

Howard League for Penal Reform

Early Career Academics Network Bulletin Themed Issue

2020 – a year of crisis or *Kairos*? Part One

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ECAN Facebook Group



The Howard League for Penal Reform is active on [Facebook](#) and [Twitter](#). There is a special page dedicated to the Early Careers Academic Network that you can reach either by searching for us on Facebook or by clicking on the button above. We hope to use the Facebook site to generate discussions about current issues in the criminal justice system. If there are any topics that you would like to discuss, please start a discussion.

Introduction

Harry Annison

The past year has been momentous, with governments and individuals alike scrambling to respond to the first global pandemic for 100 years. It has been a year in which novel concerns have arisen, while other long-standing issues have re-emerged into public consciousness. COVID-19 has caused widespread death and ill health, forced dramatic changes to working practices, and caused significant concerns about ongoing wellbeing – not least in relation to those subject to, working within, or otherwise affected by the criminal justice system. The disproportionate impact of COVID-19 on people from Black and minority ethnic backgrounds has been striking and concerning.

At the same time, high profile incidents of police brutality in the United States of America once again highlighted ongoing dynamics of systemic injustice and inequality. This inspired worldwide and consequential demonstrations, with vital self-reflection on thinking about race and privilege. Recognition of a global climate crisis rumbles on in the background. No one issue stands alone.

The emergence of COVID-19 posed particular dangers for sites of confinement such as prisons, and the people detained and working there. Action in most, if not all, nations across the world has failed to match the urgency of the [situation](#). England and Wales has been no [exception](#), with early suggestions that up to



4,000 prisoners would be released to ease prison overcrowding – in the face of projections of a catastrophic impact of breakouts of COVID-19 on prisoners and staff – resulting in fact in a few hundred prisoners being released under the scheme.

This edition of the ECAN Bulletin is the first of a themed double issue that curates reflections on the issues and experiences of 2020, and the provisional lessons which may be emerging. Contributors include early career academics, practitioners and people affected directly by criminal justice institutions. In a first for the ECAN Bulletin, written pieces are complemented by audio contributions.

Casey, Barkas and Gormley's contribution provides an insightful examination of the experiences of people directly affected by criminal justice in Scotland, during the pandemic. They explore how the feeling of suspension-as-punishment left people navigating the monotony and isolation of being both locked up and locked down. They conclude that COVID-19, and the response to it, has exacerbated vulnerability and precarity, as well as deepening forms of entrenched social and penal inequality.

Our first audio contributions provide two distinct perspectives on prisons

during the pandemic. **Andrea Albutt** is President of the Prison Governors Association; Jonathan Gilbert is pursuing a PhD at Cardiff University and was released from prison in June 2020. Both recognised the necessity, and the difficulties, posed by the full lockdown in prisons that began in March 2020. **Andrea Albutt** spoke to the effects on, and future concerns about, prison staff. She suggests that as we (hopefully) move beyond the worst of the pandemic over the coming months, this may offer an opportunity to learn lessons and find ways to improve prisons and the outcomes for people incarcerated in them. The COVID-19 response showed that swift action (in some regards) is possible. Equally, action is *necessary*: prison safety and staff attrition are two issues requiring urgent attention.

Jonathan Gilbert reflects on his own passage through the prison system, as he progressed towards release; an experience that unexpectedly ended in the midst of a global pandemic. **Gilbert** in particular raises concerns about the sustained disruption that prisoners have, and will, experience to their prison 'journey'. Where usually prisoners (ideally) experience a gradual moving forwards, a loosening of restrictions, as they get closer to release, COVID-19 has led to the majority of prisoners going 'backwards'. They are, and have been, experiencing highly restrictive conditions through no fault of their own. At the same time, the 'journey' beyond prison and towards successful resettlement has been heavily disrupted: learning is unable to take place, work opportunities have been withdrawn and family contact is limited.

In her audio contribution **Kerry Ellis Devitt** reports on [research](#) conducted with her Kent, Surrey and Sussex Community Rehabilitation Company (KSS CRC) Research and Policy Unit colleagues and Dr Jane Dominey on the challenges faced by probation practitioners during 2020. We learn about the profound effect of the pandemic on probation practice and the shift to remote forms of supervision. While identifying the importance of face to face meetings – in building relationships, and practitioners being able to draw on their [senses](#) accurately to appraise the situation of a supervisee – **Devitt** also suggests that there are some positive elements of remote supervision that might persist beyond the pandemic.

Moving to another institutional element of the criminal justice system, **Helen Trinder's** audio contribution reflects on her experience as a Parole Board member. The Parole Board pivoted swiftly to online hearings. While an online 'Hub' had existed for years for the purpose of remote hearings, it had until 2020 been little used. While suggesting that overall the Parole Board's efforts have been remarkably successful (and, we could note, certainly relative to the [considerable delays that we see building in the criminal courts](#)) **Trinder** rightly notes the need for careful analysis to be carried out to ascertain the quality of Parole Board decision making, and the implications of their decisions, during this time. Will Parole Board panels prove to have been too eager to release, or perhaps unnecessarily risk averse? Have people from minority backgrounds been treated fairly? How have prisoners experienced remote parole hearings?

A significant concern during the pandemic has been the potential for pre-existing interpersonal harms to be exacerbated. Contributions to this first Themed Issue address in particular developments relating to domestic violence and hate crime. **Kelly Mackenzie**, an academic and Independent Domestic Violence Advisor (IDVA), discusses the ways in which the pandemic has acted as a conducive context for domestic violence. Reports of domestic abuse are increasing, with significant demands placed on charities providing support. **Mackenzie** argues that moving out of lockdown, long-term, sustainable funding solutions for relevant services are essential. And she hopes that it may provide an opportunity for a change in narrative; a renewed effort to hold these uncomfortable, troubling, and crucial issues in view.

Amy Clarke draws our attention to the dangers, and reality, of hate crimes of various kinds, both fostered and exacerbated by COVID-19. This can be seen in general anti-foreigner sentiment, anti-vax conspiracy theories, and increased attacks on minoritised groups. **Clarke** argues that hate crime in the UK must urgently be addressed by official agencies. More fundamentally still, she argues that serious engagement with minoritised groups' experiences of hate crime, and the particular dynamics of the pandemic, may drive us to reconsider the very meaning of justice; propelling us towards more holistic understandings that come from, and reach out beyond, criminal justice.

Kitson-Boyce and colleagues explore the experiences of Circles of Support and Accountability (CoSA) groups during 2020. CoSA are one valuable means of seeking to

improve public safety, by supporting individuals who have committed sexual offences and may be vulnerable themselves. Hit hard by COVID-19 and the ensuing lockdowns, **Kitson-Boyce and colleagues** show that CoSA providers across international jurisdictions managed to provide at least some level of support to individuals in spite of the challenges of the pandemic. They reflect on the ways in which CoSA providers have had to try to prepare for a "new normal" that has yet to be fully enunciated or understood.

2020 also highlighted recurring concerns about racial bias and disproportionate treatment, not least as regards policing, the application of stop and search and of novel COVID-19 related powers. These longstanding concerns erupted into widespread international protests, under the Black Lives Matter banner, in response to the police killing of George Floyd – a killing which is itself just one amongst many.

In this context, **Prowse and Meares** invite us to learn about their innovative [Portals Policing Project](#) in the United States of America. This project asks "What is the best way to produce public safety for those who feel the brunt of violence in their neighbourhoods and the state's typical response to that problem (armed general purpose first responders)?" They give us insights into emerging ideas – and tangible action – that can serve to achieve improved safety; and within a frame of reference that eschews a narrow focus on policing in its current form. Importantly, they argue that what their work with (over-)policed groups makes clear is a desire not for the repudiation of the state. Rather, it shows a desire for robust, reparatory

and responsive institutions to replace those currently in existence.

Are there threads of commonality that weave between these contributions? At the practical level, many contributions speak to the limits of remote interaction, but also of its benefits and the value of exploring how these technologies might complement in-person practice in the future. There have been significant efforts made by people across criminal justice (and beyond) in seeking to keep the show on the road. The exhaustion and strains caused by COVID-19 and related actions will have long-term effects, on everyone working in and affected by criminal justice.

Many contributions look to the future: will the pandemic and its effect on criminal justice come to be seen in hindsight as a further perpetuation of the apparently never-ending, never-resolving crisis in the English penal system (and indeed in many nations worldwide) as [Cavadino and colleagues](#) have described for many years now? Or will it prove to be a moment of *Kairos*, of possibility and change, whereby meaningful changes are made not only to our criminal justice institutions, but also central underlying concepts including justice and safety.

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About the editor

Harry Annison is an Associate Professor at Southampton Law School. He is a member of the Howard League's Research Advisory Group. His research interests centre on penal politics and policymaking.

Please note

Views expressed are those of the author and do not reflect Howard League for Penal Reform policy unless explicitly stated.

Features

Justice interrupted: Experiences of enduring punishment in a pandemic

Ryan Casey, Betsy Barkas, Caitlin Gormley

Introduction

Lockdown has exacerbated the marginalisation of people under criminal justice control. Under these testing and unstable conditions, disruption to the routine administration of justice has made more visible the multi-dimensional and compounding relations between penal power and social inequalities. Drawing on data from a large and rapid research project exploring the health and social impacts of Covid-19 and its suppression among already marginalised groups in Scotland, this paper reflects on the experiences of 120 people directly affected by criminal justice control during the pandemic.

In this paper, we discuss how the overlapping uncertainties of being punished during a pandemic amounts to a more deeply punitive experience for most people. First, we explore how people felt abandoned and forgotten due to lack of support during lockdown, and in turn, the consequences this produces in terms of mental health and wellbeing. Secondly, and linked to the feeling of abandonment, we explore the feeling of being in a state of suspension as punishment was prolonged, leaving



people to navigate the monotony and isolation of being both locked up *and* locked down. By analysing the intersecting and complex circumstances of interrupted justice, we can better understand how it has exacerbated vulnerability and precarity, as well as deepened forms of entrenched social and penal inequality.

Background and methodology

This paper draws upon data from a wider rapid research project, the *Scotland in Lockdown* study, which focusses on understanding the impact of Covid-19 restrictions and measures (i.e. lockdown) on groups of people already experiencing exclusion, isolation, and marginalisation (see *Scotland in Lockdown*, 2020). This includes people affected by criminal justice, but also disabled people or those with long-term health conditions, refugees and people seeking asylum who were at risk of destitution, and people surviving domestic abuse or sexual violence. The study was funded by the Chief Scientist Office (hereafter CSO) as part of its *Rapid*

Research in Covid-19 Programme¹.

Ethical review and approval of the project was received via the College of Medical, Veterinary and Life Sciences at the University of Glasgow. The research was conducted and completed between July and December 2020 by a large team of researchers at the University of Glasgow and supported by 20 partner organisations from the third sector.

This paper highlights the experiences and impacts of lockdown and its consequential interruptions for those involved in the criminal justice system, including people currently serving or having recently completed prison sentences, their family members, those under community supervision, and staff working in services that support them. The analysis is based on 15 interviews of people under supervision or who have recently left prison; six family members; and eleven staff members. It also draws on a survey completed by 86 sentenced prisoners (73 men, eleven women, and two people who did not disclose their gender) from all but one of Scotland's prisons, as well as reflections on the prison experience sent via two letters. Finally, it includes analysis of data shared by a research partner organisation which conducted its own consultation of released and serving prisoners.

In Scotland, regimes of punishment and control were dramatically impacted by the unfolding pandemic throughout 2020. Community-based sanctions pivoted to tele-support provided by Criminal Justice Social Workers (hereafter CJSWs), yet

major backlogs in court hearings resulted in prolonged supervision orders. New prison policies were accelerated to manage the crisis, including an early release from custody scheme, the implementation of virtual visits, and mobile phones being issued to some prisoners for the first time. However, the *Scotland in Lockdown* (2020) study found that these were implemented too little, too late, or with too many problems. Meanwhile, the prison regime became even more restricted with most prisoners being confined to their cell for 22-23 hours per day. Almost all aspects of daily life in prison were cancelled, including: external services; visits; fellowship meetings; church services; education and library access; most prison work parties; and the gym (for a comprehensive timeline of events relating to Scottish prisons and prisoners, see SPARC, 2021).

Interruption as abandonment

Many people in Scotland experienced significant changes to and challenges in their lives and in accessing key public services during lockdown (e.g. schools and health services). However, people in prison and under community supervision faced compounding problems and hardships in relation to criminal justice or other public services they engaged with either for the support they needed or as requirements of their sentences. For those in prison in particular, even access to the most basic services such as primary healthcare is mediated by the institution confining them. In the community, CJSWs also often mediate access to other services for people under supervision.

¹ The project was funded as part of the Chief Scientist Office (Scotland) Rapid Research in Covid-19 (RARC-19) Programme.

Information here:

<https://www.cso.scot.nhs.uk/covidcalloutcom/e/>.

Unsurprisingly, key statutory services were significantly impacted by the pandemic, affecting not just how or to whom they were delivered, but whether or not staff and providers had any service capacity at all. Community groups and third sector organisations worked creatively to respond to the needs of people and fill in the gaps left by the statutory sector (Casey, 2020) but nevertheless, many of the people who participated in the study felt the absence of services. For those required to meet with social workers, most in-person supervision was suspended and replaced with phone calls. While it was a reduction of service provision, this was not necessarily a negative experience:

I just feel it's a much less stressful relationship with [my family] and I can have quite a relatively light-hearted good check-in with [them] on the phone now, whereas I didn't really have that before. (Person under community supervision)

For many supervisees, the switch to phone-based support was positive, particularly for those who were concerned about the risks of being forced to attend appointments at a crowded indoor office or the looming threat of a breach or recall to custody for non-attendance. Beyond the risk of catching the virus itself, other supervisees experienced the reduction of service as a reduction in the control social work had on their lives. The distance and absence of 'meaningful' support allowed one participant to gain freedom from CJSW supervision and just 'go through the motions' by phone.

However, for those who relied on social work for support, the absence of face-to-face meetings made them feel further isolated as this was the only regular social contact some people had. For those in more precarious or vulnerable positions, light-touch and perfunctory welfare check calls were not enough and the lack of support adversely impacted mental health.

Just before we went into lockdown, I was attending a group as part of my order, I was seeing my social worker once every couple of weeks, and things were going okay [...] I mean, I felt in a good place then [...] But then the lockdown happened, so then I had to stop going to my group, and I was always hearing from my social worker like once a fortnight by phone [...] seeing how I was and I'd be lying if I'd said my mental health wasn't affected. (Person under community supervision)

In prison, the absence of services and support was even more striking. The figure below gives an overview of the main concerns of those in prison, as reported to our survey of prisoners distributed in September 2020. It shows that overall, and for most people, life in prison became worse during the pandemic (rated as either 'A bit worse' or 'Much worse').

8. Q4 How are the following under Covid-19 compared to before?

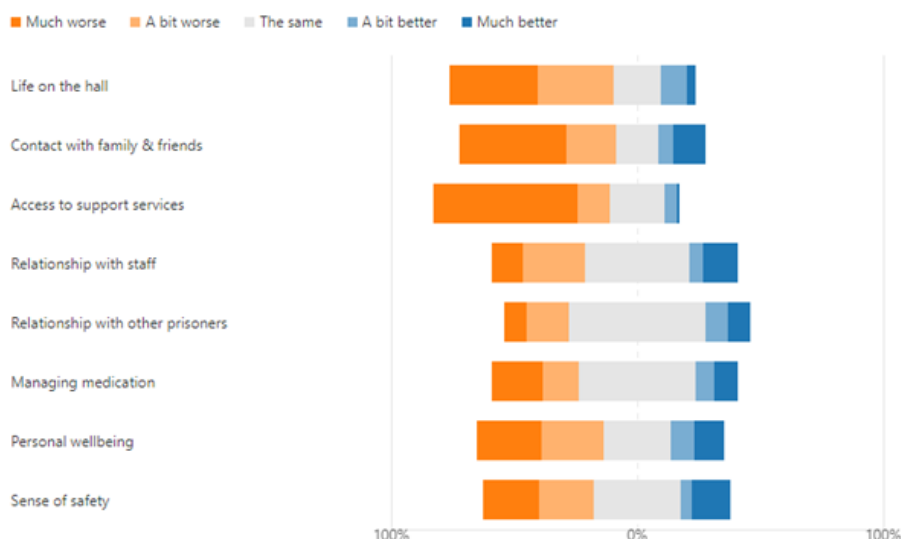
[More Details](#)

Figure 1, Responses to prison survey question ‘How are the following under Covid-19 compared to before?’ (N=86)

This graph shows that access to support services, contact with loved ones, and everyday life in the residential wings [life on the hall] were particularly negatively impacted. It is also noteworthy that although the majority of people in prison said life was worse, a minority said that the restrictions had alleviated some of the negative aspects of prison life (such as bullying, crowds, and noise). Nevertheless, 67% of all respondents said that access to support services was worse and many commented that this negatively impacted their mental and physical health.

In the first few months of the nationwide lockdown, many people in prison spent up to 23 hours per day in their cells with little to no access to other services or outside contact:

We are forgotten people of the COVID 19 pandemic [...] there has been no compassion shown to us human beings. We are locked up 23 hours a day. How is this good for anyone's mental health on top of that we are stressed out to the max worrying about our families praying our love[d] ones manage to get through this. (Person in prison)

Many people felt abandoned and completely isolated because of the institutional response to the pandemic. With in-person visits from loved ones suspended for months and the options for phone contact (communal phones and, for some, newly distributed mobile phones) being limited and/or unsanitary, the loss of connection was felt acutely by those in prison as well as family members outside (Barkas, 2020):

Why have we been forgotten?
Why have we been so let down?
That's how we feel, let down. We have committed no crime. So why have we been let down and forgotten? That would be my question. (Family member of someone in prison)

In addition to being cut off from outside contact, conditions inside some prisons deteriorated. The sense of being forgotten and abandoned was exacerbated by the lack of access to sanitiser, outside space, and healthcare. When responding to our survey in September 2020, some people in prison had been waiting since the start of lockdown for one-to-one contact with mental health services, despite severely struggling with their condition (Schinkel, 2020; Scotland in Lockdown, 2020):

I was refused mental health point blank and dentist can only do certain procedures they saying. (Person in prison)

My grandpa died in late February and my head was all over the place I asked for help from the mental health Team and they said 'we will get back to you' and still I've had no help from them.

(Person in prison)

Participants in prison and under community supervision orders acutely felt the effects of being denied access to support, healthcare, and regular social contact. This contributed toward feelings of institutional abandonment against the backdrop of the pandemic. While some participants found ways to benefit from the absence of statutory services' involvement in their lives, most participants were left in socially vulnerable positions. This rendered them more dependent on statutory agencies for services and support.

Interruption as being left in suspension

Interrupted access to services left some people in prison and under supervision for longer, unable to progress towards completing their sentence. In prison, mandatory programmes for progression towards release were cancelled as were transfers to the open estate for those people approaching the end of long-term sentences. One family member of a prisoner shared that her partner had expected to be transferred to the open estate on the day that lockdown was announced in March but spent the next six months locked in his cell instead (see Barkas, 2020). Some people in prison were worried that this would reflect badly on them when they were later considered for release. It also meant that more people were being held under conditions of excessive security for longer. One person highlighted that

the painful uncertainty during that liminal period:

Some of us in top end feel left in limbo land not being able to progress and get out it's like our sentence has frozen but apart from that not much else has changed. (Person in prison)

Note: In Scotland, National Top End is a separate unit within a closed prison for people progressing toward the end of long-term sentences before moving to the Open Estate.

Those awaiting sentencing were left to deal with the uncertainties of having their court dates postponed (sometimes several times). People in this situation felt that the court date was hanging over them and they could not 'move on' until it had happened. Delays to review hearings for people serving community sentences left some in a bureaucratically grey area as sentences rolled on past their expected end date, as one CJSW explained:

So, you had this weird situation, where officially an order has finished, but the person remains in contact with us, until they've gone to court again properly for the Sheriff to say that is it ended now [...] Orders have not been prolonged, but in a sense, they have been prolonged, but not officially, does that make sense? (CJSW)

The postponement of sentencing, progression and end dates made some people feel that their sentences were prolonged and left them in an ambiguous and liminal

state; not-yet sentenced or not-yet progressed, waiting for news of when the next stage could begin. Those on remand were similarly left waiting for their cases to be heard but had to endure an indeterminate period in prison despite not having been sentenced.

Temporal suspension impacted everyday life in prison in new and unique ways, though mostly hinged around 23 hour in-cell confinement. The lack of stimulation and isolation had severe impacts on health and wellbeing:

I feel like my pain and mental health problems have got worse. I think this is because there is nothing to take my mind of them, also the routine keeps changing so you can't relax. (Person in prison)

Only the time in your cell yourself you start to feel more anxiety as Covid-19 hits your thoughts so depression sets in. But have to sleep early not to think much about the day. (Person in prison)

Monotony is both frustrating and actively harmful to wellbeing, particularly in the extreme environment of a prison lockdown where all aspects of life are controlled. Some people under supervision in the community adapted lockdown restrictions to fit their own objectives such as: getting the clean break they wanted; pursuing hobbies; or spending time with loved ones (Scotland in Lockdown, 2020). However, the majority of those in prison did not experience this imposed stillness as reflective or relaxing. The ever-

changing prison regime and lack of opportunities to make time meaningful through relationships or activities made it a more painful experience. An interviewee released during the summer described what it was like to have no access to the prison's library:

We couldn't get to the library, so, you know, 23 hours [in your cell], you're trying to swap books with blokes that you don't really know. You're trying to make a book last a bit longer. You might be reading the same book two or three times. (Person recently released from prison)

Reading the same book several times illustrates this painful stillness. Lengthy lock up resulted in an intensification of the painful aspects of prison life (Crewe, 2011), through a combination of strictly limited activity and social contact, and the intensification of monotony and 'stillness'.

Conclusion

Our findings reveal how intensely the pandemic restrictions were felt among people who were already marginalised and affected by criminal justice control. The grinding halt of life during lockdown illuminated the deeply precarious, and often more vulnerable, position of people experiencing punishment.

Sentences, lives, and aspirations for futures beyond punishment were interrupted, and this was compounded by the sense of institutional abandonment. The statutory sector offered significantly less support to people in prison and under supervision, despite worsening conditions and explicit calls for

mental health support. Punishment was stretched by duration, through bureaucratic processes of prolongation and postponement, and by severity as many people endured circumstances of solitary confinement in their cells and in their homes. People under community supervision experienced the multi-dimensional effects of interrupted justice through the disappearance of the statutory sector's involvement in their lives; light-touch contact with criminal justice social workers made some people feel forgotten and others liberated.

The punitive bite of custodial and community sentences stung more because of the uncertainty of being in suspension. Perhaps most worryingly, we heard from many people in prison that, aside from lengthy lock up and cancelled family visits, lockdown had minimally altered prison life. The reported lack of access to sanitiser, cleaning products, or healthcare along with the endurance of lengthy periods of extreme isolation made participants feel forgotten about and less than worthy of protection from the virus. People under community supervision navigated further risk by being forced to balance adherence to sentence conditions along with public health restrictions. The overarching institutional neglect left those subject to criminal justice control vulnerable to both the virus, and the harmful effects of social isolation, deepening social inequalities, and injustices.

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About the authors

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Caitlin Gormley is a Lecturer in Criminology at the University of Glasgow and based within the SCCJR. Her research focuses on marginalised groups and their experiences of criminalisation and victimisation. Caitlin was a co-investigator on the *Scotland in Lockdown* study, co-leading the criminal justice research stream.

COVID-19 and the criminal justice system: Audio contributions



Andrea Albutt
President, Prison Governors Association

[Listen to Andrea](#) speak about the impact of COVID-19 on prison regimes and prison staff.



Kerry Ellis Devitt
Research and Policy Unit, Kent, Surrey and Sussex Community Rehabilitation Company

[Listen to Kerry](#) speak about the challenges faced by probation practitioners during 2020.



Jonathan Gilbert
PhD candidate, Cardiff University

[Listen to Jonathan](#) speak about his experiences in the prison system, and progression towards release during the pandemic.



Helen Trinder
Parole Board member

[Listen to Helen](#) speak about her experience as a Parole Board member during the pandemic.

Power, control, and COVID-19: Challenges and opportunities in the midst of a global health crisis

Kelly MacKenzie

Introduction

The year 2020 provided critical insights into how domestic abuse is perceived and understood within society. In the UK, economic, social, and political systems have been significantly disrupted since the first lockdown was implemented to curb the transmission of COVID-19 in March 2020. As communities turned inward, with individuals confined largely to their homes, concerns were raised that levels of domestic abuse would increase. Often hidden behind closed doors, the lockdown measures drew the nature and impact of domestic abuse into sharp focus. Local domestic abuse services have had to rapidly adapt to the challenges of providing continued support in a global pandemic, while pathways to safety have reduced and abuse has escalated. The criminal justice system labours under a growing backlog of cases, with routes to justice for victim-survivors narrowing; cases being delayed by months and even years. I write from the perspective of having worked as an Independent Domestic Violence Advisor (IDVA) throughout the pandemic (and having done so for some time before), providing support to victim-survivors deemed to be at an imminent risk of serious and immediate harm. Within this article, I explore some of the challenges arising from the pandemic for both victim-survivors and frontline domestic abuse advocates, while some of the lessons and possible opportunities to be gleaned from this year of crisis will be considered.



The nature of domestic abuse

Domestic abuse is a globally pervasive social problem that has a profound impact upon victim-survivors and those around them. It can take the form of current or ex-intimate partner abuse or familial abuse. The forms of abuse vary but include incidents or patterns of incidents of physical abuse, sexual abuse, mental and psychological abuse, and other coercive and controlling behaviours. It is insidious in nature; violence, or the fear of violence, is used by abusers alongside isolation, surveillance, economic abuse, coercion and degradation, amongst other tactics, to establish and maintain power and control over the other person. While a glance or expression does not on its own constitute a criminal act, for a victim-survivor of domestic abuse such actions by an abuser can result in fear and threat of abuse. Hill notes that 'there are criminal offences committed within domestic abuse, but the worst of it cannot be captured on a charge sheet' (2020: 6). Domestic abuse can impact anyone, irrespective of age, gender, race, sexuality, class, or geography. As a form of gender-based violence, women comprise the majority of victim-survivors and face a greater likelihood of suffering more sustained and severe forms of abuse or violence resulting in injury or death than men. The World Health Organisation (WHO) has highlighted violence against women as a 'global public health problem of epidemic proportions' (2013: 3). While I focus

predominantly on domestic abuse perpetrated by men against women, perpetrators and victim-survivors are not limited to one particular gender; men and LGBT+ communities are also adversely affected.

A 'pandemic within a pandemic'

The UK moved into a national lockdown on 23 March 2020, confining individuals and those within their household to their homes. Heeding the warnings from countries who had already implemented lockdown restrictions, attention was drawn to the likelihood of increased social isolation, promoted as a tactic to reduce the transmission of COVID-19, resulting in an increase in the prevalence of domestic abuse (Fraser, 2020). In the first few weeks of the lockdown, calls to domestic abuse helplines increased by 120% (Moore, 2020). Fourteen women were recorded by Karen Ingala Smith's blog *Counting Dead Women* as being killed by men, ten of whom were killed by their partner or ex-partner (Ingala-Smith, 2020). Media headlines framed domestic homicides as 'coronavirus murders' creating a narrative that centred COVID-19 as the cause of the murders, rather than the actions and decisions of the abusers (Williamson, et al. 2020). Such narratives prevail throughout society, failing to focus the lens upon those responsible and demonstrating the distinct lack of awareness concerning the pervasiveness of domestic abuse. Working as a domestic abuse advocate, I am acutely aware that those who suffer as a consequence of such narratives are not the individuals who perpetrate the abuse, but rather those who directly experience it, reflected in the continued shame and stigma surrounding domestic abuse.

COVID-19 is not the cause of domestic abuse, abusers are. The Ending Violence Against Women (EVAW) coalition notes, however, that the

pandemic has created a 'conductive context' (2020: 4). Instances of domestic abuse are known to rise whenever abusers spend more time with their partners or families, such as during school holidays or at Christmas time. Global health crises and disaster are also known to increase the prevalence and severity of domestic abuse (Lauve-Moon and Ferreira, 2017: 124). Lockdown restrictions, while a necessary public health intervention, inadvertently assisted abusers and exacerbated some of the predominant risk indicators of serious harm or homicide, including increased economic vulnerability, substance misuse, mental ill-health, and isolation (Richards, 2009). Prolonged restrictions on movement to limit the spread of the virus have resulted in increased economic strain as unemployment and income loss rise. School closures and a lack of childcare facilities have contributed to increased personal and professional pressures in the home. Increased fear and anxiety concerning the pandemic has had a detrimental impact on mental health and wellbeing (Mittal and Singh, 2020). Abusers have used the pandemic as a means to increase their controlling and manipulative behaviours, further isolating victim-survivors from key support networks, such as family, friends, and support services, purposefully not adhering to restrictions as a means to incite fear and anxiety, as well as blaming the victim-survivor for the economic impact of the virus (Davidge, 2020: 13-14). Referrals to our service slowed in the immediate aftermath of the lockdown announcement, as barriers for victim-survivors to disclose, report, and escape the trauma of domestic abuse grew. The lockdown measures inadvertently granted abusers 'greater freedom to act without scrutiny or consequence', while further limiting the choices available to victim-survivors (Bradbury-Jones and Isham, 2020).

COVID-19 has made it harder for women experiencing abuse during the pandemic to escape (Davidge, 2020: 13). For Black and minoritised women, the intersection of the violence against women and coronavirus pandemics have further exacerbated racialised discrimination and structural inequalities (Banga and Roy, 2020: 3). Other minoritised groups, such as deaf and disabled women, have also been disproportionately impacted, particularly victim-survivors who are reliant upon their abuser to meet their basic care needs (Women's Aid, et al., 2020: 16).

While the Office for National Statistics (ONS) notes that the increase in offences flagged as domestic abuse related cannot be 'directly attributed to the coronavirus pandemic', demand for specialist services also increased, particularly as measures were eased in June (ONS, 2020). Referrals in to our services spiked in the period from June to August with our organisation receiving the highest number of referrals on record during this period. Reflected in the findings of a recent Women's Aid report, our IDVA service also saw an increase in the severity of abuse being perpetrated (Davidge, 2020: 33). This is concerning as it indicates that victim-survivors are potentially only seeking support when at a much higher threshold of risk, rather than self-referring for support at an earlier stage. While the severity of abuse intensified during lockdown, victim-survivors were limited in the avenues available for them to safely seek support and escape the abuse (BBC, 2020). The complexity of cases has also increased, with many victim-survivors accessing support having higher and more varied support needs around substance misuse and escalating mental-ill health.

COVID-19 and domestic abuse advocacy

As an IDVA, I proactively address issues of risk and safety with victim-survivors of domestic abuse in a manner that helps them find their own voice, providing them with a renewed sense of control over their lives through independent advocacy. Part of an IDVA's role is to engage in a coordinated multi-agency response, using institutional advocacy to develop knowledge of domestic abuse amongst professionals, foster effective working relationships, and challenge oppressive systems and working practices to facilitate the best possible outcomes for victim-survivors and their children (Burman and Brooks-Hay, 2020: 138). Slattery and Goodman describe domestic abuse advocacy as the 'key component' in meeting safety, support, and healing needs of victim-survivors and their children when escaping abuse (2009: 1374). The conditions arising as a consequence of the COVID-19 crisis have further cemented the integral nature of the role of advocates, providing victim-survivors with crucial advice and support during the lockdown restrictions. When the first lockdown was introduced in March 2020, the majority of service provision moved exclusively to telephone-based support with many organisations closing their outreach centres. My colleagues and I had to rapidly adapt to remote working to ensure that our capacity to provide successful interventions and support for victim-survivors did not waver as the lockdown progressed. The move to remote working was entirely new terrain, creating challenges for victim-survivors and advocates alike.

Many victim-survivors have lived through exceptionally traumatic circumstances. Advocates often provide a considerable amount of emotional support in the interim prior to victim-survivors engaging with specialist therapeutic services if they

choose to do so. Working from home has meant that their traumatic experiences are inadvertently invited into an advocate's personal and private space on a daily basis. Many advocates do not have a separate working space to their home, no longer being able to use the commute home from their office space to work through the intensity of the day. The complete reconfiguration of working practice at the outset of the lockdown initially caused tension between my professional and personal boundaries as, like many, my home became my workplace overnight. Vicarious trauma, or 'secondary traumatic stress', is a recognised risk of domestic abuse advocacy (Slattery and Goodman, 2009). Remaining resilient as the violence against women pandemic and COVID-19 crisis intersect has been a considerable personal and professional challenge. Advocates must now engage in independent and institutional advocacy without face-to-face contact with victim-survivors, colleagues and other professionals, while having to manage their own emotional and physical wellbeing all from within their own home. Integral aspects of my role continue to be undertaken via telephone or group video calls, complicating the negotiation and advocacy needed to overcome institutional obstacles for victim-survivors. Moreover, moving to predominantly telephone-based support means many victim-survivors have been left without the option of face-to-face support from specialist domestic abuse services, reducing their ability to disclose abuse and seek support slowly and in their own time. While some victim-survivors choose to seek support, many go undocumented and it is likely that the unfolding pandemic will prevent many more victim-survivors from disclosing the abuse they are experiencing.

Supporting victim-survivors through the criminal justice system is one of the main

aspects in the role of an IDVA. Many of the victim-survivors I have supported during the pandemic, who were due to present evidence as witnesses in their case, have had their trial date postponed numerous times; often notified only one to three days in advance. Trial dates are now being set at least six months in advance. Despite guilty verdicts, many perpetrators of abuse have also had their sentencing hearings postponed and rescheduled numerous times. The adversarial context has long been recognised as a 'protracted and bewildering process' for victim-survivors, a process they must engage with while managing 'the demands of their everyday life' and those arising from the abuse, such as seeking alternative housing or addressing health issues (Burman and Brooks-Hay, 2020: 136). Such demands now arise under the conditions created by COVID-19, with victim-survivors experiencing further delays as the criminal justice system struggles to schedule trial and sentencing hearings amidst an ever-growing backlog of cases in both the Magistrates and Crown Courts (Webster, 2020). For victim-survivors, this extends an already arduous process, exacerbating primary trauma and contributing to secondary victimisation, as the progression of cases slows further while conviction rates remain low (Burman and Brooks-Hay, 2020: 136). COVID-19 risks increasing levels of case attrition throughout the criminal justice system as victim-survivors choose to withdraw from the process (EVAW, 2020: 23). Alongside the increase in demand, the backlog of trials and shifting lockdown restrictions have created greater demand for services, increasing practitioner caseloads and placing increasing pressures on capacity. Alarm bells continue to ring as domestic abuse services try to prepare for the 'anticipated increase in demand for support over the coming months, which

is unlikely to be predictable or uniform' as the pandemic continues to develop (Davidge, 2020: 38).

Lessons and opportunities

With the pandemic moving into its second year, it is important to reflect upon the lessons and opportunities for change that have arisen during the COVID-19 crisis. Although access issues persist due to limited face to face service provision, domestic abuse services have found new and innovative ways of working. A broader diversity of provision in the form of text, email, and web-chat based support has allowed those unable to speak on the phone due to living with their abuser to access crucial support, and practitioners have formulated innovative and tailored plans to help keep victim-survivors safe during the pandemic. COVID-19 and the resulting lockdown measures have brought domestic abuse into the public eye, placing a spotlight on an existing pandemic that can no longer be ignored (Evans, et al. 2020; Davidge, 2020: 4). The National Domestic Abuse Helpline number now appears on the bottom of some supermarket receipts, while 'Safe Spaces' have been created in a number of pharmacy consultation rooms around the UK. Initiatives such as these not only create discreet avenues of support for victim-survivors but provide recognition of the prevalence of domestic abuse within local communities. Short-term funding has been made available by the government to provide for specific projects responding to the COVID-19 crisis within the domestic abuse sector. Innovative measures and pots of funding for programmes are gratefully received. However, such measures must be met by longer-term, sustainable funding solutions for all services, particularly those that support black and minoritised women, including those with no recourse to public funds (Davidge, 2020: 38).

The COVID-19 crisis has consumed collective consciousness over the past year, with the lockdown conditions imposed mirroring the conditions created by an abuser. Feelings of 'subjection and powerlessness' experienced by victim-survivors have been felt across the wider population living within the conditions created by the crisis (Burman and Brooks-Hay, 2020: 135). The implications of the crisis, such as isolation, restrictions on movement, fear, and increasing mental and physical ill-health, have exemplified the nature and impact of domestic abuse upon victim-survivors. Although devastating, the COVID-19 crisis has inadvertently created an opportunity to challenge prevailing narratives, such as those that ask why a victim-survivor does not simply leave an abusive relationship. It has revealed the complex array of reasons and interrelated challenges that make leaving an abusive relationship a difficult and dangerous process for many victim-survivors. Crucially, this presents a pivotal opportunity to formulate a new narrative, that centres the actions of perpetrators of abuse and the causes and conditions that contribute to its prevalence, while providing victim-survivors the tools and resources to leave safely.

Conclusion

Working as an IDVA, the challenges unfolding from the COVID-19 crisis now form the backdrop to my daily working practice. Within this article, I have outlined some of these challenges, exploring the implications upon victim-survivors and advocates as economic, political, and justice systems struggle and are beleaguered by the unfolding COVID-19 crisis. It has, nevertheless, presented an opportunity for the lived experience of victim-survivors and the nature and impact of domestic abuse to be brought to the fore. It is imperative that policymakers attend to the valuable

insights that specialist domestic abuse services, campaigners, and activists have provided during the pandemic. 'If we flinch and decide that's too hard, domestic abuse may once again disappear from sight' (Hill, 2020: 15). With victim-survivors waiting months for trial dates to be set, the importance of domestic abuse advocates in responding to, and challenging, the prevalence and severity of domestic abuse grows. COVID-19 has undoubtedly demonstrated the versatility and resilience of the domestic abuse sector and those working within the movement. There is much more to be learned about how COVID-19 has impacted the work and wellbeing of domestic abuse advocates, and how the risk (and reality) of vicarious trauma might be addressed within organisational policy.

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The impact of COVID-19 for victims of hate crime and the implications for justice

Amy Clarke

The current pandemic is presenting some very specific challenges on a global scale. As nations across the world contend with a major health crisis, they are also facing a crisis of social relations. In particular, we are seeing spiralling levels of hate crime in every region of the world, increased scapegoating, and a heightened sense of hostility directed towards minoritised groups. Addressing this problem, UN Secretary-General Antonio Guterres said, 'anti-foreigner sentiment has surged online and in the streets. Anti-Semitic conspiracy theories have spread and COVID-19 related anti-Muslim attacks have occurred'.

Consequently, what becomes evident is the way in which targeted victimisation impacts those who are bearing the brunt of existing fears, frustrations and anger surrounding scarce resources, perceived threats to health and safety, and uncertainty for the future. This paper first highlights the pervasive attacks against people belonging to various minoritised communities, particularly those motivated and 'triggered' by the misinformation and lies that have permeated pandemic-related discourse. The paper also considers the evolving nature of online hate due to COVID-19 and the harm this causes victims. These major challenges are then considered in the context of the continued structural faultlines which have been worsened by the pandemic and continue to deny victims a sense of justice. A continued failure to adequately address the under-reporting of hate crime, to raise awareness and accessibility of support services, and to combat attrition in the



criminal justice system or successfully rehabilitate people who offend, leads to a conclusion that there is no scope for real change without a fundamental re-think of what 'justice' means to victims of hate crime.

Increased attacks on minoritised groups

Long-established threat narratives surrounding new arrivals and other minoritised groups have been severely exacerbated during the pandemic and in some cases politically exploited as well. The spread of COVID-19 across the globe has provoked considerable anti-Chinese hostility. In the wake of Donald Trump's repeated attempts to describe COVID-19 as the 'Chinese virus', several government ministers in the UK also sought to lay additional blame with Chinese authorities for providing misinformation about the nature and prevalence of the virus. What resulted in parallel to this very public political 'blame-game', was a considerable increase in everyday anti-Chinese hostility across the UK. This also manifested in significantly higher levels of those perceived as Chinese or south-east Asian, accused of starting and spreading the virus, being attacked, and harassed. Fekete (2020) reports that in Kent, a Japanese man was urinated on after the perpetrator misidentified him as Chinese. While in London, a student from Singapore was spat at whilst riding the underground. No one came to her aid despite shouting for help. Elevated

numbers of hate crimes and hate incidents against east and south-east Asian people were being reported to the police in early 2020, but these numbers rose again by another third in the months following the eased lockdown restrictions (Grierson, 2020; Townsend and Iqbal, 2020).

In addition, due to the high rates of COVID-19 particularly within Black, Asian and minority ethnic populations, blame for localised lockdowns was also placed on the wider immigrant population, especially Muslim communities. These groups were simultaneously accused by the Prime Minister, Boris Johnson, and other MPs of not understanding the rules because of the lack of English language proficiency assumed to exist, and also wilfully flouting the lockdown rules by mixing socially with others in their communities. Very quickly, the narrative that described COVID-19 as an international public health crisis became racialised, and the inequalities and structural racism exacerbating the problem were largely ignored.

In the city of Leicester, the first UK city to enter into a local lockdown, inner-city immigrant populations and asylum seekers that were continuously arriving in the city throughout the lockdown, were blamed for living together in groups and in multi-generational households. This was first officially identified as a possible contributing reason why the virus was spreading amongst 'BAME' populations at disproportionate rates by Public Health England in their June 2020 report. However, the report makes no acknowledgement that multi-generational or large households, especially amongst new and emerging and Gypsy/Travelling communities, are oftentimes a consequence of poverty and social exclusion as opposed to a cultural choice (Clarke, 2020). The growing prejudice

and hostility resulting from these new narratives is represented in official police statistics. During the summer of 2020 in the UK there was a significant spike in recorded hate crime and in July, the number of racially and religiously motivated hate crimes recorded by police was 34 per cent higher than in July 2019.

In an interview with the Director and Co-Director of The Monitoring Group, an anti-racist charity based in West London, Fekete (2020) also discussed the gendered nature of many of the latest attacks. They found that over half of the victims experiencing racist abuse, harassment and assault were women of colour, all of whom were on low income and many were single parents. However, these women, especially if they are also immigrants, asylum seekers or refugees are highly unlikely to report their experiences or seek support due to fears of being reported to social workers or border enforcement.

We have also witnessed a backlash against people with disabilities who have long been stigmatised and stereotyped as 'sick' and 'diseased' but have also regularly been accused of faking their disability or illness (Heenan, 2005). Increasingly, disabled people have come forward disclosing the harassment and abuse they receive for not wearing a mask, especially on public transport, despite being exempt under the law (Pring, 2020). Disability Rights UK have repeatedly raised concerns regarding the media coverage and political rhetoric in relation to face coverings as a driving force for the increased hostility. There is also growing concern around the succession of serious failings to protect people with disabilities from the coronavirus, and that the deaths of people said to have 'underlying health conditions' are taken less seriously. Speaking about the broader issues of discrimination and gross negligence in

treating disabled COVID-19 patients, Disability Rights UK (2020, n.p) said that, 'the misapplication of Do Not Resuscitate notices, the lack of social care available for those who live independently, [and] the returning of infected residents to care homes where their fellow residents had no escape from infection...' demonstrates the wilful disregard of people with disabilities by those in authority, and has contributed to the significantly high death rate of this population. These systemic inequalities are important to hate crime scholars because the perception that disabled people are perceived as less 'worthy' or 'less than human' is a key motivating factor in disability hate crime.

Increase in online hate

In parallel to the rising levels of hate crime and targeted hostility that is occurring in physical spaces, so too has there been a dramatic and concerning rise in online hate. The presence of lockdown has seen people spending much more time indoors, and much more time online. In the absence of regular contact with support networks such as friends, family, teachers, religious leaders, as well as counsellors and other health care professionals, the impacts of online targeted bullying and harassment have been significant. One study conducted by AI-based Company, 'L1ght', found that hate speech on social media platforms directed towards Chinese people rose by 900 per cent between December 2019 and April 2020 alone. They also report a 70 per cent increase in incidents of hate speech between children and young people during online chats (Orlando, 2020). The study used artificial intelligence programmes to detect and filter online content on mass and found that social media platforms such as 'Tik Tok' and popular gaming chat rooms used predominantly by children and young

people saw a sharp rise in racist and xenophobic far-right posts.

The political and social uncertainty and fear that has been exacerbated by the pandemic has also created space for a new resurgence in online organised right-wing conspiracy discourse. Waves of new users have begun to engage with platforms and groups such as QAnon, the Reopen Movement, and the encrypted messaging app 'Telegram', which is well known for its associations with white supremacy. Troublingly, where much of their online activity was previously contained to the United States, these platforms have gained significantly in popularity in the UK over the last year, feeding not only anti-lockdown, anti-vaccine, anti-establishment sentiment, but also racist, anti-Semitic and Islamophobic conspiracy theories as well.

According to a report conducted by Awan and Khan-Williams (2020), very quickly after the first national lockdown was announced, 'cyber hubs' formed that directly targeted Muslims and labelled them as 'super spreaders' of the virus. These 'hubs' were also responsible for sharing fake news stories that claimed Muslims were receiving preferential treatment from the police and other authorities, as well as circulating old pictures of Mosques claiming that they refused to close or observe social distancing. This 'fake news' was then employed by far-right groups to further a divisive and racially and religiously charged 'us' and 'them' narrative, which recent history already demonstrates is likely to leave Muslims, and those perceived to be a part of the 'problem', increasingly vulnerable to real-world attacks.

Implications for justice: Victim support services

The Victims Commissioner (2020), Dame Vera Baird reports that frontline victim support services have been quick to re-design the delivery of their services in light of the pandemic. However, where awareness and additional resources have rightly been directed to domestic abuse victims, at a time when this form of victimisation has been intensifying, the same level of support has not been provided for victims of hate crime. Consequently, for particularly socially and economically marginalised victims, it remains unlikely that this support is reaching them. Chakraborti and Hardy (2019) found that consistently very few hate crime victims access the support services available to them and a worryingly high number of people do not even know of their existence. Despite the huge efforts of the public and third sector in recent years to deliver awareness-raising campaigns to promote reporting and accessing support, these campaigns have failed to reach and connect with people at a grassroots level. This is often because initiatives are not tailored enough to specific audiences and lack representation, which needs to change. Some of the best placed charities and organisations to deliver effective awareness-raising initiatives sit at the local and grassroots level, but these are the organisations most affected by funding cuts and so rarely have the sustained resources necessary to deliver large-scale projects.

Long-established barriers to reporting and accessing support that existed prior to the pandemic are likely to be intensified under the current restrictive circumstances. There are already reports that social distancing, or in some places the elimination of face-to-face support altogether, is making responding to victims distressed by hate crime incidents very difficult (Fekete, 2020).

The empathy and compassion that can be demonstrated to victims of hate crime through human contact are greatly reduced when relying on virtual means of communication. It can also result in longer or more frequent communication via phone call which may induce emotional fatigue for both the victim and the person supporting them. A strategic re-think on what support hate crime victims need and expect during this period, without compromising health and safety, is necessary if a meaningful and quality service is to be delivered.

Barriers to reporting

Whilst several support services do provide provision for victims who have self-referred, it is much more common for victims to only become known to them through the process of formal reporting. Research regularly demonstrates that hate crime remains one of the most under-reported crimes, with fewer than one in five reporting to the police (Chakraborti and Hardy, 2019). Of course, the numbers vary depending on which form(s) of hate crime a person experiences, as around 75 per cent of all reported hate crime each year across England and Wales is recorded as racist hate crime (Home Office, 2020). Victims who are targeted because of their sexuality and their gender identity are some of the least likely to report to the police. Despite the progress that some police forces have made in encouraging the reporting of hate crime, improving their local reputation, and working in partnership with other agencies to help support victims, there remain significant barriers for hate crime victims that are yet to be sufficiently addressed. Most commonly, victims state that they do not feel the police will take them seriously, or that previous bad experiences of reporting deter them from ever reporting again. Worryingly, Chakraborti and Hardy (2019) found that when victims did report a hate crime to the police almost a

third of people did not believe it was recorded as such, and many victims felt that they had received a particularly poor level of service because of who they were.

A Skills for Justice Report published in October 2020 found that, 'the pandemic has had a detrimental impact on the mental health of public sector workers with nearly 70 per cent reporting a decline in mental health due to working and living during the crisis. This has led to staff requiring leave, or even resigning' (p. 10). With a depleted workforce, the additional pressures of enforcing new and ever-changing COVID-19-related laws, and attempting to maintain their own safety and wellbeing, it is unlikely that the police have the resources or the necessary incentive to meaningfully improve their response to hate crime at this time or in the near future.

Unfortunately, even fewer victims of hate crime are reporting to other organisations such as their schools or universities, local council, housing associations or voluntary community-based groups. Chakraborti and Hardy (2019) found that that the vast majority of hate crime victims involved in their research were unaware of the reporting pathways available to them, or that it was even possible to report incidents to anyone other than the police. There has arguably never been a better time to utilise online and third-party reporting systems such as True Vision, but again, research has demonstrated that it is rare to find a single victim who knows they exist (Chakraborti and Hardy, 2019). However, where victims are reporting to organisations many are disclosing negative experiences. This is largely because staff lack understanding of hate crime and are ill-equipped to provide a support package that appropriately meets their needs. It is vital that professionals are aware of the support

available in their local areas in order to signpost victims accordingly. Chakraborti and Hardy (2019) also make recommendations that organisations are clear about taking the report seriously by providing victims with a direct point of contact and arranging and/or attending the initial support meeting with them. In the context of the pandemic, it is especially important that organisations hold up-to-date information about the support available in order not to misguide victims. It is also necessary to acknowledge that again, with the reduction of face-to-face contact and in some places the elimination of it altogether, it is even less likely in the pandemic that victims will disclose their experiences to these organisations.

Justice outcomes

Based on the now quarterly CPS data published in March 2020, the numbers of cases being referred to the CPS by the police as a hate crime fell by 1,919 compared to the same period the previous year, whilst completed hate crime prosecutions have fallen by almost 15 per cent. Prosecuting disability hate crime and transphobic hate crime has repeatedly emerged as a particular issue. In 2018-19 the number of disability hate crime cases sent to the CPS by the police fell by 41.3 per cent compared to 2017-18, while the number of disability hate crime prosecutions decreased by 23 per cent. In addition, it remains true that overwhelmingly, prosecuted cases involve some form of physical assault. This suggests that the majority of hate crimes which feature non-violent harassment, verbal abuse and threatening behaviours, are not receiving justice in the form of a criminal sanction. This worrying trend has of course only been made worse by the pandemic. Over half of all courts closed during the first national lockdown in April with urgent applications involving terrorism and domestic violence being prioritised. The

backlog of cases that already existed grew significantly and continues to add mounting pressure on the criminal justice system. Nightingale courts were erected by the government to help deal with the volume of cases, but this impermanent solution only temporarily alleviates some of that backlog. The Victims Commissioner (2020) reports that although courts begin to implement new processes that allow them to continue safely, the pace of change is, as always, rather slow.

Ultimately, the system that has, up to this point, been considered the most appropriate way to respond to the issue of hate crime is not only failing victims, but with its inaction and inability to maintain the cost of delivering criminal justice, is also creating more. In the summer of 2020, we witnessed an eruption of Black Lives Matter protests all over the globe aimed at highlighting institutional racism, inequality and the prejudicial treatment of Black people after the murder of George Floyd on 25 May 2020. These protests were radical. Not in the way that many media outlets and politicians labelled them as Marxist, fascist and violent, but in the way that they re-evaluated what 'justice' really means to victims and in the way that they advocated for a much broader use of alternative justice systems.

There is no denying that the hate crime legal framework that exists to protect victims and prosecute perpetrators is vital. The current Law Commission's review of hate crime is assessing the need to broaden the existing legislation in order to more fairly and more comprehensively protect victims targeted because of who they are, and this is welcomed by many who work in the field. However, it is also well-established that prison does not rehabilitate hate crime perpetrators, in fact, in many cases it actually reinforces prejudicial attitudes

(Hall, 2013). The lack of educational and counselling provision in UK prisons often fails incarcerated people just as much as their victims. Overwhelmingly, victims of hate crime report that they simply want the victimisation to stop and for the perpetrator not to reoffend and are in favour of whatever intervention is most likely to achieve that (Victim Support, 2012; Chakraborti and Hardy, 2019). Many victims do not believe in longer prison sentences and instead, greater support is expressed for tailored educational programmes for both children and adults. A significant proportion also favour restorative action such as face-to-face mediation between victims and people who offend (Paterson et al, 2018; Chakraborti and Hardy, 2019).

Under the immense pressure of the crisis facing us in the form of COVID-19 emerges yet another public health crisis: hate crime. The practice of scapegoating is certainly not new. Cyclically, we see age-old hostilities and entrenched prejudice politically weaponised and used as motivation to target those who are labelled as 'different'. Yet, with numbers of physical and online attacks growing, particularly in the context of the pandemic, there remains overwhelming silence from the government and other official agencies when it comes to addressing the issue of hate crime in the UK. This paper highlights the various ways in which COVID-19 has impacted the nature and prevalence of hate crime victimisation and perpetration. The implications of this for achieving justice are also considered. It is argued that the existing issues of under-reporting, inaccessible support, and the ever-dwindling chances of receiving conventional criminal justice, have been significantly exacerbated by the pandemic. Consequently, it is time to radically reconsider our perceptions of 'justice' and look outside of the criminal

justice system for more holistic answers. However, meaningful solutions require a renewed investment of thought as we move into an uncertain and unpredictable new age.

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The impact of COVID-19 on Circles of Support and Accountability

Rosie Kitson-Boyce, Robin J. Wilson, Kieran McCartan, Mechtild Höing, Riana Taylor, and Isotta Rossoni

Introduction and context

The risk posed by persons who have sexually offended continues to garner significant community attention, particularly in relation to effective rehabilitation (McCartan, Kemshall and Tabachnick, 2015). This is understandable given the nature of the sexually violent acts engaged in by such individuals. However, research has questioned whether traditional “law and order” approaches reduce risk (see Wilson and Sandler, in press). In an attempt to address some of the potential shortcomings of statutory responses to sexual violence, communities around the world have sought creative solutions, including those influenced by restorative justice theory and practice (Burford, Braithwaite, and Braithwaite, 2019).

In the summer of 1994, a man at high-risk to sexually reoffend was released from prison in Canada. Limitations in Canadian law at the time led to him being released with no post-release follow-up. An innovative, community-driven approach was ultimately undertaken by a prison chaplain, leading to the development of Circles of Support and Accountability (CoSA or “Circles” – see Wilson and Picheca, 2005). Research indicating reduced recidivism led to international proliferation of the model to the United States, United Kingdom, Europe and elsewhere (see Azoulay, Winder, Murphy and Fedoroff, 2019, & Richards, Death & McCartan, 2020).



The CoSA model is typically represented as two concentric circles, the innermost of which consists of four to six trained community volunteers who support individuals convicted of sexual offences (Core Members, hereafter CMs) during community integration post-release (see Figure 1). The outer circle consists of local experts and professionals who provide support and guidance to the inner circle, with dialogue between the circles typically facilitated by a Circle coordinator.

CoSA programs operate on the premise that through practical support and accountability, CMs will be better equipped to lead law-abiding lives in the community (Bates, Williams, Wilson and Wilson, 2013; Duwe, 2018; Kitson-Boyce, Blagden, Winder and Dillon, 2019). Support in CoSA includes social gatherings and assistance with various community activities, thus involving both instrumental and expressive aspects

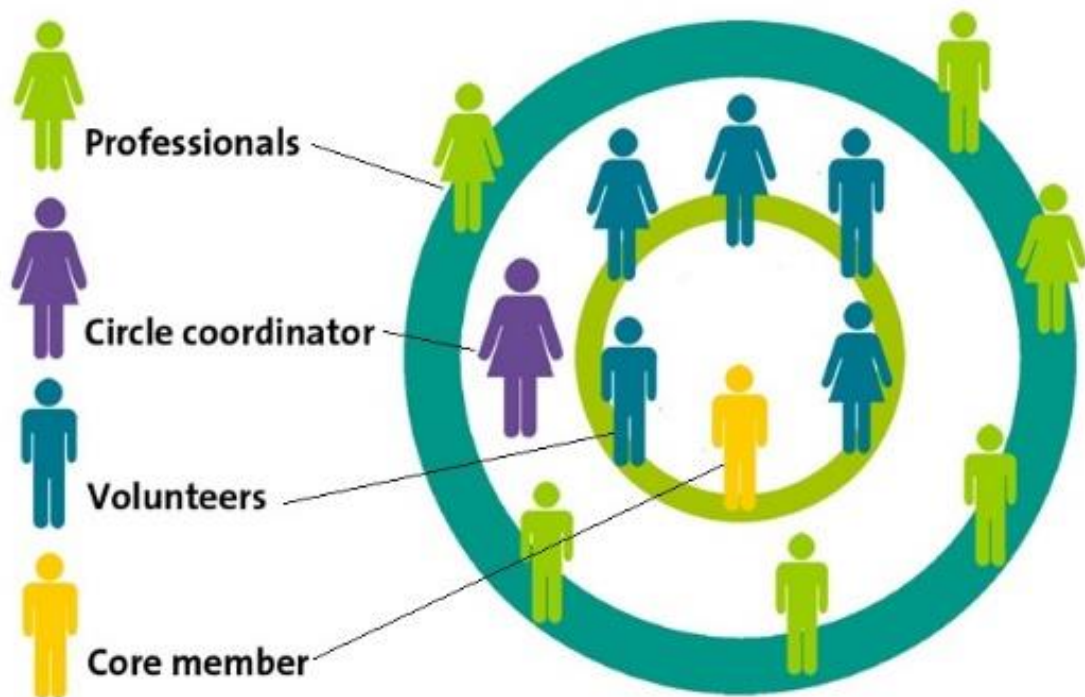


Figure 1. Graphic representation of CoSA model
(adapted from Wilson & Picheca [2005] by Netherlands Probation Service, 2012).

(Northcutt Bohmert, Duwe and Hipple, 2016). Indeed, most persons involved in CoSA see the heightened social engagement and inclusion at the heart of the model as being the “critical spark” to its success. However, 2020 has seen significant challenges to social engagement broadly due to the COVID-19 pandemic, including social distancing, stay-at-home orders and lockdowns. These precautions have challenged the ability of CoSA projects around the world to maintain the all-important aspect of social engagement.

Research Methods

This research investigated the potential impact that COVID-19 has had on CoSA provision and providers in the UK, Europe, Canada and the USA; particularly, in regard to social distancing and remote working. Ethical approval to conduct this study was provided by the research ethics committee of the University of the West of England. CoSA providers from eight countries were

asked to complete an English language survey designed and distributed online via the survey platform Qualtrics. Sixteen providers responded to the survey, including the UK (3), Netherlands (5), Canada (3), Belgium, Ireland, Latvia, Spain and USA. The link to the survey was sent during COVID-19 lockdowns during July-August 2020. Data gathered reflect the individual experiences of the providers giving responses regarding their CoSA experiences and the effects of coronavirus-related public health precautions.

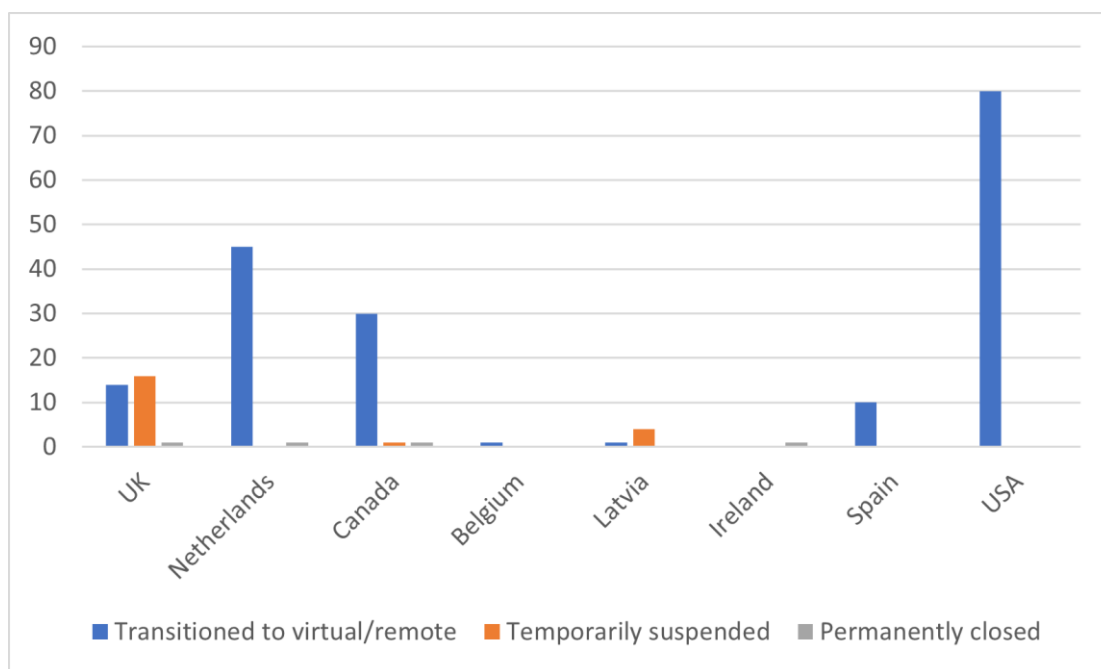


Figure 2. The impact of COVID-19 on current Circles

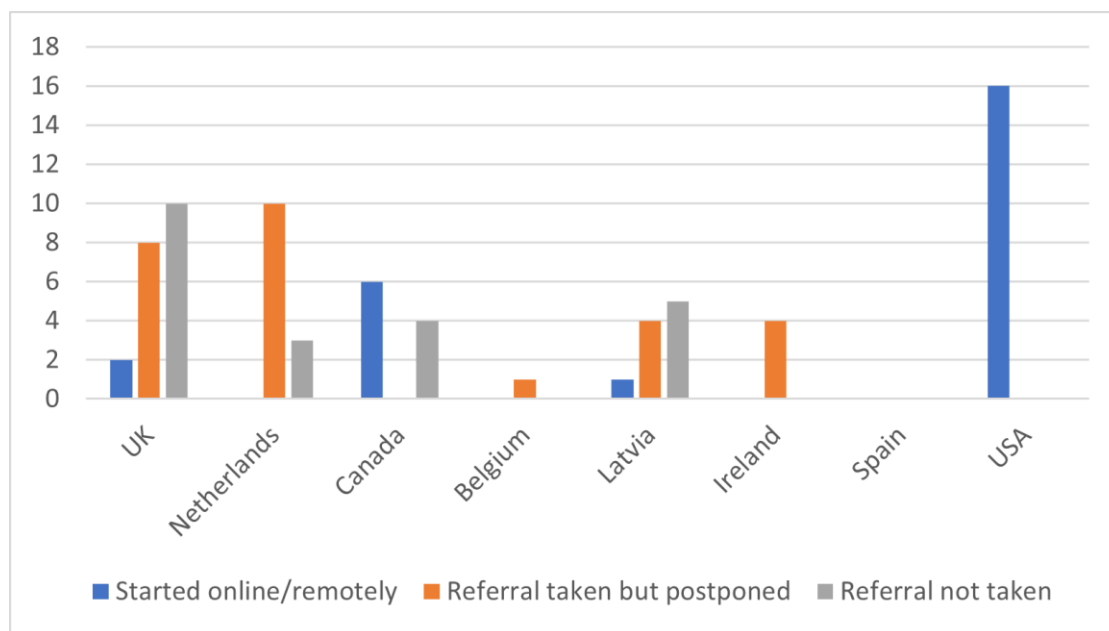


Figure 3. The impact of COVID-19 on referrals for new Circles

	Provider						
	UK	Netherlands	Canada	Latvia	Ireland	Spain	USA
No impact at all	1	2	1			1	
Somewhat impacted		1		1	1		1
Severely impacted	1						

Table 1. The impact of COVID-19 on staff training and development in CoSA providers.

Please note that some countries had multiple CoSA providers where other countries only had one. This explains the number variations in the table. The number of providers per country are the UK (3); Netherlands (5); Canada (3); Belgium (1); Ireland (1); Latvia (1); Spain (1); and USA (1).

Findings

Providers surveyed in this study shared a wealth of qualitative understanding and perspective regarding their experiences of maintaining CoSA projects during the COVID-19 pandemic.

The impact of COVID-19 on current Circles

At the time of lockdown there were 182 individual Circles running across the 16 CoSA projects whose providers participated in the study. All CoSA providers involved in the study moved most of their activities online, often with mixed results.

Those using Zoom have fared better in maintaining engagement, but volunteers do not feel able to challenge as effectively on remote contact...the accountability aspect of the CoSA is missing...CMs are not very engaged and conversation does not flow. (UK)

In total, 21 Circles were suspended and three permanently closed (see figure 2).

The impact of Covid-19 on referrals for new Circles

As a result of COVID-19, 22 Circle referrals across five providers were not taken up. The Latvian provider noted that there was a general lack of potential CMs being released from prison. In the UK, difficulties were expressed regarding the ability to conduct comprehensive face-to-face intake interviews with potential CMs, making it difficult to establish a Circle remotely. That said, 25 Circle referrals across five providers were started remotely, with 27 Circle referrals accepted, but postponed (see figure 3).

The impact of COVID-19 on staff training and development

No Circles staff voluntarily resigned or were made unemployed during the lockdown period, with only seven members of staff from one UK provider being furloughed on a short-term basis.

Seven providers reported no impact on staff well-being (Belgium, Canada, Netherlands, Ireland, Spain, and Latvia), while five providers reported staff being somewhat impacted (Netherlands, UK and USA) and one Canadian provider noted severe impacts.

We find ourselves somehow limited in what we can deliver, although the needs of our clients [service users] have increased. This is sustainable in the short term, [but] hardly for much longer. (UK)

Increased strain [has been noted] due to increased contact by CMs seeking relief from mental health crises. (Canada)

Some providers reported on the impact that COVID-19 had on staff training and development specifically (see table 1).

The impact of COVID-19 on volunteer recruitment and retention

A majority of CoSA providers reported that COVID-19 impacted volunteer recruitment, with seven noting some impact (UK, Netherlands and USA), four noting severe impact (Netherlands, Spain, UK and Ireland) and two providers reporting no impact (Canada and Latvia).

Volunteers signed-in on websites... [after being] approached through phone and being told that an interview would be taken at a later date...[T]raining has been delayed, [although] in our region, new volunteers are very, very welcome. (Netherlands)

Recruitment is actually up with some [volunteers] having more time or looking for ways to give back. (USA)

A large proportion of CoSA providers reported that COVID-19 has had either no impact on volunteer retention (six providers across Canada, Netherlands, USA, Spain and Ireland) or some impact (four providers in UK, Latvia and Netherlands).

Two active volunteers withdrew from a Circle. One came in conflict with the Core Member because she refused to go on Skype/WhatsApp, out of fear to give her privacy away. (Netherlands)

[We] have asked experienced volunteers to...help us set up new Circles. [We] will have four or five Circles up and running by year end with a combination of new and experienced volunteers. (Ireland)

A majority of CoSA providers reported that COVID-19 has had an impact on volunteer engagement, with eight noting some impact (Netherlands, UK, Belgium, Ireland and USA), one identifying severe impact (Latvia) and others reporting no impact (Spain and UK).

Some volunteers made a phone-schedule, others kept contact via WhatsApp. Other volunteers...needed guidance about how to approach a Core Member without face-to-face contact. (Netherlands)

Some [volunteers] have preferred remote formats and others want in-person as soon as possible. (USA)

CoSA providers were split on whether COVID-19 had an impact on volunteer health and well-being, with some saying that it had no impact (six providers across Belgium, Netherlands, Ireland, Spain and Latvia), similar numbers stating that it had some impact (six providers in Netherlands, UK and USA) and one Canadian provider noting a severe impact.

[Problems noted in] difficulty adjusting to a new Circle dynamic, discomfort with new types of conversation, [and] feeling useless. (Canada)

Overall, volunteers adapted to the new situation. Some...felt more anxiety...and could not adapt to the new form of communication [due to privacy concerns]. (Netherlands)

The impact of COVID-19 on Core Member engagement, retention and wellbeing

CoSA providers were split on whether the pandemic impacted CM engagement with volunteers and staff, with some reporting no impact (six providers across UK, Canada and Belgium), six providers noting some impact (Netherlands, Canada, Belgium and UK). Only the Latvian provider identified being severely impacted. Reasons for impact ranged from unfamiliarity with online platforms (e.g., Zoom, WhatsApp) to privacy concerns, or lack of necessary technology (e.g., computer or smart phone).

Some Circles...are waiting for the lockdown to be over. (Netherlands)

Most CMs adjusted alright to remote meetings, but conversations in some cases have been made difficult through lack of privacy, lack of body language and poor phones. (Canada)

Aside from those in Belgium and Latvia, all providers reported that Core Member health and well-being were somewhat impacted (Netherlands, Canada, UK, Ireland, Spain and USA) or severely impacted (UK and Canada). One Netherlands provider succinctly noted, "lockdown means loneliness" but also reported that CMs expressed optimism saying, "I'm used to it. I've been in prison...it will pass over."

Some young people are supported well at home. Some have seen a decrease in health and well-being, for example, no exercise or routine or schoolwork, etc. (UK)

[CMs reported] increased anxiety, decreased income, halfway house restrictions resulting in poorer mental health, [and] no visits to family. (Canada)

The impact of COVID-19 on feedback regarding Circle dynamics

Six CoSA providers stated that COVID-19 had no impact on the feedback between Circles staff and volunteers on their ongoing Circles (UK, Canada, Netherlands, Latvia, Spain and Ireland), while only five said that there was some

impact (USA, UK and Netherlands). No providers identified a severe impact.

The feedback was given per phone. Some volunteers needed a bit more attention, the coordinators provided that. (Netherlands)

One part-time staff member is coordinating all remaining Circles, so it is not possible to provide the service one would wish to. (UK)

A majority of CoSA providers reported that COVID-19 had no impact on the feedback between Circles staff and CMs regarding *established* Circles (nine providers across UK, Canada, Netherlands, Latvia, Spain, USA and Ireland). Three others noted some impact (UK and Netherlands), while one provider identified a severe impact (UK). Overall, issues were noted regarding a need to provide more services to some CMs (due to higher risk and need) and difficulties with respect to maintaining involvement of all concerned parties.

The CoSA providers were split as to what impact COVID-19 restrictions had on the interactions between CMs and volunteers, with some stating that there was no impact (UK, Canada, Netherlands, Latvia, Spain and Ireland), while others noted that there was some impact (UK, USA and Netherlands). No provider identified a severe impact. Providers noted that certain topics were difficult to address via telephone (Netherlands), while others said that feedback between volunteers and CMs was “satisfactory...but more difficult” (UK), but “improved with Zoom” (Ireland).

Impact on CoSA providers moving forward

Most Circles providers stated that the pandemic had no impact on funding their ongoing Circles projects, at least in the short term (eight providers across UK, Canada, Netherlands, USA, Ireland and Latvia), with only three noting some impact (UK, Netherlands and Spain). Providers in the Netherlands reported a degree of financial stability due to government funding, while providers in the UK have had to put some bids on hold.

Circles providers in this study reported that COVID-19 would either somewhat (six providers across Netherlands, Spain, UK and Belgium) or severely (UK or Latvia) change the traditional delivery of a Circle. Alternatively, providers in UK, Canada, USA and Netherlands anticipated no impact, at least in the short term. Degrees of optimism were observed across the providers surveyed, with regional differences.

[The inclusion] criteria of Core Members may need to be [re]considered. (Latvia)

Online [modalities] will be incorporated. (Spain)

Video meetings will probably continue in some cases for some time. (UK)

Once in-person meetings are again allowed it should go back to the way it was. (USA)

What positive impact did COVID-19 have on Circles provision?

Overall, most providers developed new ways of working during the COVID-19 pandemic and associated public health precautions. These opportunities centred on being more intentionally inclusive and exploring greater flexibility in Circles implementation using online resources. Additionally, providers noted a greater availability of options to confer with other professionals (e.g., experts in the outer circle – see Fig. 1). In particular, one Dutch provider noted a corollary between the converging mantras of “we are all in this together” (COVID-19) and “no one does this alone” (CoSA).

Increased contact with volunteers (both by staff and Core Members), volunteer development, increased capacity to reflect on feeling and coping strategies. (Canada)

The utilisation of Zoom meetings with other agencies has enabled attendance at national level. (UK)

Many CoSA providers stated that they were impressed with the commitment of volunteers and the flexibility shown by CMs regarding online support. According to the Spanish provider, “creativity [and a] high level of commitment from volunteers [left] CMs very grateful.” The American provider similarly noted, “[COVID-19] gave Circles a chance to adapt and add technology as an option.” However, the Latvian provider noted no positive outcomes for CoSA as a result of COVID-19 stating, “We have not [identified] positive things; maybe just new ideas [about] how to work in new ways.”

What implications are there for Circles in the “new normal”?

A “new normal” emerges when accepted ways of thinking and behaving are so profoundly changed by an event or series of events that new methods and processes must be employed to adapt to those changes. The effects of the COVID-19 pandemic have been dramatic in many international jurisdictions; to the extent that many aspects of social existence have changed, likely forever. For example, there is now much greater reliance on online technologies for meetings, training sessions, conferences and routine social contacts (Kodama, 2020).

The CoSA providers surveyed in this study identified challenges in receiving and maintaining funding in the “new normal.” One UK provider noted that, going forward, issues regarding funding will be complicated by uncertainty as to practical deliverables and, potentially, the degree to which volunteers and others might be expected to undertake health risks. Additionally, concerns were expressed about whether volunteer recruitment could remain high given public health restrictions.

We are dependent on public health [regarding] meeting in person. There will be added risks for both volunteers and Core Members, who are often aged and or reliant on public transit. (Canada)

Lack of face-to-face meetings, possible lack of motivation for the volunteers. (Latvia)

Some Core Members are scared. (Spain)

Some providers, mainly from the Netherlands, suggested that new ways of providing Circles would need to include increased outdoor meetings and activities, which would be weather dependent for some or most jurisdictions, which are typically in northern climes.

Conclusion

Impacts of COVID-19 precautions on Circles provision were noted both within (for those with multiple providers) and between countries. CoSA providers highlighted effects on staff, volunteer and CM health and wellbeing that ultimately affected critical aspects of social engagement and inclusion important to the model (Höing, Bogaerts and Vogelvang, 2013). Circles providers adapted in the short term to continue providing support to all involved parties during the pandemic but were concerned as to how these adaptations would impact future funding, volunteer recruitment and CM engagement. Ultimately, all providers expressed a wish for Circles delivery to return to face-to-face provision. Many expressed uncertainty, however, as to whether this was possible and identified a lack of clarity regarding the possibility of this return.

This research highlights the importance of ingenuity and creativity. Perhaps most importantly, CoSA providers have had to both anticipate and prepare for a “new normal” that has yet to be fully enunciated or understood. As providers consider innovative ways of implementing Circles, a hybrid model has emerged with face-to-face meetings accomplished virtually, more outdoor activities and an increased reliance on online services for training and professional consultation. In addition, an acknowledgment of a need for continued commitment from all stakeholders, including funders and new partners emerged during the pandemic.

Most importantly, CoSA providers across international jurisdictions have managed to continue to provide at least some level of support to CMs in spite of the challenges of the pandemic. The findings reported herein show that employing alternate forms of support (over and above the traditional in-person services) can work, at least in the short term, although longer-term research is needed. These new virtual and remote methods of ensuring social engagement appear to work best with already-existing Circles. Although all Circles providers indicated a preference for a return to traditional in-person Circles, it is clear that they have been strongly motivated to consider alternatives in order to stay true to their mission and guiding principles.

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Getting the right answers requires asking the right questions

Gwen Prowse and Tracey L. Meares²

Today a prominent question on the minds of many in the United States (and indeed elsewhere) is what is the best way to pursue public safety? We can refine that question further by asking more specifically, “What is the best way to produce public safety for those who feel the brunt of violence in their neighbourhoods and the state’s typical response to that problem – often armed general purpose first responders?” The best approach, we think, is to ask these stakeholders themselves what they think. In the Portals Policing Project, we do just this.³

We launched the Portals Policing Project in 2016 to collect first-hand accounts of policing experiences in places of concentrated community and state-sponsored violence in the United States. To collect these accounts, we collaborated with global conversation and technology company, Shared Studios, to place a civic infrastructure – a Portal – in fourteen different neighbourhoods in six different cities: Baltimore, Chicago, Los Angeles, Milwaukee, Newark, and Mexico City. Portals are shipping containers painted gold and retrofitted with an immersive, audio visual technology that allows participants inside to connect intimately with participants in a distant city, as if sharing the same room. With the help of local curators in charge of recruitment facilitation, participants completed a short survey, gave permission to be



recorded, and then entered the Portal. Here, they and their virtual conversation partner had approximately 20 minutes to engage with the following prompt: “how do you feel about police in your community?”



Photo credit- Shared Studios

The conversations that followed were directed solely by participants’ personal experiences with police and state authorities.⁴ And rather than isolated conversations about specific policing practices, participants reflected on the myriad and intersecting ways that the police affected their daily lives. They considered how law enforcement facilitate or thwart feelings of safety amid community violence, how police

² Vesla Weaver is also a co-PI for this project and lead author of several studies from the project data.

³ For more about the project, please go to www.portalspolicingproject.com

⁴ We collected, transcribed, and analysed the dialogues from the Portals Policing Project using close reading, keyword, searches, and qualitative coding software Dedoose.

interactions shape their sense of belonging within or beyond their neighbourhoods, and how police actions shape their understanding of citizenship and agency. This research made clear that safety is not merely a matter of police responsiveness to specific events; it is a matter of recognition. It is not merely about one feature of bureaucracy (policing); it is about what the excess of policing in the absence of many others – including schools, housing, healthcare – says about the state's commitment to its citizens.

Consider this Portals conversation excerpt that takes place between a 26-year-old Black woman in Baltimore (a public-school teacher) and a 40-year-old white woman (a college professor) in Los Angeles:

There's no safety anywhere around here, they're just gentrifying our whole city. That's what's going on and then taking over. And our police are drug dealers and everyone in law enforcement sucks. That's just pretty much the gist of law enforcement. Everything around us sucks and all the people are wonderful... The houses suck, the jobs suck, but they, they it's money here, but our school system don't have any heat, we don't have any heaters, in our schools, so. But they wanna get a police force for Johns Hopkins which is a hospital here. I don't understand how they can

afford to do that; we don't even have heat in our schools. Heat or air. Both, we suffer all year. I have like 40 kids in one class.

The Baltimore woman in this excerpt introduces us to a vision of safety that places strong institutions at its centre. Here, safety means investment in schools, housing, and jobs. And crucially, safety means investment in the people whom, she emphasizes to her white conversation partner, are “wonderful,” and earlier in the dialogue, as “actually pretty talented and kind of amazing.” She sees police on the other hand as an impediment to safety; earlier in the same conversation, she analogizes their role as akin to a car crash, “They just total everything.” Similar observations are made in many of the Portals dialogues.

The Portals Policing Project aligns with the work of a small but growing body of researchers studying safety by engaging critical stakeholders. Through extensive interviews with residents living in North Minneapolis, sociologists Michelle Phelps, Amber Joy Powell, and Christopher E. Robertson pick up on a pattern comparable to what we find in Portals. For example, a 37-year-old Black woman living in North Minneapolis reflects the sentiment of the Baltimore woman from Portals we quote above:

...We all deserve to have policing in our communities, or ways of managing things in our communities that are helpful and positive...that build rather than tear down and destroy.⁵

⁵ Phelps, Michelle, Amber Joy Powell and Christopher Robertson. 2020. “Overpoliced and Underprotected: Public Safety in North Minneapolis.” Report. University of Minnesota Centre for Urban and Regional Affairs.

https://www.cura.umn.edu/research/over-policed-and-under-protected-public-safety-north-minneapolis?utm_source=CURA&utm_campaign=1de07b59e8-CBR_Email-Spring-

There are also growing efforts, by grassroots organizations, social scientists, and polling firms, to more systematically survey stakeholders most significantly affected by state and community violence. And they are uncovering similar findings. Political scientist Shom Mazumder finds that overall support for increased government funding in communities, across matters such as infrastructure, education, and healthcare, appears to be a better predictor for stronger support for spending on law enforcement compared to other variables, such as crime victimization.⁶ This finding further clarifies how support for spending on law enforcement is best interpreted as strong support for community investment. The Black Census, an extensive, grassroots study led by the Black Futures Lab, partnered with Black-led community organizations across the country to survey Black people living in the U.S. about their policy preferences.⁷ Like other stakeholder-based studies, the Black Census finds that Black residents favoured a state committed to increased support for affordable housing, childcare, education, and labour protection. Again, this is a concept of safety that speaks to institutions and resources that mitigate the probability of violence and other harms within communities; it looks very different from the kind of surveillant and

punitive policing experienced by many in the United States.⁸

Interestingly, the Black Census found that 22 percent of respondents viewed their police departments favourably, but 88 percent believed relations could be improved. Sociologist Monica Bell has argued, drawing on 72 interviews with residents in Cuyahoga County, Ohio, that Black residents describe “police trust as aspiration,” just as one might describe other features of the American dream: homeownership, a college education, and upward mobility.⁹ Equally, Phelps and her colleagues found that even when proposing police reforms, Black residents remained wary of their efficacy (“Once again, they’ve been doing studies, they’ve been doing policing training...[but] they are just changing the words...It hasn’t worked then and I doubt it’s going to work now”).¹⁰

In our own archive, we too find frequent proposals for what police—and by extension the state—might look like when they truly protect and serve, which we outline in a separate paper.¹¹ We offer the perspective of an 18-year-old Black woman in Milwaukee speaking to a 41-year-old Black man in Chicago in 2017:

If I was an officer and I was called to, uh, a domestic

2018_COPY_01&utm_medium=email&utm_term=0_580f30cfc5-1de07b59e8-433956901

⁶ Mazumder, Shom. 2020. “What Black People Really Think About Police.” The New Republic. <https://newrepublic.com/article/160532/what-black-people-think-police>

⁷ Like the Portals Policing Project, the Black Census did not aim for a probabilistic sample of Black people in the U.S., and instead focused on sampling Black residents under-surveyed by virtue of their marginal social positions (i.e., those experiencing homelessness, LGBTQ residents, undocumented residents). Visit <https://blackfutureslab.org/black-census-project-2/> to read the study

⁸ Goff, Philip A., Elizabeth Hinton, Tracey L. Meares, Caroline Nobo Sarnoff, Tom R. Tyler. 2020. “Re-imagining Public Safety: Prevent Harm and Lead with the Truth.” Centre for Policing Equity and the Justice Collaboratory at Yale Law School.

⁹ Bell, Monica C., 2020. Located Institutions: Neighbourhood Frames, Residential Preferences, and the Case of Policing. *American Journal of Sociology*, 125(4), pp.917-973.

¹⁰ Ibid

¹¹ Meares, Tracey and Gwen Prowse. 2021. “Policing as a Public Good: Reflecting on the Term ‘To Protect and Serve’ As Dialogues of Abolition.” University of Florida Levin College of Law Research Paper. Forthcoming.

violence situation or, I don't know, a robbery . . . Me, personally, I guess I would try to figure out what's going on, try to make it right, whatever. If somebody needs to be taken to jail, take them to jail. If not, you know, try to de-escalate the situation. But they don't do that. When they come, the first thing they do is pull out they guns.

These recommendations in the Portals archive are common and range from the amorphous to the specific. One participant, a 29-year-old Black woman in Milwaukee, suggests a more transformative slogan for the police, “to live, to create, to inspire.” She continues, “Cause we can protect ourselves. I need you to resolve a situation as minimally as possible. I don't need you to come with your guns pointing at somebody unless they absolutely need it.” Another woman in Chicago demands more recognition—a chance to be heard and respected, “It'd have been dope if you would've asked me, sister, what's going on? Why is your taillight out?” Others express concerns for the mental stability of the police (“I think they should have some kind of maybe psychologically, some mental test before you become a cop”), name the distorted incentives for stopping and detaining citizens (“So, are you all really here to serve and protect your people or are you all here to collect a dime for the city and the government?”), and discuss the historical role of the police protecting white people and their property (“They're not protecting and serving [black and brown] communities. They're protecting and serving property and white wealth, um, and capital”). These excerpts reflect the doubt amongst stakeholders that the

police can be reformed, and that safety can be achieved without the state fundamentally changing its orientation toward Black communities in the U.S.

We may rightly fear that, in response to calls for improved safety, police reform where pursued will – at best – address, perhaps only superficially, narrow issues while failing to attend to the more capacious visions of the state that we have seen put forth by the stakeholders discussed above. These are current fears, and missteps of the past.

The findings of the 1967 National Advisory Commission on Civil Disorders, commonly referred to as the Kerner Commission, are instructive. Following a swell of uprisings incited by police brutality in U.S., the U.S. government sent a field research team to 23 cities to interview community stakeholders. William Patrick, a Black businessman in Detroit, expressed sentiments frequently heard:

“The police individuals themselves are by and large OK; but there are two main problems. The first is their attitude, which is not just fair; the way they will talk to Negroes and treat them. The second problem is the function of the police as the protectors of the status quo; a status quo which, from the Negro's point of view, is all wrong.”¹²

Later in the interview, Patrick reflected on the state's refusal to replace a racially surveillant state with a responsive and beneficent one.¹³ The field researchers

¹² Bernard Dobranski to Mr. Wilson. October 13 1967. Interview with William T. Patrick Junior. Field Research Notes from the National Advisory Commission on Civil Disorders. P. 266

¹³ The authors write more on the “distorted responsiveness” of the state toward race-class subjugated communities in Prowse, Gwen., Weaver, Vesla M. and Meares, Tracey L., 2020.

summarize his words, where he described Detroit as “filled with people who are trying to alleviate the conditions that produced the riots. But the white community in Detroit as a whole has said, ‘Hell no’ to the Negroes.” In another interview in Milwaukee, NAACP Youth Commando Cecil Brown told field researchers that “problems in Milwaukee could be solved by 2000 jobs and some better housing.” The state, however, never heeded these calls. They instead devoted the remainder of the twentieth century to ramping up the surveillant and punitive face of the state that stakeholders so incisively critiqued.¹⁴



Photo of curators Lewis Lee and Dre Meekins outside of a Portal in Chicago
(Photo credit- Shared Studios)

To illustrate the tension experienced by communities simultaneously harmed and neglected by the state, one needs to look no further than the 2020 U.S. presidential election. A Black woman-led voter registration and mobilization effort in Georgia and across the Deep South was central to securing a Democratic presidency and a Democratic majority in the senate. Members of that coalition included organizations like Southerners on New Ground (SONG), a queer-POC-

The state from below: Distorted responsiveness in policed communities. *Urban Affairs Review*, 56(5), pp.1423-1471.

¹⁴ Weaver, V.M., 2007. Frontlash: Race and the development of punitive crime policy. *Studies in American political development*, 21(2), pp.230-

led organizing group that supports an abolitionist agenda and launching mutual aid initiatives to serve communities suffering from the state’s failure to house and feed poor local residents during the pandemic.

These organizing efforts can be understood as part of a movement for a strong state, and one for which communities disproportionately affected by safety deprivation are advocating, but it is state strength allied with state beneficence. We argue, in sum, that we should not interpret the perspectives of stakeholders subjugated by race and class as a form of what we term *state repudiation*—a rejection of the state and its responsibility for safety. We can better understand these sentiments as a desire for a *reconstituted state*: whose substance is rid of the surveillant tendencies born out of enslavement and colonization, and imbued, instead, with robust, reparatory, and responsive institutions.

Watch a video about the Portals Policing Project [here](#)

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Gwen Prowse is a PhD candidate in the Departments of Political Science and African American Studies at Yale University.

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Professor Meares is a nationally recognized expert on policing in urban communities. Her research focuses on understanding how members of the public think about their relationship(s) with legal authorities such as police, prosecutors and judges. She teaches courses on criminal procedure, criminal law, and policy. She has worked extensively with the federal government having served on the National Academy of Sciences Committee on Law and Justice, a National Research Council standing committee and the U.S. Department of Justice, Office of Justice Programs Science Advisory Board.

In April 2019, Professor Meares was elected as a member to the American Academy of Arts and Sciences. In December 2014, President Obama named her as a member of his Task Force on 21st Century Policing. She has a B.S. in general engineering from the University of Illinois and a J.D. from the University of Chicago Law School.

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