

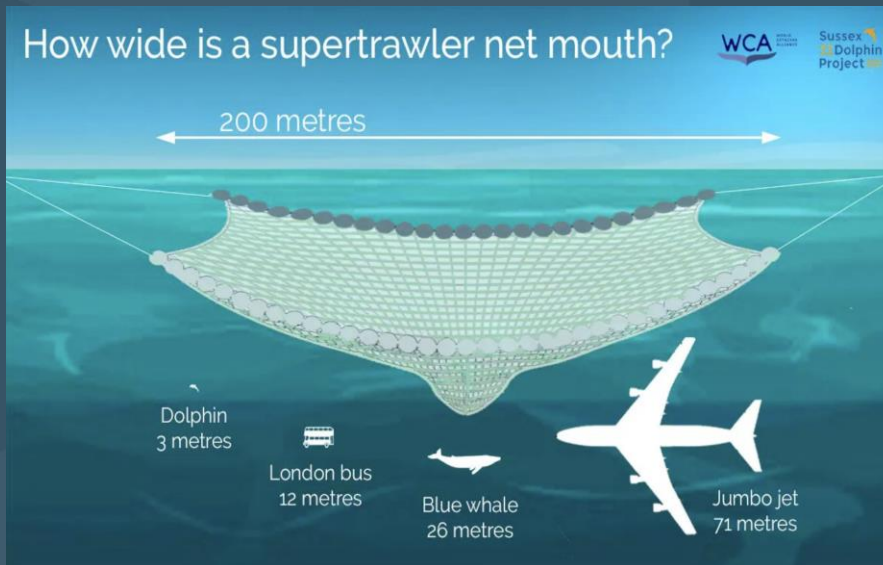
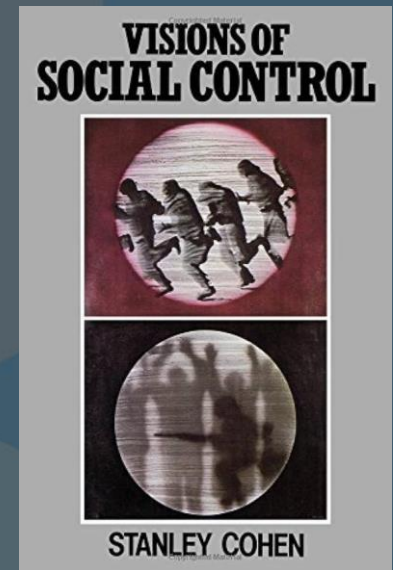
# Sustainable Supervision: Safer nets & safety nets

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# Netwidening as a metaphor

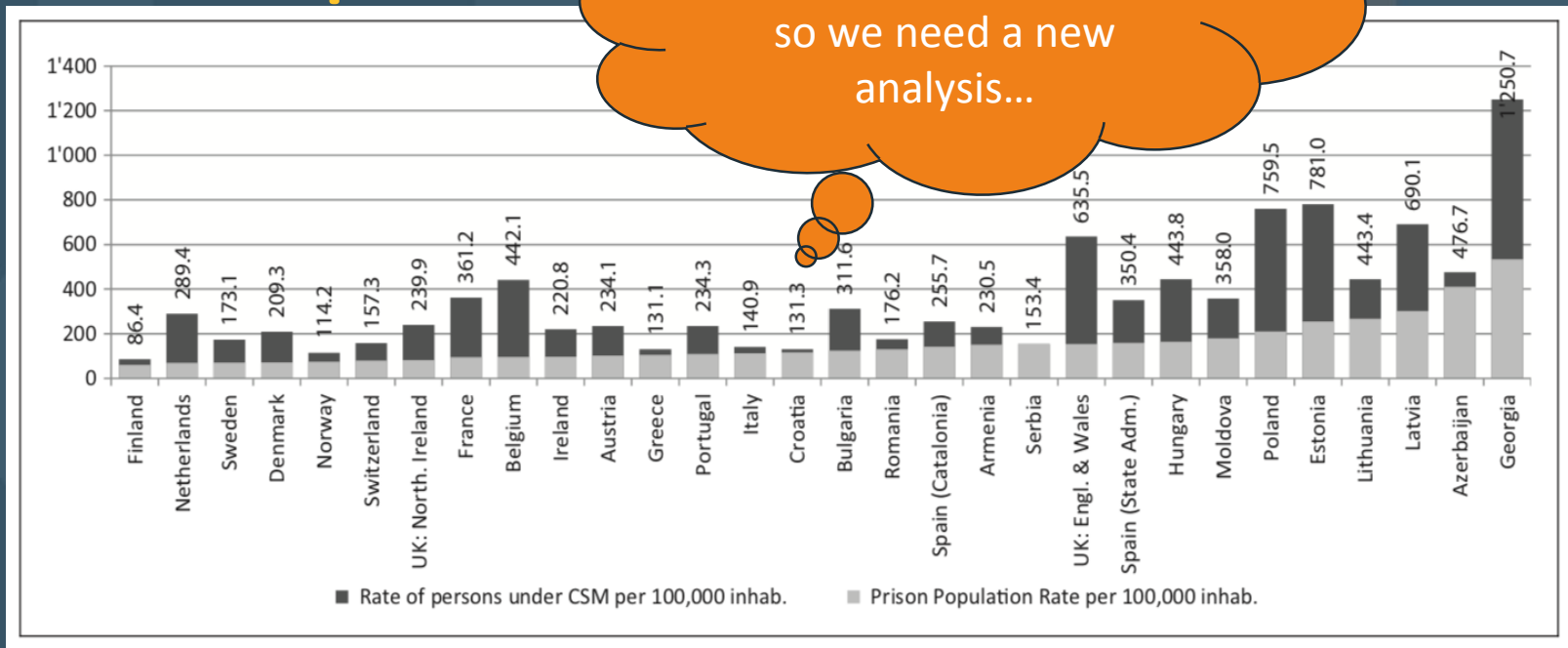
- Cohen (1985)
  - Wider nets (more people caught up)
  - Denser nets (more intense intervention)
  - Different nets (new agencies and measures)



- McMahon (1990)
  - Misuses of concepts by managers/officials to justify prison building...
  - Is the idea too pessimistic?
  - Does the data stack up?

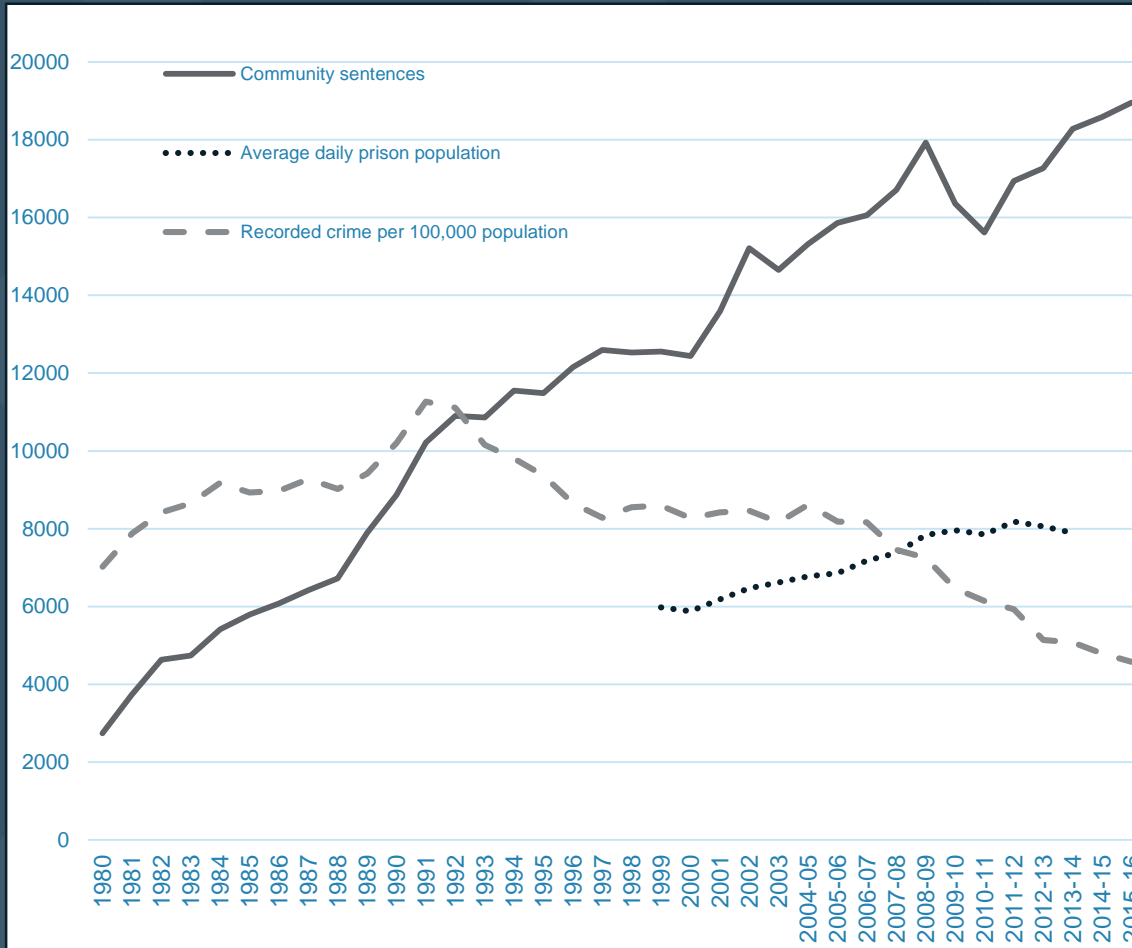
# In Europe

But this data is now more than 10 years old, so we need a new analysis...



‘...the increased use of community sanctions and measures did not lead to a decrease of prison populations across Europe... In sum, **instead of being alternatives to imprisonment, community sanctions and measures have contributed to widening the net of the European criminal justice systems...** These results suggest that CSM have become one of the instruments of an increasingly punitive approach to crime control’ (Aebi, et al., 2014: 589).

# Scotland: A successful failure, 1980-2016



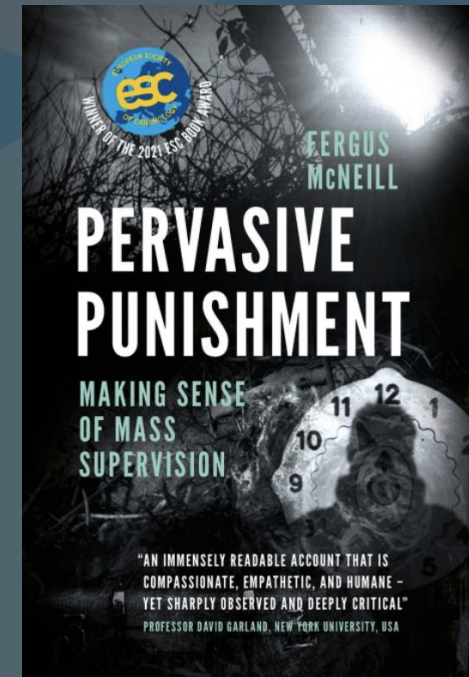
In 1980, the ratio of recorded crimes to community sentences was 256:1.

In 2015-16, it was 24:1.

There are 10 times as many community sentences per crime today as there were in 1980.

## Accounting for failure?

- The importance of **constitutional dynamics** (which shape **contestation**) and of both national and professional **identities and discourses**
- The complex relationship between **reductionism and rehabilitation**
- The **failure to recognise (and restrain) supervision as punishment**
  - By identifying supervision so closely with rehabilitation, **we write out its penal character and the suffering it creates**, blinding ourselves to questions of parsimony and proportionality.
  - Welfarism's tragic quality



# How to address net-widening

- **Narrow the entrance**
  - Better targeting to ensure diversion from custody
- **Accelerate the process** (thinner mesh)
  - Lightening the load by reducing conditions
  - Improving the service (help and support)
- **Widen the exit**
  - Early discharge

# Sustainable supervision?

1. 'Since supervision hurts, decisions about imposing and revoking supervision must be bound by considerations of proportionality. No one should be subject to more demanding or intrusive supervision than their offending deserves.
2. Supervision must be delivered in ways that actively minimize unintended and unnecessary pains both for those subject to supervision and for others affected by it (for example, family members)' (McNeill and Beyens, 2016: 9).

**Parsimony, proportionality, productiveness**

# Parsimonious supervision

- Limiting punishment (at its imposition)
  - No unnecessary order
  - No unnecessary curtailment of liberty
  - No unnecessary restriction of autonomy
  - No unnecessary invasion of privacy
  - No unnecessary disqualification from ordinary citizenship
  - No unnecessary interference with other human rights



# Parsimonious supervision

- Limiting punishment by **making it end**
  - Positive **rights to re/integration** through and beyond supervision
  - **Equal access** to services to develop human potential and citizenship capabilities...  
Equal access to opportunities
  - Timely access to **legal requalification**

# Proportionate supervision

- Involving consideration of...
  - **Length** of time subject to supervision
  - **Depth** of supervision's interference with autonomy
  - **Weight** of supervision's burdens
  - **Tightness** of supervision's control
  - **Degradations** of supervisee status

[All informed by evidence about the lived experience]
- Plus taking due account of **collateral consequences**.

# Productive supervision (to secure the 'gains'...)

- Requires...
  - Respect for the **dignity** of supervised persons
  - Pursuit of the **development** of human potential and human capacities
  - **Advocacy for access** to equal opportunities
  - Commitment to **fairness/procedural justice**
  - Maximising **voluntarism**

