

Penal supervision in a pandemic

By professor Fergus McNeill

Challenges and opportunities

With prisons described by epidemiologists as [incubators of disease](#), it is obvious and entirely right that much of the focus of criminologists and other criminal justice activists in recent weeks has been on the urgent need to decarcerate. The [challenges and opportunities for social work](#) services have also received some excellent attention, but little has been written specifically about how the COVID-19 pandemic has affected almost 300,000 people under supervision in the community in England and Wales and Scotland, and those that supervise them. This post tries to briefly address that question, drawing on recent conversations with supervisees, supervisors and managers on both sides of the border. I focus not on changes to law and policy – since a useful summary of [responses by European probation services to COVID-19](#) is already available — but rather on how the experience of being a supervisor and of being supervised may have changed.

Probation and criminal justice workers

For probation and criminal justice social workers, as for many others, COVID-19 restrictions mean getting used to working at and from home and via technology. Though adaptations seem to vary locally, most supervision is now happening by phone. The frequency of phone contact has generally been set at twice the level of previous face-to-face meetings. Sometimes, this is supplemented by ‘drive-by supervision’ where supervisors sit in their cars outside supervisees’ homes and observe them through a window or at the door while also talking on the phone. In a much smaller number of cases, where there are significant concerns about risk, some face-to-face contact may also be continuing, but with social distancing being observed. Some staff are also using letter-writing to sustain contact, supervision and support.



Phone-based supervision

Predictably, the nature and experience of phone-based supervision often depends on the quality of the pre-existing relationship. There are some reports of conversations that reflect or express new levels of

mutual care and concern, enquiring about the health of *both* parties and those they love, comparing notes on how they are coping with lockdown conditions and so on. Many conversations focus on basic needs; with some areas putting new arrangements in place, for example, to provide food parcels and help with accessing medication. Senior leaders report that some remarkable work has been done to provide immediate and coordinated support on release (as campaigners have long advocated), with probation, social work and housing providers cooperating to best support these transitions, and, where necessary with mobile phones provided to enable communication. But in many places the struggles of charities and community organisations to cope with COVID-19 restrictions have also led to the withdrawal or severe restriction of key supports.



It is not surprising then that other phone conversations – perhaps most – are described as stilted, perfunctory and unsatisfying. Practitioners are used to reading and relying on non-verbal cues to guide their interventions. Denied that possibility – and with very little opportunity to do their usual work on ‘addressing offending behaviour’ or supporting change more broadly – supervision may be defaulting to welfare checks and/or a basic form of surveillance.

Experience of supervision

COVID-19 has added some cruel twists to the experience of supervision. For example, imagine yourself having served a long sentence, the last part of which was under 23-hour lockdown conditions. Then imagine being released to a probation hostel where social distancing protocols mean that residents and staff cannot meet or gather and where you are now confined to your room 23 hours per day. If you exceed your one allowed hour of exercise per day, you risk immediate recall to prison. Clearly, that sounds like a very poor approximation of the ‘liberation’ for which you would have been hoping.

This example perhaps illustrates how, for some, COVID-19 may have exacerbated the pains of supervision (McNeill, 2019), making it more like home detention. As the wider population is finding out, home detention produces profoundly unequal suffering; for those living in cramped conditions, without digital connectivity, and with limited material resources, the pains are likely to be much more intense. For supervisees, home rather than the probation or social work office has now become the main locus of their conversations with supervisors. Where people share their homes with others, sensitive questions arise about privacy and confidentiality; making it harder to discuss worries, struggles and conflicts, just as lockdown conditions magnify them. On the other hand, perhaps for some the impossibility (or unlikelihood) of being required to engage in ‘offence-focused work’ or ‘offending

behaviour programmes' might feel like the withdrawal of an unwelcome intrusion into their private lives.

Blurring lines

The blurring of boundaries between work and home life also has troubling aspect for practitioners. It is one thing to write a report at home; it is another thing to sit in your kitchen, perhaps with your children in the next room, while on the phone to someone who may be discussing self-harm, or venting their anger, or discussing details of their offences (for example, to enable a report to be written). Home-working will perhaps have exacerbated the emotional labour (Knight, Phillips and Chapman, 2016) involved in doing the 'dirty [and typically devalued] work' of supervision (Mawby and Worrall, 2013), and we should note that these pressures fall on a predominantly female workforce, many of whom may also experience gendered and uneven burdens of caring at home.

Calculating risk

Another twist associated with COVID-19 is the inversion of how we might think about risk. While, in recent years, probation and criminal justice social work have become preoccupied with the putative risks posed to the wider public by supervisees (Robinson and McNeill, 2017), it might now be argued that some of the most serious, life-threatening risks are flowing in the opposite direction. We know that prisoners and probationers disproportionately experience significant health problems that render them particularly vulnerable in a pandemic. For example, Winkelman, Phelps and Mitchell (2020: 1) report that '[c]ompared to the general population, adults recently on community supervision were significantly more likely to report fair or poor health, *chronic obstructive pulmonary disease*, hepatitis B or C, one or more chronic conditions, and any disability' (*emphasis added*). Given these vulnerabilities, the mobility probation and social work staff (at least where any face-to-face contact is continuing) may now create a serious and even life-threatening risk to those they supervise.

Restricting and rethinking practices

In a recent book (McNeill, 2019), I argued that the pains of supervision should be minimised by restricting its use and the demands it makes, and by rethinking its practices in more productive ways. I suggested that for supervision to be productive, it needed to be practically helpful, to be experienced as legitimate and fair, and to be time-limited. While COVID-19 restrictions make practical help even more urgent, phone-based supervision may also make legitimacy more difficult to develop and sustain. Worse still, decarceration may produce political pressures to extend or intensify supervision. In my view, the safest response is not to try to ramp up the surveillant aspects of supervision in order to allay misinformed public anxieties, but rather to focus on intensifying practical help on offer to a population that, even pre-pandemic, was on the wrong end of deadly social inequalities. By so doing, practitioners may also be able to develop and sustain the legitimacy on which their work depends.

Click here for more information: <https://www.sccjr.ac.uk/>