.
- As with the findings in England and Germany, the photographs and discussion of them draw attention to themes of constraint, time (lost or suspended), waste, judgement and growth (or development). Broadly, the findings reveal how supervision can be (sometimes simultaneously) both a painful and a helpful experience.
- The pilot also evidences the usefulness of visual methods in helping people express their experiences of supervision, as a tool for researchers (and practitioners) to engage with people, and in helping to make the experience of penal supervision more visible to the general public and to policy makers. These methods help us understand both the potential and the limits of supervision as a penal practice.

Introduction

'Supervisible' was a pilot research project which grew out of the work of the COST Action IS1106 on Offender Supervision in Europe (www.offendersupervision.eu). The Action was a network of about 70 researchers across 23 countries and ran between 2012 and 2016.

In 'Supervisible', we aimed to use visual methods to explore people's thoughts and feelings about being supervised. The limited previous research about the experience and usefulness of supervision has tended to rely on interviewing people. Though this tends to produce fairly positive results about the experience, it is probable that such studies have tended to over-sample more compliant supervisees with positive stories to tell (see Durnescu, Enengl and Grafl, 2013). On the whole, more recent studies that adopt an ethnographic approach tend to produce more negative findings (see Fitzgibbon, Graebisch and McNeill 2017).

There is evidence that more creative research methods seem to enable participants to increase their self-esteem and self-confidence, as well as develop new skills with which to communicate and share their emotions and experiences with

others (Palibroda et al., 2009). **Photovoice** is one such method developed initially by health promotion researchers (Wang and Burris, 1997). People who engage with photographs taken and selected by participants can reflect upon and explore the emotions, thoughts and experiences that have led to the creation and selection of the chosen images. This visual approach is a potentially powerful and engaging research tool that can reveal how people experience supervision in the community.

Methodology

The Scottish part of the pilot study involved seven men and three women, all of them white. Their ages ranged from 20-60 and collectively they have experience of very diverse forms of supervision; from 'community payback orders' (which are like probation and/or community service in their requirements) to life licence parole supervision. We ran two workshops: one with seven of the participants who were recruited through a local criminal justice social work team, and the other with three people recruited through social media and an advocacy organisation of and for people with convictions.

In both workshops, an artist and photographer (Jenny Wicks) provided a basic briefing on

Mass Supervision and Penal Control in Scotland, 1980-2014

In 1980, the Scottish courts imposed fewer than 3,000 probation orders...



...and the average daily prison population was under 5,000 people.



In 2013-14, the courts imposed over 20,000 community sentences...



...and more than 3,500 people were subject to post release supervision.

Meanwhile, the average daily prison population had risen to just under 8,000...



... in spite of the fact that crime rates have been falling since the early 1990s.



photographic techniques and the researcher (Fergus McNeill) explained the aims and focus of the project. Participants were then given about 90 minutes to take photographs using disposable cameras that somehow reflected their experiences of supervisions.

The cameras were then collected and the films developed while we shared lunch together. We then collected the pictures and returned them to each participant, asking them to select two or three images and to provide a simple caption for each one. In a focus group discussion, we then shared and discussed the selected images with one another. One participant had to leave early, so he was interviewed later on his own.

Our approach to data analysis involved both an examination of the visual data (i.e. of the 160 photographs produced) and an examination of the transcripts of the focus groups and the interview.

Experiencing supervision in Scotland

Because the focus group discussions took place immediately after the pictures were developed, the process of interpreting the meaning of the images was collaborative. While each photographer was able to explain what they intended to communicate, all of the others involved could also contribute their readings of one another's pictures; this often elicited new or refined interpretations which were interesting to the producer of the image. Later, the researcher sought to cluster the 160 images in relation to the objects or scenes that they depicted and the themes that they seemed to imply. In this task, he was guided by the initial focus group discussions. Broadly, the images clustered into five groups:

1. Images focused on development or change.

For example, some people simply took pictures of the buildings where they received help or experienced supervision, and then spoke about the type of help they received. Others took pictures of bridges, roads, paths or scaffolding to metaphorically illustrate support on a journey or project of life reconstruction. Similar themes were also apparent in growth-related images of the natural world from nearby parks or beaches (trees, bushes and flowers; sand, sky and sea).

2. Images that focused on time, often referring to lost, wasted or suspended time. These included images of watches and clocks, but also of shadows and park benches (perhaps implying waiting).

3. Images that seemed to imply constraint.

These included images of locks, chains, doors, gates and walls, but also images of dogs on leashes, surveillance cameras and of people or objects left hanging in a state of suspension.

4. Images centred on waste. These includes images of broken bottles, litter, burning garden refuse, recycling bins, drains and toilets. Often these images were related to supervisees' feeling judged, labelled or stereotyped.

5. Images that used signs and words, for example, road signs (no entry or one way) and road markings (yellow lines), as well as advertising posters and signs with proscriptions (telling us what not to do) and prescriptions (telling us what to do). These images often pointed to supervisees' sense of being subject to direction and/or to discipline.

One of the benefits of using the pictures was that they often allowed for these themes to be represented and combined in subtle and complex ways, defying any simple presentation of supervision as 'bad' or 'good' or as 'helpful' or 'hurtful'. For example, 'Bob Hope' chose to share both the picture below and a second picture a war memorial outside the social work office (not shown):



Uncaptioned by 'Bob Hope'

He explained:

'This is my first picture, it's a padlocked fence, it just kind of, just kind of spoke to me because you're kind of chained to the supervision order whether you like it or not ... The second one I brought is actually the ... monument at the front, and what it says to me is it's kind of ironic that you've got a monument of war and freedom right next to a building that you're going to be chained to, and there is bugger all you can do about for the next however long kind of thing. I just kind of think that's quite ironic when you walk in, you know.'

Another participant, a young man currently subject to a community sentence took this picture:

He explained:

'... my first picture is just a picture of the beach, going up to the beach right there. A woman walking her dog. For me it kind of relates prison and probation and stuff. Whereas it's the kind of relationship is one's the boss. One's the obedient one: the dog. [Murmurs of agreement from the group]. It depends how you're treated. The dog looked happy on a walk, obviously treated well, that's the first one.'

This image then is clearly one of constraint; punishment demands 'obedience' as

he says. In both prisons and probation, there are bosses who must be obeyed. However, although we might focus on the dehumanisation implicit in identifying with the dog, 'Messiah 10' (who took this picture) offers a more complex reading, suggesting perhaps that the extent of dehumanisation is contingent on how he is constrained, not simply on the fact of his being constrained. Being treated well makes constraint more endurable. In discussing a second image (of two ships in the distance), he elucidates this further, implying that the development of shared understanding with a supervisor might also mitigate the pains of being compelled or constrained to obey her authority.

Similarly, apparently positive images of development or growth could also be ambiguous. For example, 'Elvis' provided an image of a tree growing through the cage placed around it to protect it.

However, rather than stressing the merits of this sort of protection, he intended to convey how protection can inhibit growth and distort development:



The Long Walk by 'Messiah 10'



Uncaptioned by 'Elvis'

Elvis: *'The wee tree in the cage is sort of being restricted to where it can go without a cage, a kind of obstacle round it. So it's still got the walls but it's not got its freedom.'*

Fergus: *'Right, so there's ...'*

Elvis: *'It's confined within its areas ... because it is, it's restricted and that. If you look at that [other tree] behind it, there's nothing round that. That's a free tree, do you know what I mean, that's going where it's meant to go.'*

Conclusion

Given that Supervisable was a small-scale pilot study (and that this short briefing relates only to the Scottish part of the pilot), we would not seek to make too much of these findings or to make any claim about their generalisability. That said, it is worth offering some brief reflections on these themes.

Across the three sites, the pilot study has produced data that challenges and extends more conventional research on supervision. For example, the English language literature on probation practice (and on experiences of supervision) tends to focus on probation (or supervisory) meetings. The assumption in these studies is that it is in these events and encounters that supervision 'happens'.

Our findings suggest that the experience of supervision is much more diffuse and

pervasive; it seems to extend in time and in impact across the life of the supervisee.

Crucially, this pervasive impact of supervision is experienced as being painful. Looking across the common themes above, it seems that this pain consists largely in being both (continually) judged and constrained over time, and in the presence of a suspended threat. Indeed, the picture at the start of this paper comes from one of our enterprising Scottish participants who engaged the help of a friend in taking a picture of him dangling from a climbing frame in a play-park. '[L]iving life under a tremendous threat' was one of the pains of probation identified by Durnescu (2011) in his interview-based study.

However, we have also discovered that themes like constraint and growth are in fact ambiguous. In many respects, this underlines the possibility that supervision can be productive at the same time as being painful. The broader findings of the pilot (and of the COST Action as a whole, on which see McNeill and Beyens, 2016) suggest that being treated fairly and being given meaningful help may allow experiences of supervision to be more positive. But it is important to acknowledge that even when supervision is productive, it still hurts.

To paraphrase the common misreporting of supervisory sentences in the British press;

people do not 'walk free from court' when such sanctions are imposed. Rather, they walk away under judgment, under constraint, under threat and into a situation where their time is no longer their own. They enter a liminal position as 'half-citizens'; their liberty has been preserved, but their autonomy and status are significantly compromised. The key contribution of this project is to help communicate and represent these pains (and to a lesser extent the positive potential of supervision) more effectively.

Participants in the pilot study sometimes expressed their astonishment and excitement that their images could elicit deep and insightful discussions as well as very visceral reactions. These reactions now extend beyond those involved in the research itself. With the permission of the participants, the photographs have been exhibited several times, allowing others to engage with the images and the emotions and experiences that they conveyed. They have also been used to inspire collaborative songwriting in an effort to allow these experiences to be heard as well as seen.¹

Not only then is this a powerful and positive research method which taps into the latent creativity of those on supervision, it is also a powerful method of knowledge exchange in which people are able to convey their experiences to each other and to the wider public. Ultimately, our hope is that these images and the experiences and emotions they both convey and elicit may play a part in making it more difficult to ignore the lived experiences of those undergoing supervision.

References

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¹ For more details of the exhibition and of the song-writing process, see: <http://www.offendersupervision.eu/supervisable> accessed 21st March 2017.

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About the author

Fergus McNeill is Professor of Criminology and Social Work at the University of Glasgow. Between 2012 and 2016, he was Chair of the COST Action IS1106 on Offender Supervision in Europe. He is Chair of the Howard League's Research Advisory Group.

About the Howard League for Penal Reform

The Howard League is a national charity working for less crime, safer communities and fewer people in prison.

We campaign, research and take legal action on a wide range of issues. We work with parliament, the media, criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change.

Howard League for Penal Reform

1 Ardleigh Road
London
N1 4HS

t
e
w

020 7249 7373
info@howardleague.org
www.howardleague.org

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