

The magazine of the Probation Institute

<https://doi.org/10.54006/NRWC7835>

ISSN 2752-6933

PROBATION

Issue 22: December 2021

Quarterly



SHOULD WE BE PINING FOR THE FJORDS?

Probation, debt and desistance in Norway

ARTIFICIAL INTELLIGENCE, RISK ASSESSMENT, AND POTENTIAL RACIAL IMPLICATIONS

*The role of Artificial Intelligence in probation
and potential racial implications*

HOW RACISM IN THE CRIMINAL JUSTICE SECTOR HARMS WOMEN'S CHANCES OF FINDING WORK

*Discrimination faced by racially minoritised
women with convictions*

RESETTLING MUSLIM WOMEN WITH CONVICTIONS

*Research into Muslim women's
experiences of resettlement*

PROBATION

Quarterly

Editor

Jake Phillips

Designer

Richard Rowley

Editorial Board

Sam Ainslie
Anne Burrell
Steve Collett
Anne Worrall

Contributors

Kevin Ball
Alexandria Bradley
Sofia Buncy
Nina Champion
Alexandra Cox
Olivia Dehnavi
Steve Doggett
Sarah Goodwin
Deidre Healy
Louise Kennefick
Tony Margetts
Jason Morris
Thien-Trang Nguyen-Phan
Aisha Ofori
Seema Patel
Hannah Pittaway
John Todd-Kvam
Karan Tripathi
Pamela Ugwudike
Niamh Wade



Acting Chief Executive

Helen Schofield

Address

2 Langley Lane, Vauxhall
London SW8 1GB

Web

probation-institute.org

Social media

[Twitter](#)
[LinkedIn](#)

Email

admin@probation-institute.org

Telephone

0203 0533 551



Remember

*We can help you
with promotion!*

Reach an exclusive readership of probation staff, senior managers, academics and others interested in criminal justice by advertising in Probation Quarterly.

It's cost effective too.

£250: Full page

£210: 3/4 page

£175: 2/3 page

£150: 1/2 page

£125: 1/4 page

£50 Box ad (one column square)

10% reduction for all those booking an advertisement for the first time!

Deadline for the next edition:
14th February 2022

For enquiries email
admin@probation-institute.org

- 4 How to feature in the PQ**
All you need to know about submitting an article for future editions of the PQ.
- 5 Editorial**
Editor Jake Phillips shares his thoughts on the key themes of this issue.
- 7 What's going on at the Probation Institute?**
Update from Helen Schofield, Acting CEO of the Probation Institute.
- 8 Understanding Probation Supervision in Ireland**
Louise Kennefick, Deirdre Healy and Niamh Wade discuss what we can learn from an historical approach.
- 13 Enabling Responsivity and Inclusion in Probation Interventions Using Digital Strategies**
Jason Morris explores some of the ways in which technology can be used to enable responsivity with people on probation.
- 17 Should we be pining for the fjords? Probation, debt and desistance in Norway**
John Todd-Kvam provides an overview of his doctoral research.
- 21 Critiquing The Gender Responsivity of Probation in India**
Karan Tripathi explores the extent to which probation practice in India responds to the needs of women.
- 26 Rehabilitating people who have been violent towards their parents**
Thien-Trang Nguyen-Phan shares findings into parents who have experienced violence and abuse from their now adult children.
- 30 Improving drug treatment for people under probation supervision**
Tony Margetts discusses recent developments including part 2 of Dame Carol Black's review of drug treatment.
- 35 Finding Social Purpose in a Pandemic**
Steve Doggett explains how Unilink developed a tool for prison staff to identify people at risk of suicide and self-harm.

RACE EQUALITY

- 41 Race equality in probation - still waiting**
Kevin Ball, Senior Research Officer, HM Inspectorate of Probation.
- 45 Scrutiny is the best way of delivering fair treatment**
Nina Champion and Hannah Pittaway from the Criminal Justice Alliance.
- 50 How racism in the criminal justice sector harms women's chances of finding work**
Olivia Dehnavi discusses discrimination faced by racially minoritised women with convictions when trying to find employment.
- 54 Young People's Engagement in Youth Justice Practices**
Dr Alexandra Cox, University of Essex and Aisha Ofori, Centre for Justice Innovation.
- 60 Resettling Muslim women with convictions**
Sofia Buncy, Sarah Goodwin and Alexandria Bradley share findings from their research into Muslim women's experiences of resettlement.
- 64 'It's all about the family.....'**
Seema Patel from Northumbria University discusses the role that families can play in reducing offending.
- 68 Artificial intelligence, risk assessment, and potential racial implications**
Pamela Ugwudike examines the role of Artificial Intelligence in probation and potential racial implications.

SUBMIT AN ARTICLE FOR THE NEXT EDITION OF THE PQ?

Probation Quarterly publishes short articles of 500 - 1500 words which are of interest to practitioners and researchers in public, private or voluntary sector work with people on probation and victims. These articles can be about:

- the activities of the Probation Institute.
- news about the work of your organisation or project.
- reports from special events, seminars, meetings or conferences.
- summaries of your own completed research. (Note: we do not publish requests for research participants)
- brief reviews of books or research reports that have caught your eye.
- thought pieces where you can reflect on an issue that concerns you.

The articles need to be well-written, informative and engaging but don't need to meet the academic standards for a peer-reviewed journal. The editorial touch is 'light' and we can help you to develop your article if that is appropriate. If you have an idea for a suitable article, let me know what you have in mind and I can advise you on how to proceed. Please also read our [language policy](#) which asks all contributors to avoid stigmatising language.

Disclaimer

All contributors must adhere to the [Probation Institute Code of Ethics](#) but the views expressed are their own and not necessarily those of the Probation Institute.

Jake Phillips

Editor, Probation Quarterly

Email: jake@probation-institute.org



WELCOME TO PROBATION QUARTERLY 22



Jake Phillips
Editor, Probation Quarterly

When I was appointed Editor of *Probation Quarterly*, I decided to dedicate part of an Issue to race and racial inequality in the context of probation and I am delighted to be bringing that aim to fruition here. It has long been recognised that people from ethnic and racially minoritized groups are over-represented in the criminal justice. This takes place because of myriad processes which increase the chances of people from marginalised groups being criminalised. However this over-representation occurs, it has important ramifications for probation work, some of which are explored in the articles presented here. I will admit that it was difficult to bring the themed section on race together and I was, at times, dismayed at the apparent lack of research that is being undertaken in this area. There does not appear to have been an in-depth study on race in probation for almost twenty years and upon revisiting the much-lauded Lammy review I realised how much less it had to say on probation when compared to the rest of the system. This neglect, I worry, may have contributed to a general apathy around properly understanding the role of probation in perpetuating racial inequality.

That said, I am pleased to be including a number of articles which highlight some of the issues that probation services need to deal with. We thus have two articles that focus on the experiences of Muslim women by Sofia Buncy and colleagues and Seema Patel. I am pleased to include a summary of the HMI Probation report into racial inequality by Kevin Ball as well as an examination of the role that community-based scrutiny could play in terms of supporting the Probation Service to be more inclusive by Nina Champion and Hannah Pittaway. Pamela Ugwudike's article explains and explores artificial intelligence and the way it shapes risk assessment. In turn, this could perpetuate racial

inequality and discrimination. Olivia Dehnavi from Working Chance provides a summary of their research into Black women's experiences of seeking employment after a period of punishment before, finally, Aisha Ofori and Alexandra Cox look at the experiences of young people in the criminal justice system through the lens of racial inequality.

In the aftermath of the Black Lives Matters protests of 2020, the Lammy Review and a wider recognition that insufficient attention has been paid to race inequality it is good to see that the Probation Service has created a Race Action Programme and I look forward to seeing how this develops. Overall though, it feels to me as though probation has not adequately scrutinised its role in relation to race and I hope that this Issue makes a contribution to this important social issue.

The general section of PQ22 has a distinctly international feel with articles from Ireland, India and Norway, shedding light on how other countries do things. We then have a selection of articles which are more policy focused with two articles on the increasing role that technology and digital services can play in keeping people safe and supporting desistance. Thien-Trang Nguyen-Phang provides a summary of her research examining children who are violent to their parents and considers the implications of this for probation practice. Finally, Tony Margetts provides an analysis of the implications of the Carol Black review for probation with a particular focus on the challenges of commissioning.

I would like to thank all contributors for their articles which, together, make for a fascinating and, hopefully in some cases challenging, read for all.

What's going on at the Probation Institute?

An update from Helen Schofield, Acting CEO.

The Board of the Probation Institute are delighted by the continuing growth of the Probation Quarterly - including the breadth of very timely and relevant articles.

We recently held our first Trainees Event for this year and were pleased to be joined by Berenice Ellis from the HMPPS Unacceptable Behaviour Unit talking about cultural competence in practice, Philippa Southwell of Southwell and Partners providing information about Modern Slavery and Hannah Pittaway from Criminal Justice Alliance who spoke about Community Scrutiny and Probation. These are all critical topics among a significant list of priorities and we hope that our events together with PQ are able to offer accessible opportunities for a wider view at a very pressured time for practitioners.

During October and November we have been developing our e-learning on working with drug misuse. We will be launching the product in January - this will be accessible to all at no charge. The product responds to the Dame Carol Black Report and the HMIP Inspection Report and has been supported and informed by lived experience. We hope that the course will be widely used to help to increase knowledge of harmful drugs and treatment approaches.

We are pleased, although disappointed, to see in the press interest and concern about vulnerable individuals in the armed services, and about approaches to addressing abusive cultures in some military environments. The Probation Institute and Liverpool John Moores University are completing a major research project funded by the Forces in Mind Trust looking at the life histories of individuals who have served in the armed forces and who have committed offences of serious harm. Our findings are significant and clearly point to adverse childhood experiences compounded by the experience in military service. We will be disseminating the research findings in the new year.

We are launching the Sir Graham Smith Research Awards for 2022 on Monday 13th December online on 13th December; if you are interested in a small practitioner research project; please see [details](#) of the launch and the scheme on our website. Applications will close at the end of January. We welcome applications from practitioners in Probation and from the voluntary and community sector.

Understanding Probation Supervision in Ireland: What Can We Learn From An Historical Approach?

Louise Kennefick (Maynooth University), Deirdre Healy (University College Dublin) and Niamh Wade (Maynooth University).



Since the foundation of the Irish state, the Probation Service has evolved from a small and largely voluntary service into a professional organisation with a distinct social work ethos. While the organisational cultures of other Irish criminal justice institutions are relatively well-researched (e.g., Rogan, 2011; Hamilton, 2014), the culture, philosophies, policies and practices of the Probation Service have received little empirical scrutiny. The *Histories of Probation* project addresses this gap by producing a history of probation from the perspective of core stakeholders, namely administrators, probation officers, rehabilitation workers and probationers, as well as archival records. Oral history approaches can add new dimensions to knowledge, shedding light on the lived experiences of hidden or non-elite groups, animating official histories and adding nuance to existing scholarly accounts on the evolution of probation practice. This article reports on findings from oral history interviews conducted with 25 men under supervision from the 1980s to present. To contextualise their experiences, we draw on a revised version of McNeill's (2009) framework for understanding supervision experiences. Like McNeill's (2009) research, our findings revealed a diversity of experiences, with supervision variously experienced as helpful, hurtful, holding, or hands-off.

What did the research find?

Helping relates to the classic probation philosophy of 'advising, assisting and befriending' (McNeill, 2009). In the Irish context, probation supervision was perceived as helpful when officers focused on relationship building and providing practical rehabilitation supports. For probationers, strong professional relationships were characterised by empathy, trust and understanding. Importantly, officers were perceived as helpful when they showed a willingness to listen as well as genuine concern for their clients.



Louise Kennefick
Maynooth University



Deidre Healy
University College Dublin



Niamh Wade
Maynooth University

Several spoke about times when officers advocated on their behalf (for example, with judges or rehabilitation providers), which was interpreted by probationers as evidence of faith in their ability to change. When asked about the most helpful aspect of probation, one participant explained:

She [PO] advocates on your behalf so she talks for you, do you know, and she puts a good word and sometimes she puts the feelers out for things before you ask for them so she's saving you the hassle of going in and getting told no. [PC5 2000s]

Rapport often took time to develop due to an ingrained distrust of authority figures among probationers. This sentiment is illustrated by the following quote from a participant who characterised his early experiences of probation as unhelpful because of prior negative experiences with a range of institutions including police, prisons and the Catholic Church. These experiences tainted his attitude towards all authority figures, including probation officers. As he recalled:

Up to that point my experience of, for the want of a better term, institutions wasn't healthy [...] so to me the probation was just another cog in that wheel. [PC16, 1980s cohort]

Aside from relationships, participants also highlighted the value of practical support, describing supervision as helpful when officers provided advice on life choices, engaged in clear supervision planning, and sought out rehabilitation opportunities. One interviewee recalled how probation had provided the scaffolding to support his desistance journey, elaborating:

[Probation is] a foundation and then when it's time to move on you know there'll be a plan put in place for it, continue doing what you're doing you know. They're not going to save you but they're going to lead you in the right direction. [PC2, 2010s cohort]

Hurtful experiences by contrast can ensue from an over-emphasis on surveillance and enforcement, according to McNeill (2009). This view was also endorsed by a number of our participants. For them, supervision was harmful when it was intrusive, rigid, and more concerned with surveillance than support. Hurtful experiences also emerged from relational difficulties, and we heard several stories of encounters with probation officers that were characterised by disrespect, lack of trust and personality clashes. One interviewee had a challenging relationship with his first probation officer and felt that he had been prejudged by her as a 'bold person.' By the time of our interview, he had lost contact with his family and attributed this in part to the negative label imposed by his supervisor and shared with his mother during probation meetings. When asked about the least helpful aspects of supervision, he explained:

Just really the old woman [PO], that's it. She was negative, you know what I mean. She was labelling me. Like my ma was with me and all so she was making my ma fight with me and all. Where me ma wouldn't really be like that. So she was making people act different around her. So that was negative. She changed. She changed me ma's perspective to who her son is. [PC24, 2010s]

Home visits were originally designed to provide officers with a deeper understanding of supervisees' lives to facilitate rehabilitation (Ahlin et al., 2013). Though valued by some of our participants, this example shows that home visits are not always perceived as beneficial by people under supervision.

Holding experiences are also common among probationers and tend to elicit diverse responses (McNeill, 2009). For instance, holding experiences are perceived positively when the supervision process creates a safe space to contain the tumult of a difficult existence and negatively when they merely restrict a person's freedoms for a period of time (McNeill, 2009). Both kinds of holding experiences were evident in our study. The following quote illustrates one of the more positive examples. Here, the interviewee discusses how the probation order provided structure and order to his day. Notably, he valued the gradual introduction to a 'normal' routine which allowed time to adjust to a new way of being, elaborating:

The most helpful for me personally was just keeping out of trouble, having a structure, having a plan so Monday-Friday between 2-4 I'd have to be here so that was definitely most helpful because it was good structure, it was a good opportunity to see how, I hate to say normal, but how normal working people was living and how much more calmer and better it was than the life that I was living previous to that. [PC17, 2010s cohort]

Hands-off experiences do not appear in McNeill's (2009) typology but have been added here to capture another important dimension of supervision. Some of our participants explained that supervision had a limited impact on their lives, typically because meetings were short or infrequent, officers seemed aloof or indifferent or they themselves were disengaged from the process. Some participants liked the hands-off style of engagement, while others were left feeling angry and frustrated. The following quote from an interviewee who needed, but did not receive, support from his probation officer highlights the sense of hopelessness generated by such experiences.

So what's the difference if I'm clean or not cause I was going to her for weeks and weeks and weeks clean and she didn't really do anything for me...[...] and then I go in dirty and she doesn't really do anything for me so...[...] It's just a formality. [PC10, 2010s]

Conclusion

Our findings highlight the value of exploring probationers' supervision experiences from a historical perspective and contribute to the understanding of supervision practice in several ways.

First, what probationers perceived as helpful or otherwise remained remarkably consistent across the time period in question. Practical support and high-quality relationships with supervisors were valued by all cohorts while surveillance-oriented experiences were routinely perceived as painful.

Second, supervision experiences were highly subjective. For instance, ostensibly helpful activities like home visits were regarded positively by some but seen as unnecessarily intrusive by others. This is consistent with Hayes' (2018) views on the ambiguous nature of supervision processes, which can contain both positive and negative elements.

Third, supervision experiences were diverse. Participants variously characterised supervision as life-changing, harmful or inconsequential. Most of our participants had been under supervision more than once and recounted disparate experiences at different points in their lives. In mapping these experiences, our findings reinforce McNeill's (2009) framework, highlighting its utility for understanding supervision experiences in Ireland, past and present.

To return to our opening question, our experience shows that oral history studies can make important contributions to knowledge. Non-elite stakeholders such as probationers rarely leave paper records, leaving us with an incomplete picture of probation history. Oral histories address this gap, adding depth to existing narratives and acting as an antidote to the penal nostalgia that often colours criminological accounts of the past.

References

- Ahlin, E. M., Antunes, M. J. L. and Tubman-Carbone, H. (2013). A Review of Probation Home Visits: What Do We Know? *Probation*, 77(3), pp.32-37.
- Hamilton, C. (2014). Reconceptualizing penalty: towards a multidimensional measure of punitiveness. *British Journal of Criminology*, 54(2), pp.321-343. <https://doi.org/10.1093/bjc/azt075>
- Hayes, D. (2018). Experiencing penal supervision: A literature review. *Probation Journal*, 65(4), pp.378-393. <https://doi.org/10.1177/0264550518790660>
- McNeill, F. (2009). Helping, holding, hurting: recalling and reforming punishment. In: The 6th Annual Apex Lecture, 8th September 2009, Edinburgh.
- Rogan, M. (2011). *Prison Policy in Ireland: Politics, Penal-Welfarism and Political Imprisonment*. Abingdon: Routledge.



Enabling Responsivity and Inclusion in Probation Interventions Using Digital Strategies

Jason Morris, Senior Policy Manager in the HMPPS Service Design Team explores some of the ways in which technology can be used to enable responsivity with people on probation.

In our [HMPPS.co.uk](https://hmpps.co.uk) guest blog on Structured Interventions and Probation Practitioner Toolkits, Laura Baverstock and I wrote about designing sentence management and intervention processes to put supervisory relationships closer to the centre of probation work. Structured Interventions provide a set of therapeutic exercises delivered primarily to groups by interventions facilitators in a set sequence. Probation Practitioner Toolkits (referred to below simply as 'toolkits') are comprised of similar exercises delivered one-to-one by Probation Practitioners as part of supervision. Aligning toolkits with Structured Interventions enables Probation Practitioners to use toolkit exercises during supervision sessions to support gains made by participants within interventions.

In the current article, I highlight the potential of Complementary Digital Media (CDM) as a digital strategy to promote consistency across these different therapeutic offers. Digital strategies can help reduce the cognitive load of intervention work (for practitioners and participants); increase responsivity by conveying the diversity of co-creators with lived experience; and strengthen therapeutic alliances by creating a shared focus that supports desistance-focused conversations. Digital tools can also be accessed by people on probation outside of their contacts with probation; increasing their exposure to intervention work in their day-to-day life.

This article provides an exposition of the views of the author in an emerging area of policy and practice. These views are not intended to pre-empt or prohibit any future changes to the way that digital strategies are used within interventions in HMPPS.



Jason Morris
Service Design
Probation Reform Programme

Digital Learning Strategies and the Benefits of Using Co-Created Digital Media in Probation

Digital media and platforms are now in wide-spread use throughout the education sector and the wider personal development industry. For many years, public-facing platforms and Virtual Learning Environments have provided innovative ways to be responsive to diverse audiences and complement traditional learning strategies. While historically some CJS providers arguably lagged behind in the uptake of technology, the previous edition of Probation Quarterly had no fewer than three articles (by Jason Tizedes, Revolving Doors and Jonathan Hussey) highlighting the potential benefits and threats of using technology to support probation work in the post-pandemic era. I would like to add to these discussions by highlighting the advantages of co-produced digital media in aligning toolkits and Structured Interventions and making them more responsive to people with a wide range of diversity and learning needs.

Recent research¹ supports the idea that digitally-enabled approaches can be a catalyst in supporting the development of therapeutic alliance between probation practitioners and people on probation. For several years, I've been using co-production practices in the development of CDM with the aim of making services more responsive to people in prisons and on probation (including those belonging to marginalised groups).

Co-Production as a Vehicle for Inclusion

Designing content and services with and for people on probation fulfils the Probation Reform Programme's commitment to:

culturally competent practice/service design – including the commitment in the HMPPS Equality Strategy that all interventions/services have an explicit focus on equality in their design. All policies, procedures and/or practices will continue to consider their impact on service users from different characteristics groups. This will be evidenced through the Equality Analysis² (p. 14)

The importance of co-production can be seen in its [impact on co-creators](#) and the wider [impact that outputs from co-production](#) can have on services. Reflecting on the impact of CDM has provided insights into its use within probation supervision and interventions. For example, practitioners have described how discussing the relatable scenarios depicted in CDM clips can be a useful starting point for conversations that move on to focus on how participants overcome challenges in their own lives.

Audio-Visual Strategies to Promote Engagement with Digital Content

Incorporating feedback from co-creators with a diverse range of lived experiences is an important way to make interventions more responsive. In a [blog](#) written about his experience of contributing to one of our co-production projects, Robert Ferguson encouraged interventions developers to focus on engaging people on probation at a more emotional level to “inspire and motivate them more to want to change”.

In keeping with this feedback, I recently led a Home Office funded project to increase the diversity and depth of CDM available to facilitators and Probation Practitioners. In this project, Design102 created visual strategies that aimed to foster greater connection and empathy with people in prison and on probation. They captured the emotional journey of characters via a visual language to communicate their shifts between states such as: “shutdown”, “fight-or-flight” and “social engagement”. Using co-production methods from previous CDM projects, we built these visual strategies on top of co-created scripts and voiceovers delivered by experts by experience (recorded by Prison Radio Association) to develop a large body of new material.

As well enhancing the potential to deliver clinically meaningful messages, the visual language within new CDM clips aims to support participants in articulating their emotional experiences and improving their commitment to developing self-management skills. This visual approach will also be carried through into practitioner handbooks and participant workbooks.

¹ Towards a desistance-focused approach to probation supervision for people who have committed Intimate Partner Violence: A digital toolkit pilot study - Jason Morris, Andreea Antonia Raducu, Melissa Fuller, Sarah Wylie, Steven James Watson, 2021 (sagepub.com)

² [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959745/HMPPS - The Target Operating Model for the Future of Probation Services in England Wales - English - 09-02-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959745/HMPPS_-_The_Target_Operating_Model_for_the_Future_of_Probation_Services_in_England_Wales_-_English_-_09-02-2021.pdf)



I'm going to ask her what the fuck she's doing here? I feel like wiping the smile off his face. They keep laughing and looking over at me. I'm being shown up in front of my family. It's disrespectful.

Future Opportunities Presented by Digitally-Enabled Interventions

In addition to the creation of engaging clinical content, digital strategies open the potential for us to use data analytics to improve services. For example, analytics indicate that the Skills for Relationships Toolkit generated over 12,000 staff and participant views in the first 6 months of 2021. We can track this usage over time and on a clip-by-clip basis to capture number of plays and average clip completion percentages. Having access to a platform (with the potential for interoperability with other digital systems) would offer enhanced analytics to support the evaluation of digitally-enabled services and inform future content design.

Digital content is already enhancing in-room and remotely delivered therapeutic conversations within Structured Interventions, Accredited

Programmes and Probation Practitioner Toolkits. The breadth and depth of this content has the potential to evolve into an overarching framework that supports clinical consistency between these services. Enabling probation practitioners to be fully conversant with this content can empower them to provide holistic wraparound support before, during and after interventions. In this context, co-produced digital media can be a catalyst by injecting prison and probation interventions with consistent, authentic, desistance-focused messaging aimed at helping people build on their strengths; develop new skills; and, be hopeful for the future. <https://vimeo.com/558018694/384b3b706a>

Acknowledgements to Laura Baverstock, Ruth Johnson and Mark Farmer for their contributions to this article.

Should we be pining for the fjords? Probation, debt and desistance in Norway

John Todd-Kvam provides an overview of his doctoral research which explored the ways in which people in Norway desist from offending, experience probation and cope with the consequences of what he terms 'punishment debt'.

Norwegian prisons have played host to many visiting researchers, journalists, practitioners and documentary filmmakers, with prisons like Halden and the island-prison of Bastøy receiving almost celebrity status. However, until recently we had relatively little research knowledge about life on probation or after punishment in Norway. My recently-completed PhD project aimed to help map out some of this territory through a qualitative, multi-level study of political discourse, reintegration and resettlement practice, and the lived experience of desistance. By 'zooming in' from political discourse through practice to desister experience, I aimed to provide insight into both the context in which desistance takes place as well as the process itself. The project involved fieldwork at the Red Cross-run *Network House*, described as "Norway's first re-entry centre", where those seeking to move away from crime can access education, training, social activities, help in finding employment, one-to-one contact with a volunteer support contact and debt advice caseworkers. I also interviewed probation caseworkers in Oslo and people who identified themselves as desisting from crime.

Perhaps one of the project's most important contributions is shedding light on so-called '**punishment debt**' (Todd-Kvam 2019). The key



John Todd-Kvam

Postdoctoral Researcher
Norwegian Centre for Addiction Research,
University of Oslo

sources of this debt are compensation, fines and confiscation, with a study of prisoners' living conditions finding that over 80% of prisoners in Norway had debt, with 37% having debt from being sentenced to pay compensation, 26% from unpaid fines and 17% with debt to private persons (including illegal debt such as drug debts) (Revold 2015). As an illustration of this, the following chart shows how state income from financial penalties have increased whilst reported crime has decreased.

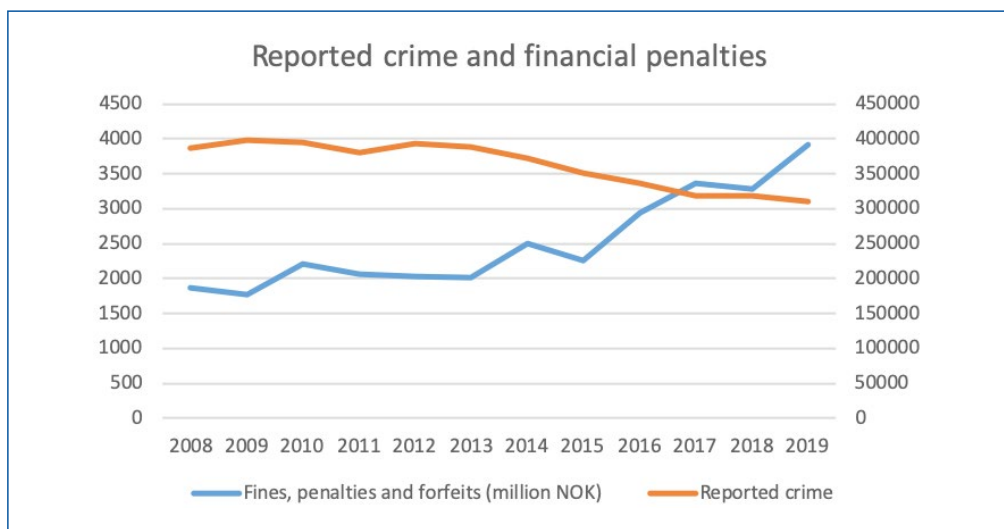


Figure 1: Reported crime and financial penalties (data sources: Statistics Norway 2021a, 2021b)

The state is empowered to make salary deductions and confiscate assets in order to service this debt. Interviews with both probation staff and desisters themselves raised four particularly negative aspects of living with 'punishment debt'. These are:

1. The fear of getting started in paying off the debt - it can feel like an impossible task.
2. A sense of unfairness and double punishment - society expects people to live normally and get a job, but treats them abnormally (and unfairly) by taking money/ assets from them.
3. Decreased job motivation because of salary deductions - even if a desister gets a job, the practical, financial benefits of employment are undermined through salary deductions. In addition, the symbolic aspect of employment may also be negatively affected, because the state is signalling that desisters must continue to face consequences of their criminal conviction through salary deductions.
4. A feeling of inescapability - desistance demands significant effort, and being in debt has the double impact of increasing these demands while further constraining the desister's structural position over the long-term.

The state's imposition, surveillance and enforcement of significant and long-term debt raises important questions about when punishment really ends in Norway, about its legitimacy (given the experience of unfairness/ double punishment), and about how desistance may be prolonged to become a form of frozen, indeterminate liminality. Building on McNeill's (2018) malopticon, I note how desisters risk being seen badly (as debt repayment objects),

being seen as bad (unentitled to own assets or earn more than a minimum subsistence) and being projected and represented as bad (leading to feeling unfairly treated, demotivated and trapped).

The project also puts a spotlight on the work of **probation** in Norway (Todd-Kvam 2020), an institution that has long fallen in the shadow of prisons, both in terms of resourcing and attention. I interviewed probation caseworkers in Oslo, who placed a strong emphasis on constructive relationships with their clients, whilst also noting that reintegration into Norwegian society is difficult. They put this down to lack of human and social capital and the challenges of navigating an increasingly remote and bureaucratic welfare system. This work highlights a dilemma in relational probation practice, in that relationships, which may have caused damage, distress and trauma, are also a means - and an end - to recovering from addiction and desisting from crime. From the caseworkers' perspective, a further dilemma is how to approach this without setting unrealistic expectations or engendering a sense of hopelessness or of being pathologised. Or, to frame it another way, neither expecting too much agency nor prolonging/deepening its absence. I suggest that these two dilemmas - social relations as a cause and solution, and how much agency to expect - can perhaps usefully be understood as operating like a double helix through the client-caseworker relationship.

Regarding the experience of **desistance** more broadly, I and my co-author developed an analytical framework to help us understand desisters as active subjects navigating a complex terrain of psychological, relational and systemic processes (Todd-Kvam and Todd-Kvam 2021).

The framework is intended to encompass both intra and inter-personal aspects of narrative identity and change. We then show that this framework can be used to explore how self-narratives transform via a fine-grained analysis of the moments in which change starts, is maintained or is frustrated. The article also provides an empirical account of desistance in Norway as long-term and unfinalised, showing that even in a Scandinavian welfare state, the collateral damage of trauma, addiction and punishment can be significant, leading in some cases to an extended experience of liminality and welfare supplication.

Overall, I found the project to be very meaningful, and the persistence of many of those I met at the Network House in the face of serious obstacles to be inspiring.

Key implications for practice

- Debt and financial problems carry symbolic and psychological impact in addition to their practical consequences. Asking clients about these issues and being able to provide advice or signpost to other experts is important.
- Even with clients who appear stuck in what Shadd Maruna (Maruna 2001) might call a 'condemnation script', pay attention for so-called 'innovative moments' (Gonçalves, Cunha et al. 2011) where the client or those around them act against negative expectations (their own or others'). Such moments may provide an opportunity for client and caseworker to co-create new, more positive narratives.
- Linked to this, when considering how to help clients build self-belief, think about agency in terms of both connection and autonomy (Layton 2018).

References

- Gonçalves, M. M., C. A. C. Cunha, A. P. Ribeiro, J. Salgado, M. Matos, A. Santos and I. Mendes (2011). Innovative moments in psychotherapy: dialogical processes in developing narratives. *Dialogicality in Focus: Challenges to Theory, Method and Application*. M. Märtsin, B. Wagoner, E.-L. Aveling, I. Kadianaki and L. Whittaker. New York, Nova Science Publishers: 173-192.
- Layton, L. (2018). Relational thinking: from culture to couch and couch to culture. *Object relations and social relations*. S. Clarke, H. Hahn and P. Hoggett, Routledge: 1-24.
- Maruna, S. (2001). *Making good : how ex-convicts reform and rebuild their lives*. Washington, D.C., American Psychological Association.
- McNeill, Fergus (2019), 'Mass supervision, misrecognition and the 'Malopticon''. *Punishment & Society*, 21 (2), 207-30. <https://doi.org/10.1177%2F1462474518755137>
- Revolv, M. K. (2015). *Innsattes levekår 2014: Før, under og etter soning*. Oslo, Kongsvinger, Statistisk Sentralbyrå. 47.
- Todd-Kvam, J. (2019). 'An Unpaid Debt to Society: How 'Punishment Debt' Affects Reintegration and Desistance from Crime in Norway.' *The British Journal of Criminology*. <https://doi.org/10.1093/bjc/azz024>
- Todd-Kvam, J. (2020). 'Probation practice, desistance and the penal field in Norway.' *Criminology & Criminal Justice*. <https://doi.org/10.1177%2F1748895820953192>
- Todd-Kvam, J. and M. Todd-Kvam (2021). 'Talking Good: Analysing Narratives of Desistance in Norway.' *The British Journal of Criminology*. <https://doi.org/10.1093/bjc/azab087>



Critiquing The Gender Responsivity of Probation in India

Karan Tripathi explores the extent to which probation practice in India responds to the needs of women, arguing that a lack of a gendered approach results in the invisibilising of women on probation.

The needs and narratives of women have long remained at the margins of both research and policy in the criminal justice system. Feminist criminology addressed this gendered amnesia towards women (Cain, 1990), exposed gender insensitive approaches (Carlen, 1987), and argued for foregrounding the lived experience of women in criminological research and practice (Annison, 2015). It further highlighted how a 'gender-neutral correctional gaze' centres male offending (Covington and Bloom, 2000) and subjects women to institutional logic and practices that are grounded in the research conducted on men (Worrall and Carlen, 2004). This article is an attempt to retrieve gender from the margins and use it as the central theoretical tool to critique practices of the probation officers in India. Based on interviews conducted with 40 probation officers from 15 different States, this article will show how women are either invisibilized or seen as 'correctional afterthoughts' (Ross and Fabiano, 1986) in the administration of community corrections in India. It will further expose the gendered frames (Hawkins, 2003; Hannah-Moffat, 2004) that influence how women on probation are conceptualized and "dealt with" by probation officers.

Absence of Gender-Responsive Intervention

Gender-responsive interventions in corrections have emerged as a response to historical exclusion of complex lived experiences of women



Karan Tripathi

MSc Criminology & Criminal Justice student,
University of Oxford.

from penal policymaking. It challenges the privileging of male crime in the design process (Kivel, 1992) to argue that the dynamics of male and female offending are different. It further calls invisibility of women in correctional policymaking as a form of 'oppression' (Covington and Bloom, 2000) and 'epistemic injustice' (Fricker, 2007). To empirically back up this argument, Gelsthorpe's (2013) seminal research revealed that gender-informed probation services, where the experiences of women under supervision are privileged, assist significantly in ensuring compliance with rehabilitation programmes.

The law, policy, and practices governing probation in India, however, provide no provisions for addressing the unique and complex needs of women offenders. The gender-neutral phrasing of the law has grossly undermined the situational and behavioural differences in male and female offending. The federal statute neither has any provision for ensuring a minimum cadre of women officers nor does it provide special guidance or procedures for carrying out probation work for women offenders. Due to the absence of the mandatory requirement under the federal legislation, State governments have also ignored maintaining a minimum cadre of woman probation officers in their respective Rules. This has adversely contributed to the dismal representation of women in the probation workforce: 11 out of the 15 states do not have a single woman in their probation workforce. The irony of this fact becomes even more profound when it is considered that in 7 out of these 11 States, probation falls under the mandate of Department of Women & Child Development.

The forms for conducting social investigation and the proforma for pre-sentence reports are identical for men and women. Apart from having a column on 'sex,' these documents have no category to record the unique circumstances or needs of women. The manuals prescribed for the training of probation officers focus just on 'professionalism,' and a 'general welfarist approach,' making no mention of gender-responsivity (CHRI, 2013).

Conceptualizing The 'Female Offender'

A two-thirds majority of the probation officers interviewed for my study stated that the existing law and policy on probation is 'woefully inadequate' for carrying out probation work for women. They further said that, in absence of clear institutional guidelines, they have to rely on their 'personal experience' or 'social understanding' while conducting social investigation. Socio-legal scholarship (Hawkins, 2003; Hannah-Moffat, 2004; Hoyle, 2018) has extensively focused on how decision-makers mobilise various knowledges, experiences, values and meanings while exercising discretion. Feminist criminologists have further used the sociolegal framework to highlight 'gendered knowledges,' both explicit and subliminal, that influence the decision-making process (Hannah-Moffat, 2004).

In India, the absence of sophisticated institutional guidance, means that probation work with women reflects the arbitrary and gendered exercise of discretion. Probation officers informed me that they feel 'awkward,' 'restrained,' and 'overcautious' while conducting social investigations for women. An overwhelming majority of probation officers feel that a woman officer would've been better suited for the job, as being male officers, they can't ask 'personal' questions to the women. This internalised apprehension leads most of the probation officers to routinely privilege narratives of the woman's husband or family over her personal narratives while conducting investigations.

The following comments are indicative of how this manifests:

We feel awkward in asking them to open up to us.

(PO Swaminarayan¹, Tamil Nadu cadre)

I'm unable to completely understand the functioning of a female mind, it's the toughest job in the world.

(PO Kamaljeet, Chhattisgarh cadre)

It's hard to develop confidence with female offenders, as we can't pat them on the shoulder, shake their hands, or be in close physical proximity.

(PO Abeen, Kerala cadre)

We can't build trust with female offenders, can't ask them for information on their private needs.

(PO Manoj Yadav, Delhi cadre)

We can't understand how the past trauma of female offenders manifests itself.

(PO Akhilesh, Bihar cadre)

The study identified paternalism (*female offenders can't express freely about their criminality*), gender-related statuses of 'dependency' and 'respectability' (*She needs to take care of her children; what will the neighbours think about her character*), and the responsabilisation of informal control agents (*she's best protected in her family; she must be accepted by her family*) as gendered frames that influenced probation decision-making on women on probation.

This gendered understanding of criminality transcends social investigations and impacts the supervision process. Most probation officers claimed that they focus more on the supervision of male offenders as compared to female offenders, as the latter are '*more compliant*' and can be '*easily controlled by the family*.'

While probation officers followed the same factors for conducting social investigation with men and women, there were considerable differences in how these factors were rationalised. For instance, 'absence of family acceptance' was perceived as an aggravated risk more for women than men (*Solitude will kill her, she'll be subject to scrutiny by society*). Similarly, factors such as 'unwavering character strength,' 'compliant behaviour', and 'mental health' were assessed more severely for women. Therefore, women on probation's 'lack of emotional control' was perceived as a mental health concern which, in turn, resulted in disproportionate referrals to counselling within prisons as compared to male offenders:

Women offenders are more fickle-minded, it's hard to understand what's going on in their minds.

(PO Abid, Kerala cadre)

In terms of post-release rehabilitation, education and employment opportunities were seen as a priority more for male than female offenders. '*Male is a breadwinner, female is the caretaker*', said one of the probation officers in the Maharashtra cadre.

¹ The names of all the probation officers cited in the article have been anonymised

Conclusion

Indian probation policy's gender-neutrality claim conceptualizes women through the looking glass of male criminality. In the absence of gender-responsivity in the legal, institutional, and policy design, gendered and arbitrary frames influence probation practices which results in invisibilizing the unique lived experience of women on probation. There's a need to conduct further research on assessing the qualitative and quantitative harms of such invisibilization on women who are subjected to the criminal justice system. The research shall also develop on the debate highlighted in the present article - whether gender neutrality furthers epistemic, cognitive, and emotional harms against women.

Bibliography

- Annisson, J., Brayford, J., and Deering, J. (2015) *Women and Criminal Justice: From the Corston Report to Transforming Rehabilitation*. Bristol: Policy Press.
- Cain, M. (1990) 'Towards Transgression: New Directions in Feminist Criminology', *International Journal of Sociology*, 18(1), pp. 1-18.
- Carlen, P. (1987) *Gender, Crime and Justice*. Milton Keynes: Open University Press.
- Commonwealth Human Rights Initiative, *Probation Officers Training Program Report* [online]. Available at: <https://www.humanrightsinitiative.org/download/14571575032012%20Training%20for%20Probation%20Officers.pdf>
- Covington, S. and Bloom, B. (2000) 'Gendered Justice: Programming for Women in Correctional Settings'. In: 52nd Annual Meeting of the American Society of Criminology. California, USA
- Fricker, M. (2007) *Epistemic injustice: Power and the ethics of knowing*. Oxford: Oxford University Press.
- Gelsthorpe, L. (2013) 'Working With Women In Probation' In: Ugwudike, P. and Raynor, P. (Eds.) *What Works In Offender Compliance*. London: Palgrave Macmillian.
- Hannah-Moffat, K (2004) 'Losing Ground: Gendered Knowledges, Parole Risk, and Responsibility', *Social Politics*, 11(3), pp. 363-385. <https://doi.org/10.1093/sp/jxh041>
- Hawkins, K. (2003) 'Order, Rationality and Silence: Some Reflections on Criminal Justice Decision-Making' In: Gelsthorpe, E. and Padfield, N. (Eds.) *Exercising Discretion: Decision-Making in the Criminal Justice System and Beyond*. Cullompton: Willan.
- Hoyle, C. (2018) 'Testimony in Wrongful Convictions: A Study of Decision-Making at the Criminal Cases Review Commission', *British Journal of Criminology*, 59(4), pp. 919-937. <https://doi.org/10.1093/bjc/azy066>
- Kivel, P. (1992) *Men's Work: Stopping The Violence That Tears Our Lives Apart*. Center City, MN: Hazelden.
- Ross, R. and Fabiano, E. (1986) *Female Offenders: Correctional Afterthoughts*. Jefferson, NC: McFarland.
- Worrall, A. and Carlen, P. (2004) *Analysing Women's Imprisonment*. Cullompton: Willan.

Rehabilitating people who have been violent towards their parents: A mother's experience

Thien-Trang Nguyen-Phan, PhD student at Anglia Ruskin University, outlines some findings from her research into parents who have experienced violence and abuse from their now adult children.



I think there's a big gap in the system. There's a big gap between the victim and the offender. [...] I don't think there is that system where they can repair the damage, if that's the right word, and I think it's the big part that's missing. They need to be repairing damage ...

Lizzy, 68, had picked me up at her local train station and driven me to the lounge of her favourite hotel, where for more than four hours we sat in a discreet corner while Lizzy told me her story. Andy was her 28-year-old son.

When we met, Andy had recently been convicted, following a guilty plea, of ABH (assault occasioning actual bodily harm) against Lizzy. From what Lizzy understood, he had been sentenced to a two-year suspended sentence order, which included 1-year supervision with probation. He had returned to live with her following his conviction, and 'nothing had changed'.

The 'system' to which Lizzy referred encompassed more than probation, of course. Andy had a known drug problem and so was expected to engage with his local substance misuse service. Lizzy was often compelled to press her panic alarm for assistance with Andy's aggression, therefore coming into regular contact with the police. However, it was her experience of probation that inspired Lizzy's comments. And as her comments made clear, it was an experience of disconnect: both as a victim of Andy's violence and as his mother (and main carer), Lizzy felt overlooked by the very professionals mandated to repair the damage of Andy's wrongdoing and prevent his further offending.

Lizzy was the first interview participant in my doctoral research project which started in September 2018. It was the first study of its kind which specifically investigates the abuse of parents (and mothers in particular) by their adult children in England and Wales. I was interested



Thien-Trang Nguyen-Phan

PhD student at Anglia Ruskin University

in how mothers articulated their experiences of abuse in its various forms and manifestations, how they had sought help (if any) and the barriers they faced in doing so, as well as what they perceived as effective support.

My research project was motivated by over 12 years of experience working in the field of domestic abuse and violence against women, over the course of which I had become increasingly troubled by the lack of research into the abuse of parents by their adult children, despite it being considered a form of domestic abuse in England and Wales (Westmarland, 2015; Sharp-Jeffs & Kelly, 2016). While limited, research on older people's experiences of domestic abuse (Wydall, Zerk & Newman, 2015; SafeLives, 2016) and findings from services for older victims of domestic abuse (Solace Women's Aid, 2016) have drawn attention to the fact that the most common type of perpetrator in domestic abuse against older people is not an intimate partner but an adult child (primarily a son). Emerging research into domestic homicides and domestic homicide reviews also indicates that when a domestic homicide involving family members occurs, it is most often the murder of a parent (Chantler et al., 2019; Montique, 2019; Bates et al., 2021).

In my most recent role as Criminal Justice Project Officer at [Standing Together Against Domestic Abuse](#) (Standing Together), helping coordinate the [Specialist Domestic Abuse Courts](#) (SDACs) in West London, I observed a significant number of cases involving adult children offending against their parents (most often mothers). Like Andy, many were living in the family home with their parents and struggling with problematic substance use or mental health difficulties. I got to speak to parents and heard the same frustration that Lizzy expressed about the lack of available support for their children. Like Lizzy, they were desperate for a system that would repair the damage, not just of their children's offending, but also of their children's unmet needs. Yet, due to the lack of available support, these parents (and mothers in particular) would often be taken for granted by professionals as their children's default safety net, which in turn made it even harder for them to contemplate actions against their children.

Perhaps unsurprisingly therefore, for most mothers in the research project, calling the police was often a drastic, last-resort option. When they sought help, it was first and foremost for their children. Those who called the police hoped for 'help', not arrest or charge. The very few, like Lizzy, who did engage with criminal justice processes beyond police interventions shared the same belief in a system that rehabilitates instead of punishing, which holds their children to account just as it restores them. Such a belief was anchored in care and relationships.

Consequently, Lizzy's vision of probation's work as 'repairing the damage' was centred around this commitment to relationship:

It's not just a case of working with Andy. I think, I think most parents, I would, I would say, "You know what, if you want me to go to these meetings, I'll go with you! I'll join in. I'll tell, tell you what, you know how I'm feeling and what I'm doing." If they want me to go to something- I would have, but they don't, they, they sort of ignore ...

Lizzy's wish was in sharp contrast with her reality: it was Lizzy herself who sought to engage with Andy's probation officer in order to find out 'what they're doing with *my son*', because no one had talked to her.

While it might be argued that Andy's probation officer could not possibly invite her to their supervision meetings, the desire Lizzy expressed was in fact quite simple: all she wanted was to be acknowledged both as the victim of Andy's abuse and his mother. Her vision of collaborative working was also poignant in its common-sense approach: how would probation, the service designed to rehabilitate Andy, assess and manage Andy's risk to Lizzy without seeing and hearing her? How could it purport to 'repair the damage' without addressing Andy's most fundamental relationship (not least because he lived at Lizzy's home)? And how could it do so without Lizzy's participation (as his main support network)?

Initially assigned to the Community Rehabilitation Company, Andy was subsequently 'moved up' to the National Probation Service. When we met for the interview, the transfer had only happened recently, and Lizzy appeared slightly more hopeful. However, no actual work had started because since his sentencing Andy had had 'three different probation officers'. Thus, Lizzy's experience of probation took place against the backdrop of the 'irredeemably flawed' Transforming Rehabilitation agenda (HMIP, 2019) which exacerbated her sense of fragmentation and disconnect.

Yet, Lizzy's frustrated wish for a probation service which would involve her instead of ignoring her in its rehabilitation efforts with Andy was not merely hampered by organisational issues and resource constraints. It required a change in the way probation - and any other professionals - approach a case like Andy's in its complexity: as Lizzy said, it's not just a case of working solely with the supervised individual.

We have repeatedly learned from domestic homicides of parents by their adult children that parents who were intimately involved in their children's care were rarely consulted by professionals working with their children, while the risk to them was completely ignored (due to assumptions made about the nature of the relationship) (Montique, 2019). Older mothers were only seen as the default safety net for their adult children with serious mental health and substance abuse issues (Montique, 2019; Smith, 2020). What mothers like Lizzy told me in my research project was therefore not new. And while it applied to a range of agencies, Lizzy's specific experience of probation was all the more poignant due to the severity of Andy's offence, Lizzy's long journey through the criminal justice system, and her indefatigable efforts to help her son, to finally be seen and heard by a 'system' that could repair the damage.

References

- Bates, L. et al. (2021) *Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021*. Vulnerability Knowledge and Practice Programme (VKPP). Available at: <https://cdn.prgloo.com/media/02d412c416154010b5ceba8f8965030.pdf>
- Chantler, K. et al. (2019) 'Learning from domestic homicide reviews in England and Wales', *Health and social care in the community*, 28(2), pp. 485-493. doi: 10.1111/hsc.12881.
- HMIP (2019) *The Transforming Rehabilitation model for probation service is irredeemably flawed*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/media/press-releases/2019/03/reportofthechiefinspectorofprobation/>
- Montique, B. (2019) *London Domestic Homicide Review (DHR) Case Analysis and Review of Local Authorities DHR Process*. London: Standing Together Against Domestic Abuse. Available at: <https://www.standingtogether.org.uk/blog-3/london-dhr-case-analysis-and-review-launch-2020>
- SafeLives (2016) *Safe Later Lives: Older people and domestic abuse*. Available at: <http://safelives.org.uk/sites/default/files/resources/Safe Later Lives - Older people and domestic abuse.pdf>
- Sharp-Jeffs, N. and Kelly, L. (2016) *Domestic Homicide Review (DHR): Case Analysis*. Available at: http://www.standingtogether.org.uk/sites/default/files/docs/STADV_DHR_Report_Final.pdf
- Smith, J. R. (2020) 'Elder Abuse, Impaired Adult Child, and Maternal Identity', in Geffner, R. et al. (eds) *Handbook of Interpersonal Violence and Abuse Across the Lifespan*. Cham: Springer International Publishing, pp. 1-26. doi: 10.1007/978-3-319-62122-7_280-1.
- Solace Women's Aid (2016) *The Silver Project: Domestic Abuse Service for Women Over 55. Evaluation Report October 2013 - January 2016*. London: Solace Women's Aid. Available at: <https://www.solacewomensaid.org/get-informed/professional-resourcessilver-project-evaluating-our-domestic-abuse-service-women-over>
- Westmarland, N. (2015) *Violence Against Women: Criminological Perspectives on Men's Violences*. Abingdon, Oxon; New York, NY: Routledge.
- Wydall, S., Zerk, R. and Newman, J. (2015) *Crimes against, and abuse of, older people in Wales - Access to support and justice: working together*. Older People's Commissioner for Wales. Available at: http://www.olderpeoplewales.com/Libraries/Uploads/Access_to_support_and_justice_-_working_together_report_sflb.ashx

Improving drug treatment for people under probation supervision - co-commissioning, harm reduction and targeted interventions

Tony Margetts, former partnership manager for Humberside Probation and Commissioner for Drug and Alcohol Treatment for the East Riding of Yorkshire, now a self-employed consultant.



Introduction

This article follows on from one I wrote for *Probation Quarterly* in March 2021, which looked at the opportunities for the probation service to develop work with drug users. That article argued for a greater involvement in drug treatment for the reformed National Probation Service and for the probation service to develop skills in partnership working and co-commissioning. In this article I discuss developments since the spring, including part 2 of Dame Carol Black's review of drug treatmentⁱ, published in July 2021, and the recent thematic inspection of the work of the probation service with drug usersⁱⁱ which came out soon afterwards. I also look briefly at alcohol use and gambling, as other areas where dependency and addiction may influence offending and reoffending. I then discuss the opportunities presented by a newly reunified probation service and the new mechanisms for funding work external to the probation service, particularly the Regional Outcomes and Innovations Fund (ROIF) and the Dynamic Framework (DF).ⁱⁱⁱ

Recent Policy Announcements

The present government sees the criminal justice system as a key part of its response to drug use: there will be no ceasefire in the war on drugs. It does however recognise the need for treatment and that drug use can be one of several social and health related problems faced by individuals^{iv}. Part 2 of Dame Carol Black's report makes several recommendations regarding treatment and the criminal justice system and diverting more people into treatment and recovery:



Tony Margett
Self-employed consultant

"Too many people with addictions are cycling in and out of prison, without achieving rehabilitation or recovery. The recent sentencing white paper committed to greater use of police diversions and community sentences with treatment as an alternative to custody. This must now be put into action, alongside extra funding for treatment places to accommodate the extra demand."

In prisons, Ministry of Justice should work with Department of Health and Social Care and NHS England to improve the experience of treatment, with prisoners always taken to their treatment appointments. On release from prison, prisoners must have ID and a bank account and the ability to claim benefits on the day of release. Those with drug dependence should be helped to continue with drug treatment in the community as soon as possible."

Dame Carol Black asked for an additional £500m for drug treatment and recommended a return to local joint commissioning of drug treatment, guided by national standards for treatment and commissioning. The government has said that it will respond to the recommendations by the end of the year and produce a national drug strategy (the first major revision since 2010, although clinical guidelines for treatment agencies were produced in 2017^v). The development of joint commissioning will have to negotiate the emerging architecture of the proposed reforms to health and social care, though at present it seems that drug and alcohol commissioning will remain with local authorities at a “place based” level^{vi}. “Project ADDER”^{vii} – which stands for Addiction, Diversion, Disruption and Enforcement – includes additional funding for treatment services to work with drug related offenders, including those released from prison. These are multi-agency initiatives in which the probation service is working locally as partners.

The elephant in the room when discussing the government’s approach to illicit drug use is legal drug use i.e., alcohol consumption. Alcohol was excluded from the Dame Carol Black review although it does get a mention as part of Project ADDER and the government is supporting a national roll-out of Alcohol Abstinence Orders, linked to the use of tags which can detect alcohol in sweat. The pilot areas showed good compliance by people made subject of the tags, though the limitations of Alcohol Abstinence Orders are that they are not suitable for dependent alcohol users and at present they have not been linked to treatment.^{viii}

Any discussion of the link between dependency and offending should also include a mention of gambling. Problem gambling can lead to offending and has much in common with drug and alcohol dependency, which it may be associated with.

The Royal College of Psychiatrists consider that it can be helped with similar treatment approaches, including the use of the drug naltrexone, used to help people with impulse control and function as a “blocker” to the pleasurable effects of the behaviour. Treatment and help are available for problem gamblers but the proportion of gamblers in treatment is low.^{ix}

Meanwhile in the probation service...

Probation reunification presented many challenges, one of which was the loss of expertise in drug treatment and in commissioning since 2014. The recent thematic inspection^x described the current probation response to drug use among offenders as “disappointing”; a kind word in the circumstances. Among the two pages of recommendations were the development of a drug strategy and the commissioning of services to support the probation service in working with drug users.

The Dynamic Framework (DF) and Regional Outcomes and Innovations Fund (ROIF) do give the probation service some leverage in developing and supporting drug treatment services. There are concerns among the probation service’s voluntary sector partners that the DF may prove to be inflexible and other mechanisms, particularly co-commissioning, may need to be explored^{xi}. The new probation regions now have regional Heads of Community Integration and have produced, admittedly high level, regional reducing reoffending plans^{xii}. Drugs are recognised as a national priority in them all and many refer to co-commissioning. However, co-commissioning is not always a straightforward process and requires skill, appropriate mechanisms for commissioning, monitoring performance and review.

Effective interventions - what do drug strategies need to include?

The next section of this article looks at the elements to include in a drug strategy. The thematic inspection was clear that drug treatment is effective in reducing crime and that this objective can be achieved even if the person under supervision does not become completely abstinent. Harm reduction, managing behaviour linked to drug use and addressing a drug user's other social needs can all reduce offending. This can include housing, employment, mental health needs and reducing their vulnerability to exploitation or abusive relationships.

The evidence for the effectiveness of low level interventions is limited. Examples of this type of intervention include Required Assessments for people testing positive for drugs on arrest and Information and Brief Advice (IBA). IBA has been widely used in health settings but has not lived up to expectations, with evidence suggesting that its effects are limited to only a slight reduction in alcohol use in non-dependent drinkers. Despite the current Home Secretary's sudden enthusiasm there are similar concerns with drug testing in custody suites on arrest. The evidence is that these interventions have not lived up to hopes and that making them more intensive does not appear to increase their effectiveness. Furthermore, it is hard to deliver these interventions at a big enough scale to make a population level effect. For example, the number of people using cocaine on a night out is much greater than the number that will get arrested and test positive. Even an effective intervention will be used on such a small proportion of the target population that its overall effectiveness will be limited. The test for interventions at this level should be whether they can be used to keep low level non-dependent drug users out of the

already overburdened criminal justice system rather than creating an ever-widening net for them to fall into. For this reason, non-prosecution for low levels of drugs for personal use - an approach currently being tried in Scotland - or diversionary schemes to avoid prosecution may be helpful.

Working with non-dependent drug users is an area that can be developed by the probation service, particularly where the drug use has a direct bearing on offending, and this can often be delivered without the need for support from clinical services. This group of people can often reduce their risk of re-offending without completely abstaining from drug use so interventions looking at managing drug use and avoiding high risk situations may be effective.

The biggest impact of reoffending is likely to be work with people who are dependent, have multiple social and health concerns and who commit a disproportionate number of crimes. The probation service can improve assessment, offer credible Community Sentence Treatment Requirements, provide support to Integrated Offender Management and work closely with treatment services to address offending, dependent drug use and reduce risk. This is unlikely to be effective unless it is supported by multi-agency working and treatment services able to work with drug users with complex multiple needs.

Conclusion

The reunification of the probation service and the recognition of the importance of community integration has coincided with a renewed government interest in drugs policy. This is both an opportunity to influence and improve drug treatment for those in the criminal justice system and significantly reduce reoffending.

References

ⁱ The Dame Carol Black Review: <https://www.gov.uk/government/publications/review-of-drugs-phase-two-report>

ⁱⁱ <https://www.justiceinspectorates.gov.uk/hmprobation/inspections/drug-treatment/>

ⁱⁱⁱ See the Target Operation Model: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959745/HMPPS - The Target Operating Model for the Future of Probation Services in England Wales - English - 09-02-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959745/HMPPS_-_The_Target_Operating_Model_for_the_Future_of_Probation_Services_in_England_Wales_-_English_-_09-02-2021.pdf) in particular p79-92

^{iv} The best example of this is the Changing Lives initiative, which has been rolled out in several areas and which looks at a coordinated response to people with multiple and complex needs, see: <https://www.gov.uk/government/publications/changing-futures-changing-systems-for-adults-experiencing-multiple-disadvantage>

^v See the clinical guidelines at: <https://www.gov.uk/government/publications/drug-misuse-and-dependence-uk-guidelines-on-clinical-management>. The 2017 update of the 2010 strategy can be read here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/628148/Drug_strategy_2017.PDF

^{vi} For an overview of the proposed new structure of the NHS see: https://www.kingsfund.org.uk/audio-video/integrated-care-systems-health-and-care-bill?utm_source=linkedin&utm_medium=social&utm_term=thekingsfund

^{vii} <https://www.gov.uk/government/news/148-million-to-cut-drugs-crime>

^{viii} For a good discussion of Alcohol Abstinence Orders see: https://findings.org.uk/PHP/dl.php?file=Hobson_Z_1.txt&s=eb&sf=sfnos

^{ix} For a discussion of gambling see: <https://www.gamcare.org.uk/> and <https://www.gov.uk/government/publications/gambling-related-harms-evidence-review>. A review of the Royal College of Psychiatrist position on problem gambling is given here: https://www.rcpsych.ac.uk/docs/default-source/members/faculties/addictions-psychiatry/addictions-resources-for-specialists-rapid-evidence-for-gambling.pdf?sfvrsn=736e144a_2

^x <https://www.justiceinspectorates.gov.uk/hmprobation/inspections/drug-treatment/>

^{xi} See: <https://www.clinks.org/sites/default/files/2021-08/Review%20of%20the%20Dynamic%20Framework%20of%20the%20National%20Probation%20Service%20-%20Richard%20Oldfield.pdf>

^{xii} <https://www.gov.uk/government/publications/regional-reducing-reoffending-plans>

^{xiii} See the Cochrane review of IBA at: https://www.cochrane.org/CD004148/ADDICTN_effectiveness-brief-alcohol-interventions-primary-care-populations. A good summary of the debate is given in Drug and Alcohol Findings: https://findings.org.uk/PHP/dl.php?file=alc_BI.hot&s=eb&sf=sfnos. A good discussion of testing on arrest is available here: <https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-019-0103-z>



Finding Social Purpose in a Pandemic

Steve Doggett explains how Unilink made use of new research on the risk of suicide in custodial settings to develop a tool to support prison staff to identify people at risk of suicide and self-harm.

As the Covid-19 pandemic began to spread through our society it created untold difficulties for those under the care of prisons and probation services. It arrived at a time when the UK Ministry of Justice were reporting self-harm levels in its prisons to be at a record high; an 11% increase on the previous 12 months and almost double the number of self-harm incidents compared to the same period in 2015 (Ministry of Justice, March 2020). Fazel & Benning (2009) report that rates of suicide in UK prisons are higher than the general population reporting as much as 5 and 20 times higher among males and females respectively. Both self-harming and suicidal behaviours are significant and escalating problems in UK prisons.

With that backdrop, on 24th March 2020 the Secretary of State for Justice placed all prisons across England and Wales in an immediate lock down. The impact of the decision was that all prisoners faced restricted regimes; they were locked in cells for 23 hours of the day and social visits, work, education and gym activities were suspended. The concern was that these additional restrictions could deepen feelings of isolation in prisoners and exacerbate the problems of self-injurious and suicidal behaviour. Around the same time Favril et al.(2020) published a comprehensive meta-analysis in the Lancet that synthesised data from almost fifty years of research identifying five categories



Steve Doggett

Systems Consultant - Probation
Unilink

grouping risk factors commonly associated with self-harm in prison. They identified strong effects for modifiable clinical and custodial factors, moderate effects for historical factors, and smaller effects for sociodemographic and criminological factors.

As a technology partner of the MoJ, Unilink dealt with the pandemic by working with government and prison providers to analyse whether we could help solve any of these emerging problems. In this period Unilink committed to developing a solution to the suspension of prison visits and we successfully launched secure video calls technology in Scotland with the service offered free for three months as part of our commitment to social purpose. Reducing suicide and self-harm became a priority for Unilink and we built on previous work with the Samaritans to enable a two-way messaging service. Unilink undertook a series of user research discovery sessions that focused our team on custodial risk factors of isolation, employment, insecurity,

lack of privacy, and forced solitary confinement (Metzner and Fellner 2010). These “pains of imprisonment” can be evidenced through prisoner transactions, or lack thereof, held on our prison systems. The decision was taken for Unilink to collaborate with our partner Serco to develop a web-based application that analyses patterns of behaviour and identifies individuals who may have increased vulnerability towards suicide or self-harm. The Vulnerability Predictor Tool (VPT) was developed from their proof of concept that analysed interactions processed by Unilink’s Prisoner Self-Service Kiosks / In Cell Devices and held in Unilink’s Custodial Management System (CMS) database.

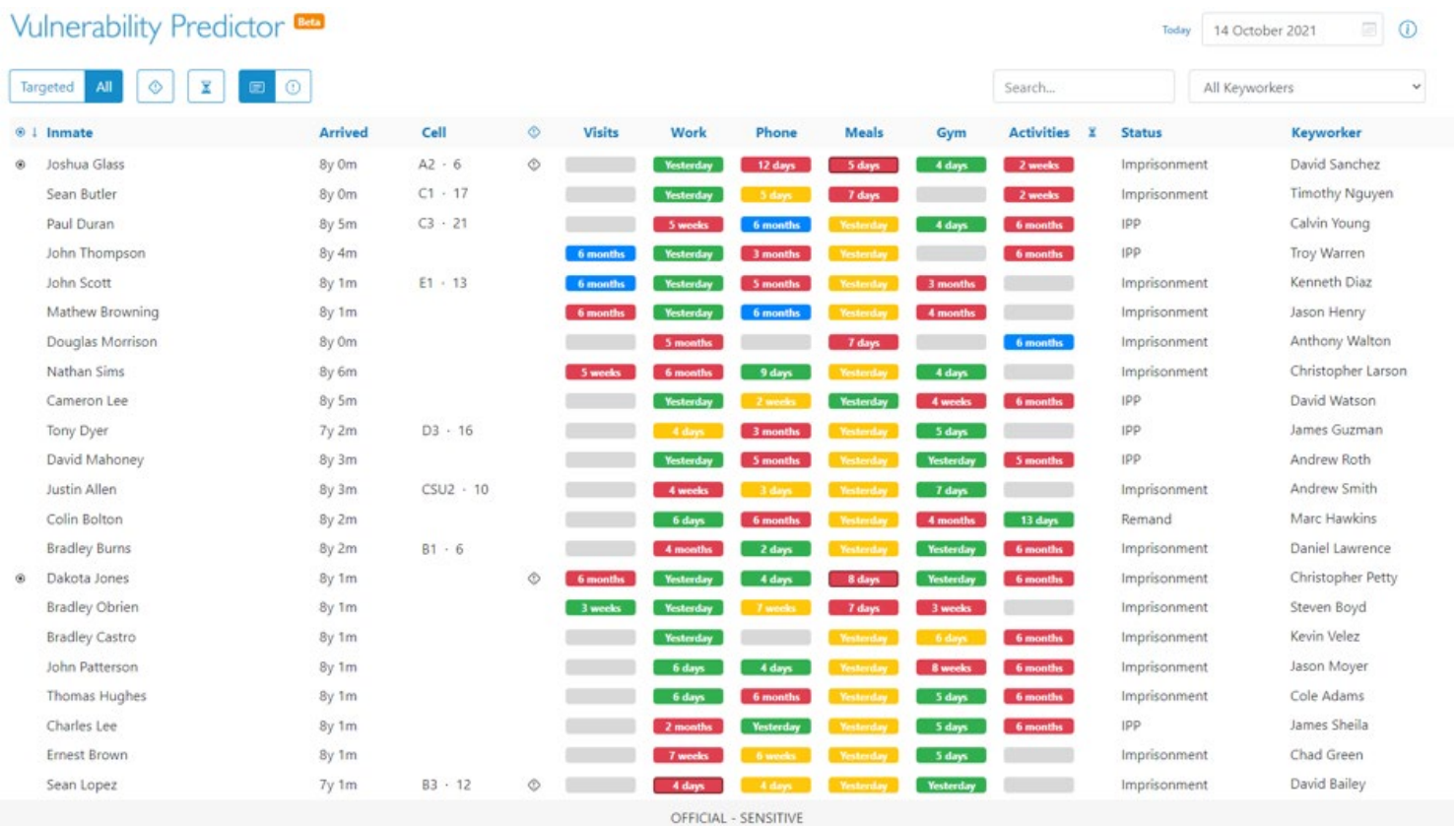


Figure 1 - Vulnerability Predictor Tool Main Operational Dashboard¹

¹ Figure 1 - Vulnerability Predictor Tool Main Operational Dashboard

The Vulnerability Predictor is a web application developed by Unilink with the purpose of identifying prisoners who are isolated, withdrawing from their regular routine and therefore potentially at a higher risk of self-injurious or suicidal behaviours. It is helpful at a time when staff shortages have been exacerbated by Covid-19 and prisons have turned to less familiar or inexperienced staff to cover. The tool analyses data held on visits, work assignments, and other purposeful activities, and then displays the findings in such a way as to highlight behaviours changes and increased concern. The tool determines each resident's pattern of behaviour by undertaking a baseline from a predefined period of time. Any future marked decrease in activity in the different domains results in an increased level of concern

regarding their vulnerability. The levels are represented as follows:

- Green - within normal pattern
- Amber - slight decrease
- Red - concern

When there are three or more red areas of concern identified, the prisoner will show on a 'Targeted' list and the tool will also highlight recent changes and other factors like remand status, sentence type, cell/wing, keyworker and time spent in custody. Furthermore, users can assess all prisoners, search for common characteristics, and importantly drill down into each specific prisoners record to view interactions across different periods of time or focus in on the different domains across their prison history to look for patterns.

Vulnerability Predictor

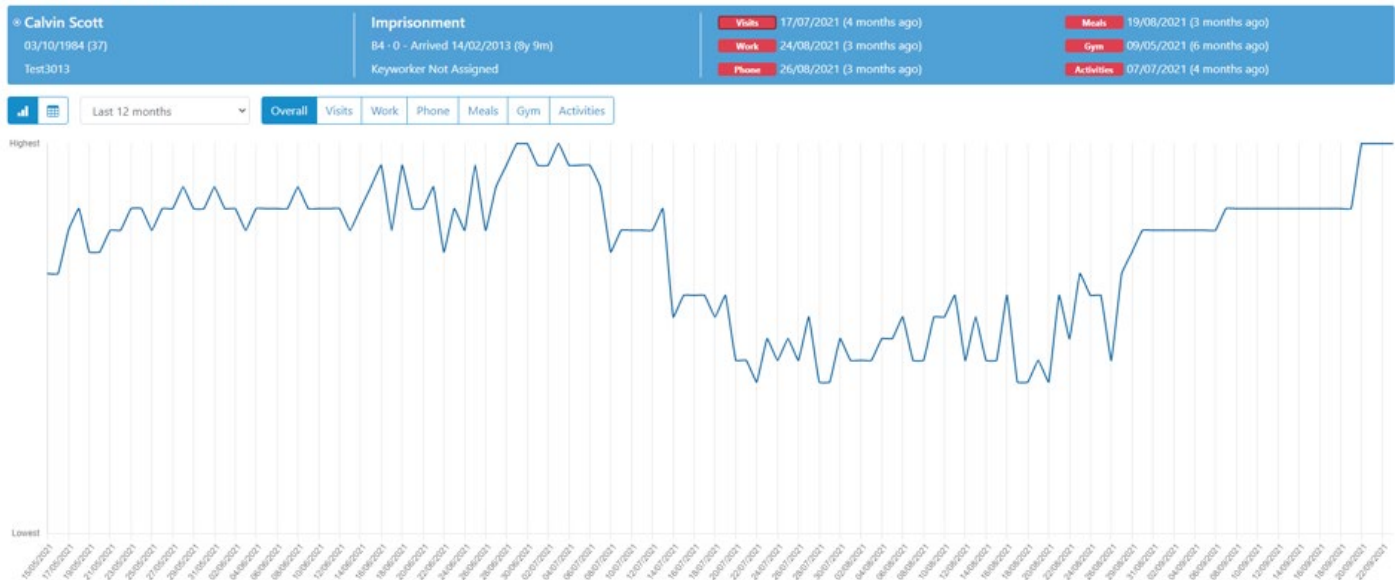


Figure 2 - Vulnerability Predictor Tool Prisoner Dashboard

The data are refreshed daily, and the tool is underpinned by an algorithm that can be configured to fit the different characteristics of the prison and tailored to the needs of the prison's population. Unilink plans to develop the tool further and aim towards what Favril et al. describes as:

"the contribution of both individual and environmental risk factors to self-harm in prison" in that "prisoners might import a vulnerability for self-harm into prison that might interact with custody-specific stressors, thereby increase the likelihood of self-harming in prison"
(Favril et al., 2020)

Thus, the tool has been designed as part of a whole-prison approach and multiagency collaboration towards the prevention of suicide and self-harm. It is provided as an additional tool which provides staff with a more analytical lens from which they can identify patterns of vulnerability and hopefully seek to protect the lives of those in prison - it is not a panacea for reducing suicide and self-harm, but an important part of a holistic approach to identifying at-risk prisoners and supporting them to be safe.

References

Favril, L., Yu, R., Hawton, K. and Fazel, S. (2020) Risk factors for self-harm in prison: a systematic review and meta-analysis *Lancet Psychiatry*, 7(8), pp. 682-691

Metzner, JL, & Fellner, J. (2010). Solitary confinement and mental illness in U.S. prisons: A challenge for medical ethics. *Journal of the American Academy of Psychiatry and the Law*, 38(1), 104.

Ministry of Justice (2020). Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to June 2020 Assaults and Self-harm to March 2020: Ministry of Justice. Available at: www.gov.uk/government/collections/safety-in-custody-statistics



Race & Race Inequality



push button and wait
for signal opposite

WAIT

Race equality in probation - still waiting

Kevin Ball, Senior Research Officer, HM Inspectorate of Probation.

Prompted by the terrible murder of George Floyd, and the consequent resurgence of the global Black Lives Matter movement, HM Inspectorate of Probation recently undertook a thematic inspection of race equality in probation services as experienced by people on probation and by staff. We had previously examined race equality in 2000 and 2004 - prompted at that time by the murder of Stephen Lawrence and the consequent Macpherson Inquiry.

Previous inspections of race equality

The 2000 inspection found that Black people on probation received a poorer service than other people. Black people were less likely to receive a comprehensive pre-sentence report (PSR). This is important as the PSR is a key influence on sentencing, including the likelihood of a prison sentence (Morgan, 2006). Black people on probation were also less likely to benefit from sufficient multi-agency work, potentially making enforcement action more likely as early intervention and rehabilitative services were not made available to these people.

Many ethnic minority probation staff at that time felt isolated and poorly managed. There was insufficient ethnic monitoring of services and staff, and a poor understanding of racism. White staff reported avoiding talking about race equality issues because they felt apprehensive about being called racist. The inspectors concluded that there was a failure of probation leadership on racial equality, which was in part driven by a naïve view of equality as simply 'treating everyone alike'.



Kevin Ball

Senior Research Officer
HM Inspectorate of Probation

The follow-up report in 2004 found some progress in the diversity of representation on probation boards, and in official policy and guidance on diversity and equality. However, inspectors found that the casework undertaken with ethnic minorities was still of poorer quality. In addition, there was an abiding sense of disadvantage amongst ethnic minority staff, who were by that time well-represented in frontline delivery, but not in senior management. Staff were wary of reporting their concerns about discrimination and racism for fear of negative consequences to themselves and their careers.

As we will see below, these findings are still relevant nearly two decades on.

Background and methodology for the 2021 inspection

In planning the 2021 inspection, we were mindful of the Lammy Review (2017) which outlined the stark racial disparities evident throughout the criminal justice system, and the need to 'explain or reform' these differential results. Lammy criticised the former Community Rehabilitation Companies (CRCs) for their 'superficial, tick-box approach' to the equality duty, and their lack of transparency in monitoring diversity.

Our intention for this thematic inspection was to drive improvements where required, for example influencing the newly unified Probation Service to improve monitoring of racial disparity, provide better and tailored services for ethnic minorities, and improve the development and progression of ethnic minorities working in probation.

We followed the [Office for National Statistics guidance](#) in excluding white minority groups from our definition of 'ethnic minority'. We were of course aware of the discrimination faced by some white groups, in particular the Gypsy, Roma and Traveller community, but this topic would require a separate project to cover the many issues involved.

The inspection was conducted towards the end of the *Transforming Rehabilitation* era; thus we inspected both CRCs and the National Probation Service (NPS). We 'visited' five urban areas - the inspection was conducted remotely due to the COVID-19 pandemic.

Our inspectors examined 100 cases of black, Asian, and minority ethnic people on probation, 20 from each 'local delivery unit'. We tried to speak to the probation worker managing the case, and managed to interview 84 members of staff. In addition, we held focus groups in each area with ethnic minority staff and managers - we spoke to a total of 47 frontline officers and

41 middle managers to get their perspectives on service delivery and workplace issues. Inspectors read 51 PSRs for ethnic minority people, we held a focus group with nine PSR writers, and interviewed senior managers about court work.

An online confidential survey of ethnic minority staff was conducted. 100 out of at least 313 staff responded, although the latter figure is likely to be higher as much staff data is missing. 19 respondents agreed to a follow-up telephone interview.

Finally, and importantly, we commissioned Empowering People: Inspiring Change (EP:IC) to interview ethnic minority people on probation. 81 people gave their time to share their lived experience.

We are grateful to all those who participated in the inspection, and hope that their bravery in sharing their often painful experiences will contribute to improving probation as a service and a workplace.

Our key findings

Overall, HM Chief Inspector of Probation Justin Russell described the findings of this inspection as 'concerning'. We found that the quality of assessment and sentence planning for the thematic sample was of lower quality than for white people on probation in our main programme sample. Diversity was rarely considered, and this deficiency reduced the engagement scores considerably.

Inspector case reviews found scant evidence that probation officers had discussed key identity issues around race, culture, religion, nor experiences of racism. Ethnic minority people on probation interviewed by EP:IC confirmed this reluctance to engage in conversations about ethnicity and culture was commonly the case.

One probation officer commented, "If I had asked [the person on probation] about his experiences in relation to race and ethnicity, I would not have been equipped or prepared for whatever he would have said."

Echoing this mutual lack of understanding and connection, a woman on probation told us, "I don't feel comfortable to talk about race with my probation officer as she is white, and my experiences of racism are from white people." The PSRs we examined failed to fully relay the experiences of ethnic minority people at court to the sentencer. Nearly half of the PSRs assessed (21 of 51) were of poor quality, lacked analytical nuance, and failed to capture all relevant information in the case. Only four PSRs considered diversity at all. In five cases the name of the client was misspelt. Poor PSR work is concerning as the court needs to be aware of all relevant factors for an appropriate and safe sentence, and to give all a fair chance of having all sentencing options considered, including non-custodial sentences.

We found that community services available for ethnic minority people on probation have declined in the last decade or so, as CRCs and the NPS were commissioning few culturally appropriate services tailored to ethnic minority people. Probation services had fewer links to community organisations. Years of austerity has seen the demise of many ethnic minority-led community services; even some iconic institutions, such as the Liverpool 8 Law Centre, have been lost.

While ethnic minority staff are proportionately represented at the frontline, too few are working at the management level. Many ethnic minority staff had experienced discrimination in supervision and recruitment and advancement, and harassment and incivility in the workplace.

Moreover, most did not have the confidence to report their concerns about unfair treatment at work to their supervisors or senior managers. A temporary worker explained her reluctance to make a complaint: "I would not feel confident regarding raising issues of racism against existing permanent members of staff. I have heard racist comments being made which I have just suffered because I have had to weigh up whether I keep my job or raise the injustice I have experience."

A better future?

HM Prison and Probation Service have since launched a Race Action Programme to address the issues identified by the inspection. HM Inspectorate of Probation have pledged to reinspect this subject by at least 2023. The inspectorate will also introduce stronger local inspection standards to ensure that race equality remains at the top of the probation agenda. We also reflected upon our own underrepresentation of black, Asian and minority ethnic people in our inspection staff, and have launched a shadowing scheme to encourage applications, as well as a mentoring scheme to support applicants in the recruitment process.

Much work needs to be done to gain the trust of ethnic minority people on probation and staff. There is reasonable cynicism about whether the current upsurge in interest about racial discrimination and disparity will have long-term positive effects. As one probation worker told us, "... the current drive has only been influenced by the Black Lives Matter agenda, which I expect to fade once the agenda is no longer politically correct."

It is incumbent on all in probation to make sure this does not happen.

Scrutiny is the best way of delivering fair treatment

Nina Champion and Hannah Pittaway, Criminal Justice Alliance.

When the criminal justice system treats someone poorly, inhumanely or in a discriminatory way, it can cause long-lasting harm, pushing them deeper into the powerful current of crime and damaging their potential for a healthy, productive life. To prevent this, it is essential that outcomes for people impacted by the criminal justice system are monitored and that criminal justice agencies are scrutinised and held to account.

Scrutiny and fairness

There is a wealth of data showing some groups are treated more poorly than others in the criminal justice system (CJS) and their needs misunderstood or ignored. Effective scrutiny is essential in bringing these issues to light. As David Lammy set out in his seminal review, *‘the key lesson is that bringing decision-making out into the open and exposing it to scrutiny is the best way of delivering fair treatment.’*¹ In particular, Lammy highlighted the need to involve people outside of the CJS in scrutiny and called for more detailed data to enable them to identify and scrutinise any unequal treatment.



Nina Champion
Director
Criminal Justice Alliance



Hannah Pittaway
Senior Policy Officer
Criminal Justice Alliance

¹ [The Lammy Review \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671412/lammy-review.pdf)

There are three broad categories of scrutiny mechanism in the CJS:

1. Community monitoring: This is where volunteers from the public scrutinise aspects of the CJS.
2. Her Majesty's Inspectorates: Independent bodies inspect constabularies, the Crown Prosecution Service, prisons and probation.
3. Investigative bodies: There are also investigative bodies such as the Prisons and Probation Ombudsman (PPO), which investigates complaints and deaths to understand what happened, correct injustices and identify learning. In addition, the Independent Office for Police Complaints (IOPC) investigates the most serious and sensitive incidents and allegations involving the police as well as how the police handle complaints.

In our work over the past three years, we have focused on investigating the effectiveness of community scrutiny mechanisms including: Community Scrutiny Panels (which review the use of police stop and search powers), Independent Custody Visitors (who monitor the welfare and treatment of people in police custody) and Independent Monitoring Boards (which monitor outcomes for people in prison).²

What does effective community scrutiny look like?

Based on our work we have identified four broad principles for effective community scrutiny:

1. Independent and empowered: It should be led by the community, provide constructive challenge and have the ability to influence positive change.

2. Representative: It should reflect the demographics of the people impacted by the CJS in the service / setting which is being scrutinised.
3. Informed: It should have access to a wide range of data and records, as well as the training and skills, to analyse and identify any disparities in outcomes for people with protected characteristics.
4. Open and visible: It should promote its work widely to the community, publish summaries/reports of its work and be easily accessible to the local community and the people impacted by the service/setting it is scrutinising.

Since the publication of our *Stop & Scrutinise* report (2019)³ which highlighted these principles, we have seen some evidence of them being adopted; for example, in the College of Policing's new guidance on community scrutiny of stop and search in 2020, and in the government's recent Commission on Race and Ethnic Disparities (2021)⁴ which calls for the establishment of 'Safeguarding Trust' groups to scrutinise policing.

However, we have found that community scrutiny bodies often find it hard to adhere fully to these four principles, impacting their effectiveness. For example, community scrutiny bodies tend to reflect their local community demographics, rather than the demographics of the people directly impacted by the service being monitored. Although there are some examples of good practice in increasing the diversity of scrutiny volunteers, such as through outreach with universities, religious organisations and community groups led by and for Black, Asian and minority ethnic people, there remains a worrying lack of racial diversity across the community scrutiny bodies we have looked at.

² The full reports relating to our work with ICVA and IMB will be published in the next couple of months.

³ <https://www.criminaljusticealliance.org/cja-resources/stop-scrutinise-how-to-improve-community-scrutiny-of-stop-and-search/>

⁴ [Crime and policing](https://www.gov.uk/government/consultations/crime-and-policing) - GOV.UK (www.gov.uk)

There is also a lack of access to detailed data and skills enabling them to understand if disparities exist. For example, in prisons, IMB members need access to granular level demographic and statistical data on issues such as use of force, segregation, access to healthcare and Release on Temporary Licence (ROTL) to understand if there is any indirect discrimination. IMBs have a right to access such prison data to support their monitoring. However, the availability of this data varies across prisons. In police custody, visitors who have access to custody records, as well as being able to speak to detainees, are better able to monitor equality issues. But not all schemes have access to these records. Meanwhile, stop and search statistics can be complex to understand and a lack of training for community scrutiny panel members prevents them from effectively analysing data.

There is also a lack of understanding of the Public Sector Equality Duty (a legal obligation for public bodies under the Equality Act 2010), the historic context of race in the CJS, as well as on topics such as anti-racism and cultural competence. And where scrutiny bodies have highlighted concerns or made recommendations about equality issues, there is often frustration at the lack of progress in influencing change. We found some examples of success, such as the police proactively offering women menstrual products in police custody and prisons organising cultural events or making available more culturally appropriate canteen products. But there is still much more for criminal justice bodies to do at both operational and systemic levels to not only remove direct and indirect discrimination, but to

proactively foster good relations and advance equality of opportunity, as set out in the Public Sector Equality Duty.

Despite these challenges, community oversight remains an important mechanism for holding public bodies to account, promoting transparency, scrutinising decision-making and creating a fairer and more effective CJS. By focusing on the four principles, these bodies could increase their effectiveness and improve the lives of people in touch with the CJS.

Community scrutiny for probation?

The probation service is one part of the CJS that lacks an independent community scrutiny mechanism. This has not always been the case. In 2014, the government changed the management structure of the service. Before the 'Transforming Rehabilitation' reforms came into effect, there were Local Probation Boards which provided a community scrutiny function. However, when Community Rehabilitation Companies (CRCs) were established, this community scrutiny function was removed.

Given the unification of the probation service, combined with the findings of the recent thematic report from Her Majesty's Inspectorate of Probation on 'Race Equality in Probation'⁶, it is now time to consider whether a community scrutiny mechanism for probation should be re-introduced, and if so, what it should look like to be effective.

⁵ [Public sector equality duty](http://www.gov.uk) - GOV.UK (www.gov.uk)

⁶ <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/race-equality-in-probation/>

In the Lammy Review, with regard to probation, it was suggested that equalities assessments should provide detailed breakdowns of services for different ethnic and religious groups and data *'should be published in a format that allows contract managers and those outside – from civil society campaigners to parliamentary select committees, or the National Audit Office (NAO) – to scrutinise [probation's] performance.'*⁷

While HMI Probation inspects each probation region annually, we would argue that - as with other aspects of the CJS - a permanent on-the-ground presence could provide real-time intelligence gathering. This would provide a layer of scrutiny and accountability that is currently missing. It would also engage the public in better understanding the work of probation.

It was noted in the PPO's most recent annual report that 282 complaints were received about probation services, which only represents 7 percent of the total complaints received by the PPO. The report states that the PPO has begun thinking about how its complaints mechanism is viewed by people on probation and why it receives so few complaints. A community scrutiny mechanism for probation could shed light on this issue. It could engage people on probation

through phone calls, attending probation waiting rooms or through site visits to approved probation hostels and settings involved with community sentences. If efforts were made to ensure the membership was diverse and there was sufficient training and data on equalities issues, it could also help tackle the issues identified by HMI Probation in its recent report on race and improve outcomes for people on probation with protected characteristics.

Next steps

We'll shortly be publishing the final reports of our work on community scrutiny and equality issues in prison custody in partnership with the Independent Monitoring Boards and police custody in partnership with the Independent Custody Visitors Association. We look forward to using these findings and working with our members and others to help co-design a community scrutiny mechanism for the probation service, drawing on examples of community scrutiny that some probation areas may have already implemented.

If you are interested in this work, we would love to hear from you. Please email:

nina.champion@criminaljusticealliance.org.uk

⁷ Public bodies are meant to give 'due regard' to ensuring that their policies, practices and decision-making processes do not directly or indirectly discriminate against any groups with protected characteristics, promote equality and foster good relations. Carrying out Equality Impact Assessments (EIAs) are one-way public bodies can show they have done this.

How racism in the criminal justice sector harms women's chances of finding work - and what Probation can do about it

Olivia Dehnavi, Policy and Research Officer at charity Working Chance, provides an overview of their recent research on the discrimination faced by racially minoritised women with convictions when trying to find employment.



WORKING CHANCE
Unlocking women's potential

When I spoke to Ruby, a Working Chance client, about her experience looking for work with a criminal record, she told me that she has a Master's degree and trained as a social worker and psychotherapist. But still, when she tried to leave her conviction behind her she found it incredibly difficult to get a job.

"Instead of my achievements, discrimination and my conviction have defined my life for the last ten years," she said.

Unfortunately, Ruby's experience is common for racially minoritised women. Working Chance recently carried out research which explores the long-term consequences of conviction for those women. The report, [Worst-Case Scenario: How racism in the criminal justice sector harms women's chances of finding work](#), shows how challenges such as a criminal record are much tougher for racially minoritised women, who face multiple forms of intersecting discrimination.

Over-policed and harshly punished

At Working Chance we support women with convictions to develop confidence, skills and self-belief to overcome barriers to employment. We therefore talk a lot about the difficulties of job-hunting with a conviction. However, it's important to take a step back, and understand how discrimination and exclusion can undermine someone's chances long before they start writing a job application.

That's because racially minoritized women are subject to structural disadvantage in society throughout their lives. Research from Lankelly Chase (2020) shows that when women cannot access support systems like education, healthcare or employment, they are more likely to face multiple disadvantage like homelessness, unhealthy substance use, poor mental health, violence or abuse, and therefore their chances of offending are higher. This is especially true of racially minoritised women, particularly



Olivia Dehnavi
Policy and Research Officer
Working Chance

Black British women and women with mixed backgrounds, who are more likely to suffer from economic and social deprivation.

Racially minoritised people are more likely to have contact with the police and, as shown in a recent report from the Sentencing Academy (2021), are more likely than white people to be sentenced to custody for comparable offences. Further, the Lammy Review found that once they are in prison, racially minoritised women receive lower quality rehabilitative care, less support, fewer opportunities, and harsher punishments than their white peers. This means that Black and other racially minoritised women tend to have tougher and longer sentences than their white counterparts.

So, racially minoritised women are more likely to be saddled with a conviction in the first place, and then their punishments are harsher. This means that racially minoritised women have to wait longer for their convictions to become spent, meaning they will show up on a criminal record check for longer. Women are more likely to work in roles and sectors that require enhanced DBS checks, like nursing, social work, education and care, and so this is a huge barrier to employment. A criminal record can effectively end a woman's career.

Many women who come to Working Chance tell us that their conviction follows them around long after their sentence is over: this is particularly true for racially minoritised women.

Fighting battles on multiple fronts

Our research showed that racially minoritised women are often fighting battles on multiple fronts whilst looking for work and trying to rebuild their lives. It's a complicated picture, where all of these experiences intersect to create the 'Worst-Case Scenario'.

Racially minoritised women already face stigma and discrimination as a result of their ethnicity and their gender. A conviction only makes matters worse. Sometimes, racially minoritised women suffer acute stigma from their own communities after they receive a conviction. Experiencing shame affects women's resettlement, since it can prevent women from reintegrating into their communities, and hamper their attempts to go back to a "normal" life. Research from Muslim Hands (2018) has suggested that Muslim women in particular face rejection or community isolation on leaving prison, likened to a 'second sentence'. Experiencing shame and isolation stands in the way of women thriving in their futures: it prevents women from applying for and getting the jobs they're capable of doing.

Then there's the most insurmountable barrier to employment, which is employer prejudice. A YouGov (2016) survey showed that almost half of employers would not consider hiring someone with a conviction. At Working Chance, clients often tell us that they are absolutely dedicated to finding work, but struggle to find an employer who is willing to take a chance on their future.

We found that women need jobs not just for the money, but to give them a sense of purpose. Finding meaning and value in your work is key to sustaining employment. Beyond the obvious

impact on women's self-esteem and sense of hope, we know that sustained employment is a key factor in reducing offending and reoffending. This is especially the case for women, who are more likely to commit offences out of financial need, such as shoplifting or not paying the TV licence fee. People leaving prison who find work on release are 5-10% less likely to reoffend than those who do not. That's why it's so important that every woman with a conviction has a fair chance at finding a job, and rebuilding her life.

Getting into work: the missing building blocks

Volunteering is a good way for individuals to build their CV and develop their skills. However, these opportunities are often less available to racially minoritised women, which only serves to entrench inequality.

Evidence from NCVO shows that racially minoritised people have poorer volunteering experiences than their white counterparts, and report being less likely than white volunteers to continue volunteering in future. Cultural barriers for potential volunteers, such as daunting application forms, lack of interest in diversity and inclusion and negative attitude from staff or other volunteers all result in poorer volunteering experiences for racially minoritised people than their white counterparts.

When we look at access to apprenticeships the picture is largely the same. An independent review into race in the workplace by Baroness McGregor-Smith (2017) showed that racially minoritised workers are 23% less likely to obtain an apprenticeship than white workers. These barriers prevent minoritised people from advancing their careers and ultimately contributes to the unemployment gap for those with skills-based qualifications.

Levelling the playing field

How can we begin to put right all the wrongs that racially minoritised women face when they are handed a conviction? The issues are deep-rooted and systemic, but there are simple solutions to ensure that racially minoritised women get a fair chance at finding work - and probation has an important part to play.

We recommend that the probation service signpost women to employment support in the community, with culturally specific services identified for racially minoritised women. The evidence tells us that racially minoritised women engage less, and feel they benefit less, from employability and training opportunities. This can be rectified through simple actions to create an inclusive environment.

The probation service should ensure visible diversity in their promotional materials and when sharing information. Think about the wording around opportunities to make sure women see themselves reflected and know they are included. Make the benefit of the opportunity to racially minoritised women clear. Proactively use diverse examples during workshops, sessions, and in case studies - for example, names and images. Proactively advertise how and why diversity in groups is important and managed.

It's important to seek out racially minoritised women's views on what the barriers to engaging with employability support are and what the barriers to finding employment are, along with possible solutions. Lived experience expertise is invaluable in improving women's employment prospects.

Persistent racism across the criminal justice system, in our communities, and in our workplaces make it much more difficult for racially minoritised women with convictions to rebuild their lives without discrimination. We must all commit to anti-racist practice so that every woman gets a fair chance.

References

- Working Chance (2021) Worst-Case Scenario: How racism in the criminal justice system harms women's chances of finding work. Accessed from: <https://workingchance.org/about-us/our-policy-focus/worst-case-scenario/>
- Lammy, D (2017) The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System. London: Lammy Review.
- Lankelly Chase (2020) Gender Matters. Accessed from: <https://lankellychase.org.uk/publication/gender-matters/>
- McGregor-Smith, R. (2017) Race in the workplace: The McGregor-Smith Review. Accessed from: <https://www.gov.uk/government/publications/race-in-the-workplace-the-mcgregor-smith-review>
- Ministry of Justice (2013) *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*. London: Ministry of Justice
- Muslim Hands (2018) (In)Visibility: Female. Muslim. Imprisoned. Accessed from: <https://muslimhands.org.uk/latest/2018/02/in-visibility-female-muslim-imprisoned>
- NCVO (2020) Time Well Spent: Diversity and volunteering. Access from: <https://publications.ncvo.org.uk/time-well-spent-diversity-and-volunteering/>
- Roberts, J. V. and Bild, J. (2021) *Ethnicity and Custodial Sentencing: A review of the trends, 2009-2019*. London: Sentencing Academy
- YouGov (2016) Survey Results, Fieldwork 26 June-14 December. Accessed from: https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/42yrwvixdo/YG-Archive-160126-DWPwaves.pdf

Young People's Engagement in Youth Justice Practices: implications for racial and ethnic disproportionality

Dr Alexandra Cox (Senior Lecturer, Department of Sociology, University of Essex) and Aisha Ofori (Research Officer, Centre for Justice Innovation)

Introduction

It is well-established that a young person's contact with the justice system increases their likelihood for further offending (Petrosino et al., 2010, Motz et al., 2020). In recent years, there has been a concerted effort by the government and the Youth Justice Board to promote the use of diversion and minimal intervention (Youth Justice Board, 2021). However, despite significant declines in the number of first time entrants to the system (Sutherland et al., 2017), that decline has been far less pronounced for black and mixed heritage children compared to their white counterparts (Bateman, 2020).

Therefore, there is a need to understand why the decline in the numbers of first-time entrants to the system has benefitted white children more than children from particular ethnic minority backgrounds (Bateman, 2020). In particular, it is critical to understand what mechanisms exist in the context of diversionary interventions that may make children from these backgrounds more vulnerable to escalation through the system.

The Centre for Justice Innovation has undertaken a small research study in this area with youth offending team staff, police, young people and their families, in order to explore the dynamics that may be shaping racial and ethnic disproportionality in youth diversion practices (Ofori et al., 2021).



Dr Alexandra Cox
Senior Lecturer, Department of Sociology,
University of Essex



Aisha Ofori
Research Officer
Centre for Justice Innovation

This practice note focuses on one aspect of that research: young people's engagement with diversionary programmes. Young people's participation, or lack of it, in programming shapes their experience of the system, as it can either lead to the upscaling of penalties, or can support long term prevention from criminalization and custody. We analyse the role that practitioners can play in facilitating engagement or non-engagement, by examining young people's lives through an intersectional lens. Intersectional ideas can provide us with a nuanced understanding of the multiple and interlocking social identities that young people inhabit. They can also help us explore how these identities may have shaped their experiences of the professionals and institutions they encounter before they reach the youth justice system.

Methods

Due to the exploratory nature of the research, a qualitative design was used for the study. The research process was informed by feedback from a specifically recruited advisory board. Two youth offending teams (YOTs) participated, providing participant access to YOT professionals, local police, defence lawyers, young people and parents/guardians. Both teams were based in different locations in England, with contrasting ethnic majority and minority populations. Initially, five sites were considered for the project, however as a result of restrictions due to the COVID-19 pandemic, only two were able to participate. This affected participant recruitment, as fewer individuals, especially young people, were able to take part. A total of 20 online interviews were undertaken with the following; 3 police officers, 10 YOT professionals, 3 young people, 3 parents/carers and a defence solicitor.

Engagement

Young people's engagement with youth justice interventions can play a role in facilitating behavioural change (Englebrecht et al., 2008). Yet, as many youth justice practitioners know, there are many barriers to engagement, including internal emotional barriers, such as a lack of motivation, to more structural barriers, such as lack of access to affordable transportation options. When examined through the lens of intersectionality, we can understand how each individual has a number of socially structured identities (e.g. in terms of race/ethnicity, class, gender, geography, disability and sexuality) which affect how they experience social institutions and power (Parmar, 2016, Collins and Bilge, 2020). These intersectional identities exist within a "matrix of domination" which impact on an individual's experiences of oppression and access to power (Collins and Bilge, 2020).

In the context of youth justice, the matrix of domination that young people exist in consists of a 'structural' domain of institutions which shapes their everyday lives. For many young people in the system, they will have lived in substandard housing and accommodation, experienced underfunded care and education systems, and their families may have lived precariously. The matrix also includes a disciplinary domain. Here, the lives of many young people who travel through the system will have been marked by frequent contact with school discipline and surveillance and the police. Young people also experience what Collins terms a hegemonic domain, which shapes normative assumptions about gender and sexuality, privileges whiteness, and affords power to people by age and ability.

Finally, their lives are shaped by the interpersonal domain of power, characterised by microlevel forms of social interaction, such as exposure to domestic abuse and violence, repeated police stops, and negative conditions of confinement.

This broader matrix of oppression that young people exist in, especially those who have contact with the youth justice system, has consequences for their engagement in youth justice services, and is important for practitioners to be aware of.

Data analysis

Responsibility taking

The two Youth Offending Teams had specific eligibility criteria required for young people to access diversion interventions. These demanded that the young person admit to the offence in question. However, professionals in interviews highlighted that young people from particular ethnicities (Black, Gypsy, Roma or Traveller backgrounds) were less likely to admit an offence or more likely to give 'no comment' interviews. Explanations for this centred around receiving poor legal advice and a mistrust of the criminal justice system in these communities. Although practitioners provided some explanation for non-admission of guilt and a reluctance to take responsibility, this can be further explored through an intersectional lens. Young people who have entered the youth justice system often have multiple and overlapping identities in terms of their age, gender, sexuality, race or ethnicity, ability, and geography. These complex identities have social meaning and uniquely shape young people's experiences of oppression.

Laws and policies play a role in shaping young people's lives and engagement, often in ways that have consequences for vulnerable and marginalised young people. Thus, the requirement to admit guilt serves to structure practitioner expectations of young people. Longstanding tensions between Gypsy, Roma Traveller communities and social services agencies, amplified by child removal and protection, school exclusions and suspensions, may also shape community-member suspicions of other government agencies (Cemlyn, 2000).

The ways that young people and in particular, negatively racialised young people, are disciplined, can have consequences for their engagement. The mistrust of the criminal justice system highlighted can also be understood partly as a result of the over policing and systemic injustice faced by some ethnic minority communities, which may lead them to question the legitimacy of the police encounter (Brunson, 2007). When coupled with gender and other aspects of an individual's identity, such as their age, (dis)ability, citizenship status, and the location they live in, young people in the criminal justice system can face unique forms of oppression that may shape their mistrust and hinder their initial engagement. This was highlighted in the interviews; with practitioners saying that Black males in particular were disproportionately targeted by police, leading to an overrepresentation in youth justice services.

Family engagement

Diversion practices within the two youth offending teams focus on child-centred interventions designed to manage behaviours related to the offence. These are wide-ranging but can include drug misuse and anger management sessions. A number of professionals in the interviews discussed the role of families in young people's engagement with diversion. Some professionals felt that positive parental involvement was key to young people staying engaged and completing interventions. Although practitioners generally kept their opinions relating to ethnicity vague, some did identify that they perceived Gypsy, Roma or Traveller families more reluctant to engage in diversion interventions.

The race and ethnicity of young people may interact with micro- and macro-level factors such as family context and neighbourhood-level concentrated disadvantage to influence court outcomes (Lowery and Burrow, 2019). Decisions about the institutionalization of young people made by some practitioners and court actors can mean that a young person's race and ethnicity becomes synonymous with forms of cultural pathology that are linked to neighbourhood decline and violence and dysfunctional family structures (Lowery and Burrow, 2019, p. 346).

Intersectional dynamics also shape how family dysfunction is understood and interpreted. For example, hegemonic norms about the nuclear family structure involving two heterosexual working parents may shape broader assessments of families who do not conform to that structure. Other forces that serve to pathologise families include practitioner assumptions about family attitudes toward school attendance, discipline,

and the role of extended family networks in caregiving. In turn, these ideas can shape practitioner assumptions about family member engagement in the diversion process.

Recommendations for practice

The intersectional dynamics that shape young people's engagement with practitioners are important for practitioners to reflect on as they approach their work. Below, we provide two key recommendations for practitioners working on Youth Offending teams.

Engagement in regular reflective practice which attends to the intersectional dynamics which shape offending and criminalisation processes is crucial. This will arguably help to support practitioners to engage effectively with young people. Reflective practices allow practitioners to develop a critical consciousness about how imbalances of power operate to create the systems of oppression that young people encounter before, during and after they have been arrested, and an ability to support the development and engagement of young people (Finn, 2020).

Practices which put the child and family at the centre of engagement may also help to facilitate an intersectional awareness of their lives. Based on a range of developmentally informed evidence, Case and Browning (2021) advocate for a 'Child First' approach to practice, which centres a collaborative approach with children and their families, and promotes children's individual strengths and capacities. This kind of approach can also play a role in practitioner understandings of the other social forces that might have shaped their willingness to engage with services.

References

- BATEMAN, T. 2020. The State of Youth Justice. *Children and Young People Now*.
- BRUNSON, R. 2007. "Police Don't Like Black People": African-American Young Men's Accumulated Police Experiences. *Criminology and Public Policy*, 6, 71-102.
- CASE, S. & BROWNING, A. 2021. Child First Justice: The Research Evidence-base [full Report. Loughborough University.
- CEMLYN, S. 2000. From neglect to partnership? Challenges for social services in promoting the welfare of Traveller children. *Child Abuse Review*, 9, 349-363.
- COLLINS, P. H. & BILGE, S. 2020. *Intersectionality*. Cambridge, UK, Polity Press.
- ENGLBRECHT, C., PETERSON, D., SCHERER, A. & NACCARATO, T. 2008. "It's not my fault": Acceptance of responsibility as a component of engagement in juvenile residential treatment. *Children and Youth Services Review*, 30, 466-484.
- FINN, J. 2020. *Just Practice: A Social Justice Approach to Social Work*, Oxford, Oxford University Press.
- LOWERY, P. G. & BURROW, J. D. 2019. Concentrated disadvantage, racial disparities, and juvenile institutionalization within the context of attribution theory. *Criminal Justice Studies*, 32, 330-355.
- MOTZ, R. T., BARNES, J. C., CASPI, A., ARSENEAULT, L., CULLEN, F. T., HOUTS, R., WERTZ, J. & MOFFITT, T. E. 2020. Does contact with the justice system deter or promote future delinquency? Results from a longitudinal study of British adolescent twins. *Criminology*, 58, 307-335.
- OFORI, A., COX, A., JOLASCO, B., ROBIN-D'CRUZ, C. & WHITEHEAD, S. 2021. Equal diversion? Racial disproportionality in youth diversion. London: Centre for Justice Innovation.
- PARMAR, A. 2016. Intersectionality, British criminology and race: Are we there yet? *Theoretical Criminology*, 21, 35-45.
- PETROSINO, A., TURPIN-PETROSINO, C. & GUCKENBURG, S. 2010. Formal System Processing of Juveniles: Effects on Delinquency. Oslo, Norway: The Campbell Collaboration.
- SUTHERLAND, A., DISLEY, E., CATTELL, J. & BAUCHOWITZ, S. 2017. An analysis of trends in first time entrants to the youth justice system. London: Ministry of Justice.
- YOUTH JUSTICE BOARD 2021. Youth Justice Board: Strategic Plan. London: Youth Justice Board for England and Wales.

A photograph of a woman from behind, walking on a sandy beach. She is wearing a long, light pink abaya with a black fringe at the top, blue jeans, and brown boots. The background shows a calm sea and some sparse vegetation on the shore.

Resettling Muslim women with convictions

Sofia Buncy from Muslim Women in Prison, Sarah Goodwin from Sheffield Hallam University and Alexandria Bradley from Leeds Beckett University share some early findings from their research which is exploring Muslim women's experiences of resettlement.

In 2021, Her Majesty's Inspectorate of Probation published a damning report citing the lack of effective work to address legacies of institutionalised racism within Probation Services and the resultant disparities in treatment of 'BAME' individuals (HMIP, 2021). Nevertheless, interest in providing appropriate services to Black, Asian and specific minoritised groups within the criminal justice system has been growing over the last few years. One such group is Muslim women. While a diverse group in many ways, they share some broad commonalities through the practice of their faith, share experiences of institutional racism and are an identifiable minoritised group within the system. Numbers are not very large, and at 7% of the female prison estate, the proportion of Muslim women is reflected in the general population (Moj, 2021). Yet at any one time there are around 220 women in prison in England and Wales who identify as Muslim (Moj, 2021). Practice must therefore be ready to support these women appropriately according to their particular needs, in line with legal obligations under the Equality Act 2010.

Despite some good practice examples, Black, Asian and minoritised women can be difficult for practitioners to cater for due to their relative invisibility within the system. Official probation statistics do not even currently publish the numbers of people on their caseload who are both female and Muslim. Policy reports which occasionally examine certain minoritised groups point to the distinct nature of needs and experiences within the criminal justice system but rarely have the scope to distinguish the specifics for any particular minoritised group, instead focusing on broad shared experiences of discrimination (Cox and Sacks-Jones, 2017; Shingler and Pope, 2018).



Sofia Buncy
Muslim Women in Prison



Sarah Goodwin
Sheffield Hallam University



Alexandria Bradley
Leeds Beckett University

Academic research has begun to investigate minoritised experiences of desistance but thus far has not produced any work into Muslim women specifically. As a result, there is very little robust evidence about how to support Muslim women through the criminal justice system. It is therefore unsurprising that a focused engagement with understanding the needs and experiences of this group is lacking.

In 2021 we embarked on a project to fill this knowledge gap. Our collaboration between academics and practitioners is focused on understanding Muslim women's experiences of moving on from crime to support the development of effective policy and practice. The team comprises Sofia Buncy as national lead for the Muslim Women in Prison project, and two academics - Alexandria Bradley and Sarah Goodwin - with research expertise in women's experiences in prison and of desistance. We have completed our initial pilot stage having interviewed 5 Muslim women based in Yorkshire twice each. We are now developing a larger, national, study but there are some important findings already emerging from the pilot data. Here we share an outline of those findings, along with some suggestions of how to translate these into good practice.

The first of these findings centres around the elevated importance of shame in participants' experiences of desisting from crime. While shame is often recognised as particularly important

to women's desistance (Rutter and Barr, 2021; Gålnander, 2020), the Muslim women who worked with us reported particularly acute encounters of shame. This had implications on how they coped emotionally with their situations, what they did with their days and who they interacted with. However, even where immediate families remained supportive, it also had significant consequences for the participants' wider families, with mothers, children and cousins being harassed or shunned for the shame the participants were deemed to have caused. An awareness in shame and how it may broadly impact on practice is no doubt generally useful, but there is a very useful specific implication for women from certain minoritised groups. In our research, all the women spoke of the importance to them, or other Muslim women in the criminal justice system that they knew personally, of relocating away from their family home or local communities. For some, the shame is so intense - either in individual consequences or the consequences to the extended family - that it was necessary to relocate to another city, or part of a city, in order to avoid it. These women wanted to move somewhere that they were not known, so that they could avoid being stopped and berated on the street or whispered about in the halal butchers. They wanted to shield their children from bullying at school and protect their mothers and extended family from gossip. It was only with a fresh start that they could think about moving forward with their lives.

Relocation is sometimes mentioned in the academic and policy literature but it is rarely centred, with maintaining local family connections instead prioritised. Yet the early indications from our research are that relocation is a common desire among Muslim women in the criminal justice system, even where they enjoy a warm and supportive relationship with their families.

So what can practitioners do, knowing the potential impact of shame and the desire to relocate among Muslim women?

- Be aware of the potential impact of an extended family and wider community viewing a client as bringing shame to the family or community. Ask clients about their relationships with extended family and local community.
- Be aware of the potential social challenges and associated difficulties brought by shame which may face a Muslim women should she choose to return to her community.
- Be aware that a family may be supportive and that a client may still wish to move away from them at the same time, for good reasons.
- Remember that relocation might be a high priority for a Muslim woman. Ask if they feel it would be helpful in their situation.
- It may be unusual for you to facilitate a move between areas for clients. Look into the practicalities of enabling this in terms of housing, probation, schools and support services. This will mean you are less likely to be taken by surprise should a client request a relocation.

References

Cox, J. and Sacks-Jones, K. (2017) "Double Disadvantage" The Experiences of Black, Asian and Minority Ethnic Women in the Criminal Justice System. *Agenda and Women in Prison*.

Gålnander, R. (2020) "Shark In the Fish Tank": Secrets and Stigma In Relational Desistance From Crime'. *The British Journal of Criminology*. 60 (5), pp. 1302-1319.

Her Majesty's Inspectorate of Probation. (2021) *Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff*. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/03/Race-Equality-in-Probation-thematic-inspection-report-v1.0.pdf> (Downloaded: 20th May 2021).

Ministry of Justice. (2021a) *Offender Management statistics quarterly: January to March 2021*, Available at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2021> (Downloaded 20th September 2021)

Rutter, N. and Barr, U. (2021) 'Being a 'good woman': Stigma, relationships and desistance, *Probation Journal*, 68 (2), pp. 166-185.

Shingler, J and Pope, L. (2018) *The Effectiveness of Rehab Services for BAME People: A Rapid Evidence Assessment*. Ministry of Justice Analytical Series.



'It's all about the family.....!'

Seema Patel, Senior Lecturer, Department of Social Sciences, Northumbria University discusses the role that families can play in reducing offending.

Introduction

The disadvantages faced by women in the criminal justice system (CJS) are well noted. However, for Black, Asian and Minority Ethnic women, who are overrepresented in the women’s prison population (Prison Reform Trust 2017), these disadvantages are compounded by intersections of race, gender, faith and immigration status.

In 2007, The Corston Report, regarded by many as ground-breaking for its clear analysis of women’s offending and the complexity of their needs, stated that women from minority ethnic groups are “further disadvantaged by racial discrimination, stigma, isolation, cultural differences, language barriers and lack of employment skills,” (Corston 2007: 27). In this article, I explore what we already know about women from minoritised ethnic groups and provide an overview of my research in this area.



Seema Patel

Senior Lecturer, Department of Social Sciences, Northumbria University

Role of Families

Since 2002 there has been an increased interest in the role that families can play in reducing offending, that strong family support during imprisonment can have a positive impact on outcomes post release, with a number of official reports concluding that families are the most effective resettlement agency (Codd 2008). More recently, the publication of the Farmer Review in 2017 highlighted the importance of strengthening prisoners’ family ties to prevent reoffending, citing family relationships as ‘the golden thread’ to help reduce reoffending (MOJ 2017). A further report in June 2019 focused on the importance of strengthening women’s familial and other relationships. Although this report made no specific recommendations for women from different ethnic and racial communities, there was acknowledgment that female prisoners from these communities face distinct and discrete difficulties (MOJ 2019).

When the Farmer Review was published, I started teaching a second-year module on families and households to Sociology, and Criminology and Sociology undergraduate students. I also attended a fantastic training day with NEPACS, titled ‘Hidden Sentence’, which focussed on the impact of imprisonment on families. As a result of this, I started wondering what the experience of family support might be like for Asian women in prison, what did families tell their extended family and the wider community about a relative in prison? Did they tell the truth, or avoid the conversation, or simply say they were overseas for an extended period of time. How did Asian women themselves manage their imprisonment? What was their family support experience like?, I was intrigued given my own awareness of ‘what will the community say,’ but also the role of ‘shame’ and ‘honour’ which are frequently associated with Asian women and used to control their behaviour so that they conform to socio-cultural norms and expectations (Mansoor 2017).

Within the narrative of strengthening prisoner family support since the publication of the Farmer Review in 2017, there has been an absence of discussion about what happens if there is no family support, or if family support is problematic or complex. The overwhelming tone has been that families are inherently good. However, following growing interest in the role families should play in reducing reoffending, Codd (2008) suggests that caution is needed when considering the role of families as an agency of resettlement. Not all families offer positive environments and there may be coercion, abuse, and manipulation (Codd 2008). This, then, necessitates accurate assessment of that family support.

In his most recent report Lord Farmer (MOJ 2019: 15) recommended that each prison should provide a physical space where women can spend private time with family members. It is important, therefore, that the necessary risk assessments take account of the potential of such spaces to be used in other ways than intended for Asian women prisoners and potentially other cohorts of female prisoners where family support may be problematic.

Why does Family Support Work?

This is a question that we actually know very little about.

Ditchfield (1994) found that for men, family ties can play a key role in preventing recidivism, but Codd (2008) argues that we don't actually know much about the precise nature of that relationship and explains that whilst we might have examples of 'what works', we know less about 'how' and 'why' processes of integration and resettlement work. In relation to female prisoners, very little is known about the role of family relationships here.

For women from some racial and ethnically minoritised groups, attitudes to offending within families and communities, arising from cultural or religious beliefs, may not always be supportive. In 2014 a report found that Muslim women in prison were often disowned by their families, or relationships were severely fractured due to shame, embarrassment, pride and dignity. Once released, women were often not able to return to their families for fear of rejection and criticism. Women were marginalised and labelled as bringing 'shame' and 'dishonour' to their family and community, even though it was often 'family' links which led to women becoming involved with the criminal justice system in the first place (Buncy and Ahmed 2014). A subsequent report published in 2019 by the same authors, this time focusing on community-based solutions for Muslim women post release, highlights the complex and multi layered intersections faced by this group of women, but also the "healthy and not so healthy relationships and expectations," of families (Buncy and Ahmed 2019: 22).

While the experiences of Asian women in prison are individual and diverse, very little is known about their experiences, there has been no academic research exploring family support for Asian women who are serving a prison sentence in England and Wales. There may well be instances where the experience of family support is entirely positive, but in other cases families might refuse to have contact due to the shame of imprisonment or impose conditions for returning to the family. We just don't know what this lived experience is.

The research I am currently undertaking will contribute to this important gap in knowledge. The broad aim of my research is to explore the experience of family support for Asian women both in prison and upon release, including the significance or otherwise of cultural concepts such as 'shame' and 'dishonour' to answer the following research questions:

- Is family support supportive and positive both within prison and upon release?
- Do cultural and religious factors impact on family support?
- How do Asian women cope with imprisonment/release from prison?
- Are alternative support mechanisms available/accessed in the absence of family support both within prison and upon release?

Drawing on semi structured interviews with staff and officers from voluntary and community organisations, HMPPS, and women across three prison sites, my research will provide an understanding of family support from the lived experience of Asian women prisoners, which may be distinct from other groups of female prisoners. This research creates the possibility for the findings to be used to improve and/or update training to prison and probation staff as well as support workers and other staff who have routine and frequent contact with Asian women prisoners. This will ensure that interventions are tailored to meet the specific needs of these women, rather than treating them as a homogenous group.

References

- Buncy, S. & Ahmed, I. (2014) *Muslim Women in Prison Second Chance Fresh Horizons*. A joint Muslim Hands and HPCA Project.
- Buncy, S. & Ahmed, I. (2019) *Sisters in Desistance Community-based solutions for Muslim women post-prison*. Khidmat Centres
- Codd, H. (2008) *In the shadow of Prison: families, imprisonment and criminal justice*. Cullompton, UK: Willan Publishing
- Corston, J. (2007) *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office
- Ditchfield, J. (1994) *Family Ties and Recidivism: Main Findings of the Literature*. Home Office Research Bulletin, (36), London: Home Office
- Mansoor, N. (2017) *Exploring Honour and Shame for South Asian British Muslim Men and Women*. PhD thesis. University of Manchester. Available at [https://www.research.manchester.ac.uk/portal/en/theses/exploring-honour-and-shame-for-south-asian-british-muslim-men-and-women\(56242d2f-fee4-49d3-8ad1-313cb49a65ae\).html](https://www.research.manchester.ac.uk/portal/en/theses/exploring-honour-and-shame-for-south-asian-british-muslim-men-and-women(56242d2f-fee4-49d3-8ad1-313cb49a65ae).html) (Accessed: 10th November 2021)
- Ministry of Justice (2017) *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. London
- Ministry of Justice (2019) *The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduced Intergenerational Crime*. London
- Prison Reform Trust (2017) *Counted Out: Black, Asian and minority ethnic women in the criminal justice system*.

Artificial intelligence, risk assessment, and potential racial implications

Pamela Ugwudike from the University of Southampton examines the role of Artificial Intelligence in probation and potential racial implications.



'Artificial intelligence: Algorithms face scrutiny over potential bias' (BBC 2019)

'Rise of the racist robots – how AI is learning all our worst impulses' (The Guardian Newspaper 2017)

'How AI Could Reinforce Biases in The Criminal Justice System' (CNBC 2020)

'The Rise—and the Recurring Bias—of Risk Assessment Algorithms' (The Markup 2021)

These and similar headlines are increasingly drawing attention to the potential racial implications of risk assessment tools and other predictive technologies deployed in contemporary justice systems. The tools are sometimes described as Artificial Intelligence systems in line with the current usage of the term 'AI' which broadly refers to a machine or computer programme trained to perform tasks which rely on human intelligence. One such task is learning how to use information from the past to try and predict the future. AI is therefore, 'about machines which act intelligently - typically making predictions or decisions about multiple aspects of the world in which we live' (Weller 2021).

The deployment of AI for risk assessment in criminal justice systems primarily involves using algorithms (e.g. logistic regressions) to statistically analyse administrative and other datasets, in order to predict recidivism risks in individual cases. Perhaps for this reason, risk assessment tools are also now commonly referred to as 'risk assessment algorithms'. Broadly defined, an algorithm is "a self-contained step-by-step set of operations that computers and other 'smart' devices carry out to perform



Pamela Ugwudike

University of Southampton

calculation, data processing, and automated reasoning tasks," (Association for Computing Machinery (ACM) US Public Policy Council and ACM Europe Council (2017).

Some of the risk assessment algorithms that have been deployed in recent years possess machine learning capabilities in that they can be trained using advanced statistical techniques and training data, to identify patterns in new datasets and predict recidivism risks (Berk and Bleich 2013; Berk 2021). Examples of risk assessment algorithms include the HART (Harm Assessment Risk Tool) machine learning model which has been deployed in the UK (Oswald et al. 2018). Additional examples include the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) algorithm (Brennan et al. 2009) which is used by prison and probation services in some parts of the US and the Offender Assessment System (OASys) in the UK (see, Her Majesty's Inspectorate of Probation - HMIP 2020).

Alongside numerous media reports highlighting the capacity for risk assessment algorithms to foment racial discrimination, a fast-growing multidisciplinary scholarship on the problem now exists, emerging from areas such as criminology, law, and the broad field of Science and Technology Studies (STS) (Bao et al. 2021; Green and Chen 2019; Hannah-Moffatt 2018; Kehl et al. 2017; Lavorgna and Ugwu-dike 2021; Starr, 2014). This scholarship along with negative press releases may be penetrating public consciousness and undermining trust in the systems. Indeed, government bodies (e.g., CDEI 2019, 2020) civil society organisations (e.g., AI Now 2018) and others have acknowledged the problem of potential bias.

There are several variants of the algorithms in question but fundamentally, the generic tools that are used to assess most people coming into the justice system perform a predictive function. This involves identifying patterns in historical data to make generalisations about an individual's risk based on the characteristics (defined as risk predictors) they share in common with others, typically criminal justice populations. Commonly cited risk predictors include criminal history, educational attainment, employment history and family circumstances (see, Hamilton 2015). Though conceptualised by the developers of risk assessment algorithms as risk predictors, if viewed through a socially conscious lens these indicators could just as easily be understood as adverse outcomes which have their roots systemic problems such as racial discrimination and other forms of structural disadvantage.

The risk assessment process yields risk scores and categories that can inform degrees and types of penal intervention although variants of risk assessment algorithms known as structured tools do permit a degree of contextualised clinical assessment based on professional discretion in each case (HMIP 2020). Ultimately, algorithmically generated risk scores influence penal outcomes.

Origins of risk assessment: A brief overview

The practice of forecasting recidivism risks on the basis of historical factors and placing people in risk categories that determine levels of penal intervention is by no means novel. As far back as the 19th century, people coming into contact with the justice system were exposed to various forms of individualised or personalised assessment for transformational or reformative intervention (see, Vanstone 2004). These were clinical assessments based mainly on professional judgement although predictions of probable reoffending were also made as far back as the early 20th century to determine parole outcomes (e.g., Burgess 1928). Some argue that risk assessments have since shifted from individualised analysis of treatment needs to actuarial prediction. This technique is said to support the allocation of risk subjects to statistically defined categories or 'risk pools' for cost-effective and efficient risk management (e.g., Feeley and Simon 1992).

The problem of algorithmic bias

More advanced risk assessment technologies including machine learning variants have since emerged, provoking new concerns. Commonly cited problems include predictive accuracy, bias, and limited transparency (Berk 2021). Here, I focus on the issue of potential racial bias which can occur when the algorithms rely on certain types of data such as administrative datasets from some law enforcement services. This problem has been brought to light by several studies. To cite an example, in 2016, ProPublica (an organisation that specialises in investigative journalism), conducted a study of the COMPAS risk assessment algorithm. Their analysis identified evidence of racial disparities in the form of over-prediction (high rates of false positives) in cases involving Black people. Other studies have shown that this potentiates more punitive penal intervention (e.g., Lowder et al. 2019).

Such artificial inflation of risk can occur because Black people have worse criminal justice outcomes (e.g., arrests) and biased decision making cannot be ruled out as a possible cause (Shiner et al. 2018). More individuals in the group would therefore be vulnerable to false positives since they belong to a group with qualities (e.g., higher arrests rates) that algorithms have been programmed to interpret as risk predictors (see also, Hao and Stray 2019). In other words, Black people will have greater odds of being misclassified by the algorithm as higher risk than they are because of the racial group to which they belong. Commenting on this problem, Vincent and Viljoen (2020: 1576) note that, 'if some groups get apprehended more, those groups will score higher on non-biased, well-validated instruments derived to maximize prediction of recidivism because of mathematics'. Therefore, the problem of risk inflation occurs even if the algorithm attains predictive parity in the sense that it predicts risks with the same level of accuracy across all subgroups, and most of those predicted to reoffend do so regardless of protected or sensitive attributes such as race.

This reveals the potential for administrative datasets to foment racially biased algorithmic outcomes. But apart from criminal history, some of the other predictors on which commonly used, generic, risk assessment algorithms rely, can provoke similar outcomes. Consider for example, the predictors 'employment and education'. Black people can be more disadvantaged by these predictors than other groups. As official statistics in the UK for example reveal, they are more vulnerable to expulsion from school (Department of Education 2016) and stable employment (Office for National Statistics 2011). Thus, along with criminal history predictors, socioeconomic predictors can operate as proxies for race.

It is also worth noting that socioeconomically marginal groups in general can be disadvantaged if the algorithms are programmed or trained to interpret their adverse circumstances as

individual deficiencies warranting high risk scores and penal intervention, instead of structural problems requiring social welfare provision. As van Ejck (2016) notes in an analysis of commonly used risk assessment algorithms, predictors based on socioeconomic circumstances can foment the discriminatory criminalisation of poverty and disadvantage people from deprived communities.

Black people can be further disadvantaged where the predictor 'family circumstances' is operationalised as parental involvement in the justice system. Given their aforementioned over-representation in criminal justice statistics, such a predictor can constitute a proxy for race, exposing them to more punitive intervention because they belong to a specific racial group (see also, Harcourt 2015).

Conclusion

This paper has drawn attention to several ethical issues that touch upon the racial and broader social implications of deploying risk assessment algorithms in justice systems. As debates and studies focusing on the use of algorithms in probation and across justice systems continue to expand, a growing consensus seems to be that remedial strategies are required to address the potential for the algorithms to reproduce historical forms of discrimination. In response, some have developed mitigating techniques, which for example, attempt to debias datasets and limit their capacity to operate as proxies for race (e.g., Skeem and Lowenkamp 2021). Additionally, a multidisciplinary field of AI ethics has emerged to highlight the importance of internal and independent audits for identifying and mitigating biases whilst embedding ethical principles into algorithm design and application (e.g., Raji et al. 2020). Some contend that a robust legal framework is also urgently needed to regulate AI design and deployment (e.g., Favaretto et al. 2019).

References

- Angwin, J., Larson, J., Mattu, S., & Kirchner, L. (2016). Machine bias. <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing> (accessed June 2018).
- ACM US Public Policy Council and ACM Europe Council (2017) Statement on Algorithmic Transparency and Accountability https://www.acm.org/binaries/content/assets/public-policy/2017_joint_statement_algorithms.pdf (accessed March 2019).
- AI Now (2018). Algorithmic Accountability Policy Toolkit: <https://ainowinstitute.org/aap-toolkit.pdf> (accessed May 2019).
- Bao, M. et al. (2021), It's COMPASlicated: The Messy Relationship between RAI Datasets and Algorithmic Fairness Benchmarks <https://arxiv.org/abs/2106.05498> (accessed October 2021).
- Berk R. A. (2021) Artificial Intelligence, Predictive Policing, and Risk Assessment for Law Enforcement. *Annu. Rev. Criminol.* 4:209-37.
- Berk, R. A. and Bleich, J. 2013 Statistical Procedures for Forecasting Criminal Behaviour: A Comparative Assessment. *Criminology & Public Policy.* 12 (3) 513-544
- Brennan T, Dieterich W and Ehret B (2009) Evaluating the predictive validity of the COMPAS risk and needs assessment system. *Criminal Justice and Behaviour*, 36, 21-40.
- Burgess, E. M. (1928) Factors determining success or failure on parole. In A. A. Bruce, A. J. Harno, E. W. Burgess, E. W. Landesco (eds) *The workings of the indeterminate-sentence law and the parole system in Illinois*. Springfield: Illinois State Board of Parole. Pp.205-249.
- CDEI (2019) Centre for Data Ethics and Innovation's approach to the governance of data- driven technology. <https://www.gov.uk/government/publications/the-centre-for-data-ethics-and-innovations-approach-to-the-governance-of-data-driven-technology>
- CDEI (2020) Review into bias in algorithmic decision-making. <https://www.gov.uk/government/publications/cdei-publishes-review-into-bias-in-algorithmic-decision-making/main-report-cdei-review-into-bias-in-algorithmic-decision-making>
- Department of Education (2016) Permanent and fixed period exclusions in England: 2014 2015. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/539704/SFR_26_2016_text.pdf#page=6 (accessed 25th July 2018).
- Favaretto M, De Clercq E and Elger BS (2019) Big Data and discrimination: Perils, promises and solutions. A systematic review. *Journal of Big Data* 6(1): 1-27.).
- Feeley, M. and Simon, J. (1992) The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology* 30, 449-74.
- Green, B. Chen, Y. (2019) Disparate interactions: An algorithm-in-the- loop analysis of fairness in risk assessments. In *Proceedings of the Conference on Fairness, Accountability, and Transparency*. ACM, 90-99.

- Hamilton M (2015) Risk-Needs Assessment: Constitutional and Ethical Challenges, *American Criminal Law Review* 231, 236-39.
- Hannah-Moffat K (2018) Algorithmic Risk Governance: Big Data Analytics, Race and Information Activism in Criminal Justice Debates. *Theoretical Criminology* 1-18.
- Hao K and Stray J (2019) Can you make AI fairer than a judge? Play our courtroom algorithm game. *MIT Technology Review*.
- Harcourt, B. E. (2015) Risk as a proxy for race: The dangers of risk assessment. *Federal Sentencing Reporter*, 27(4):237-243.
- HMIP (2020) Assessment - Criminal Justice Inspectorates <https://www.justiceinspectorates.gov.uk/hmiprobation/research/the-evidence-base-probation/supervision-of-service-users/assessment/>
- Kehl D, Guo P and Kessler S (2017) *Algorithms in the criminal justice system: Assessing the Use of Risk Assessments in Sentencing. Responsive Communities Initiative*, Berkman Klein Centre for Internet & Society: Harvard Law School.
- Office for National Statistics (2011) 2011 Census analysis: Ethnicity and the Labour Market, England and Wales. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandthelabourmarket2011censusenglandandwales/2014-11-13> (accessed 16 May 2018).
- Oswald, M., Grace, J., Urwin, S. and Barnes, G.C. (2018) 'Algorithmic Risk Assessment Policing Models: Lessons from the Durham HART Model and "Experimental Proportionality"', *Information and Communications Technology Law*, 27:223-250.
- Raji, I. D. Smart, A. et al. (2020) Closing the AI Accountability Gap: Defining an End-to-End Framework for Internal Algorithmic Auditing. In *Conference on Fairness, Accountability, and Transparency (FAT* '20)*, January 27-30, 2020, Barcelona, Spain. ACM, New York, NY, USA.
- Shiner, M., Carre, Z., Delsol, R. Eastwood, N. (2018) The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales. <https://www.lse.ac.uk/united-states/Assets/Documents/The-Colour-of-Injustice.pdf> Accessed February 2019.
- Skeem, J. and Lowenkamp, C. (2020) Using algorithms to address trade-offs inherent in predicting recidivism. *Behav. Sci Law* 38(3):259-278.
- van Eijk, G. (2016). Socioeconomic marginality in sentencing: The built-in bias in risk assessment tools and the reproduction of social inequality. *Punishment and Society* 19463-481.
- Vanstone M (2004) *Supervising Offenders in the Community: A History of Probation Theory and Practice*. Aldershot: Ashgate.
- Vincent, G. M., & Viljoen, J. L. (2020). Racist Algorithms or Systemic Problems? Risk Assessments and Racial Disparities. *Criminal Justice and Behaviour*, 47(12), 1576-1584. <https://doi.org/10.1177/0093854820954501>
- Weller, A. (2021) What does AI mean for the Turing? <https://www.turing.ac.uk/news/what-does-ai-mean-turing>

Image Attribution

We'd like to say thank you and to acknowledge the photographers that kindly allow their images to be freely useable. For this edition of PQ22 we have used the following images:

Cover: Photo by [Christoffer Engström](#) on [Unsplash](#)

Page 2 - Photo by [ds_30](#) on [Pixabay](#)

Page 3 - Photo by [Aaron Burden](#) on [Unsplash](#)

Page 4 - Photo by [Jeremy Bezanger](#) on [Unsplash](#)

Page 5 - Photo by [Manfred Richter](#) on [Pixabay](#)

Page 7 - Photo by [Callum Shaw](#) on [Unsplash](#)

Page 8 - Photo by [Conger Design](#) on [Pixabay](#)

Page 13 - Photo by [Sebastian Svenson](#) on [Unsplash](#)

Page 17 - Photo by [Johny Goerend](#) on [Unsplash](#)

Page 21 - Photo by [shalender](#) on [Pixabay](#)

Page 26 - Photo by [Kendall Scott](#) on [Unsplash](#)

Page 30 - Photo by [Brett Jordan](#) on [Unsplash](#)

Page 35 - Photo by [Edge2Edge Media](#) on [Unsplash](#)

Page 40 - Photo by [Yasin Yusuf](#) on [Unsplash](#)

Page 41 - Photo by [Xu Haiwei](#) on [Unsplash](#)

Page 45 - Photo by [qimono](#) on [Pixabay](#)

Page 50 - Photo courtesy of [Working Chance](#)

Page 54 - Photo by [Clem Onojeghuo](#) on [Unsplash](#)

Page 60 - Photo by [Ifrah Akhter](#) on [Unsplash](#)

Page 64 - Photo by [Noorulabdeen Ahmad](#) on [Unsplash](#)

Page 68 - Photo by [Simple-aign](#) on [Pixabay](#)

Page 74 - Photo by [Peggy Marco](#) on [Pixabay](#)

