

scottish JUSTICE matters

SPECIAL ISSUE ON ARTS AND JUSTICE

Edited by
Sarah Armstrong and Kirsten Sams

Theatre • Music • Writing
Sculpture • Film • Architecture

ALSO

Richard Sparks and Kirstin Anderson
on Inspiring Change

Angela Bartie and Alistair Fraser
on the Easterhouse Project

Kath Murray
on Stop and Search in Scotland



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editorial



See our arts and justice page at [pinterest.com](https://www.pinterest.com) for additional and complementary content.

WELCOME to the third edition of Scottish Justice Matters, rapidly establishing itself as a 'must read' for those interested and involved in Scottish criminal justice. The themed section of this edition, thanks to the support of Creative Scotland, focuses on the arts and criminal justice (mostly) in Scotland and we continue our regular features along with articles looking at current issues.

The theme of our second edition, desistance, is developed as a major question in relation to projects involving the arts in criminal justice. We recognise that attitudes towards investment in arts are often ambivalent, ranging from scepticism to more punitively motivated questions about why public money should be spent enabling offenders to participate in arts based projects, whereas support for others from equally deprived backgrounds is less forthcoming. Our guest editors, Sarah Armstrong and Kirsten Sams, address these questions and provide ample justification for the involvement of arts based projects within and without prisons.

As editors, we have learnt much in the process of compiling this special issue, and have been impressed by the range of projects described in contributions, the enthusiasm of participants, stories of success and the vivid pictorial images included in some pieces. Whether discussing music, reading, creative writing, sculpture, performance, art and other forms of expression, authors describe how offenders, often from deeply deprived and traumatic backgrounds and lacking in skills and confidence, can, through involvement in arts, find a means of reflecting on their experiences and the impact of their offending and can also gain self-confidence and a sense of achievement as well as developing skills of working with others. Also emerging from many contributions is the importance of involving participants as artists rather than prisoners or offenders. Stories of success and of participants turning their lives around, like our interview subject Wullie Sinclair, may go some way to convincing sceptics, although the 'efficacy' of such projects is difficult to precisely measure.

Some of our regular slots also connect to the arts theme. Our international article describes the Lieux Fictifs project in Marseille which, it is argued, gives prisoners a voice and imparts skills, and our historical thread marks the involvement of artists in the 1960s Easterhouse Project in Glasgow. Jo Buckle reviews the edited collection by Cheliotis on 'The Arts of Imprisonment'.

Book reviewers

It is our intention to develop a regular book review column and we will be receiving books of interest to our readership from publishers. We would like to compile a list of people prepared to write reviews of around 6-700 words on a variety of topics related to crime and criminal justice in Scotland. This is an ideal opportunity for graduate students, practitioners and other interested people to contribute to the journal. Reviewers will normally receive the book free of charge.

If you would be prepared to write a review or make suggestions for a review, please reply to editor@scottishjusticematters.com indicating your areas of interest and/or books you would like to review.

Hazel Croall, Review Editor, Scottish Justice Matters

Sarah Armstrong reminds us that statistics are a way of telling stories. She argues that we should be aware that predictions of rising prison populations are not infallible and can be changed. The recent furore about criminal statistics down south, included allegations of police 'fiddling' crime figures. This in turn raises questions about the less visible aspects of police activity including the use of stop and search powers, the subject of Kath Murray's contribution. Highly controversial in England, these have been regarded as relatively unproblematic in Scotland, especially in the prevention of knife crime, despite very high rates of stops. Yet, argues Murray, these powers can be used against some of the most marginal and vulnerable young people and should be exposed to greater scrutiny.

Other contributions consider Public Social Partnerships which, as Rob Strachan details, recognise the significance of and aim to involve the third sector: the potential of these collaborations is illustrated in the work of Turning Point with offenders around release. More critically, Gail Wilson's article on working with high risk young women, challenges us all to think radically about ways forward. Our Take Five slot asked our politicians with responsibility for justice policy to consider what a smart justice system should look like in a period of austerity. Andrew Tickell analyses the rather disconcerting experience of reporting for jury service at Glasgow's High Court.

SJM is a free publication, but there are ways in which you can support the project to ensure its survival by paying for a hard copy or making a donation from our website. We are especially grateful to the Robertson Trust for a recent grant that will help keep us going for a wee bit yet.

Mary Munro and Hazel Croall

Acknowledgement:

The front cover artwork for this issue is by Alex, HMP Shotts. He says:

'when asked to produce a piece of Art for the SJM cover I instantly decided to use graffiti style. The reason for this was to create a discussion about art and the law. Graffiti can be fine art and an illegal act at the same time - this contradiction interests me.'



scottish justice matters

Scottish Justice Matters is a publication of the Scottish Consortium of Crime and Criminal Justice (SCCCJ). The Consortium is an alliance of organisations and individuals committed to better criminal justice policies. It works to stimulate well informed debate and to promote discussion and analysis of new ideas: it seeks a rational, humane, constructive and rights-based approach to questions of justice and crime in Scotland.

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ARTS & JUSTICE

WE ARE EXCITED to be a part of this issue and grateful both to SJM for inviting us, and to Creative Scotland for supporting this work through its arts and justice strategy. This special theme gives us the opportunity of sharing some examples of practice and to raise some important questions about arts and justice.

We have a number of aims as guest editors. First, we want to introduce readers to arts engagement in criminal justice and other marginalised community settings. Second, in doing this, we hope to suggest how creativity and the arts are playing a role in connecting people to each other and their communities, and in this way helping make possible processes of healing and reparation. Third, we want to remain alert to the risks and challenges of using the arts as a means of producing not only criminal justice but also social justice.

Perhaps the place to start is by noting that, in line with the focus of this journal, we speak from our location in Scotland. This is a significant point given the distinctive development

and priority here of the arts, as well as the particular challenges Scotland faces in its pursuit of a just society. We are proud to note the importance attached to the arts by the Scottish Prison Service and the central role accorded to creativity in Scottish society generally. As one example of this, **Angela Bartie and Alistair Fraser's** history of The Easterhouse Project (1968-1970) shows the long trajectory in Scotland of community-led efforts to connect arts and justice. Ruth Wishart has described Scotland's current aspiration to 'embed creativity in every aspect of our experience' (Creative Scotland, 2013, p. 5): and 'the ability to solve problems by approaching things slightly differently, the readiness to discover new things for yourself, an openness to new ideas – these are all aspects of creativity which stand people in excellent stead in their lives as a whole' (MSPs Ewing, Hyslop and Allan in Creative Scotland, 2013, p. 7).

The point of the arts and of nurturing creativity is, and contrary to tabloid headlines, not about giving prisoners or anyone else a fun way to pass the time. Rather, art creates a

space for us to look at and learn about ourselves and our place in the world. As **Lesley McAra** writes so movingly, this may involve confronting profound, difficult and unsettling emotions in a way that would be impossible in a social work office or a research interview. **Kate Hendry's** essay talks about the power of creative writing in developing a sense of empathy among prisoners. 'How can we live honestly? How can we listen to each other? What kinds of change are possible?' These are questions that might bring us face to face with trauma, both that which we have experienced, and maybe perpetrated.

The arts find their way into prison and other criminal justice settings in Scotland often through education programmes. Here they can reinforce the value of a liberal arts education as part of a civilising experience, one which broadens horizons and encourages critical thinking. **Jess Thorpe's** development of theatre performance with prisoners suggests that giving people the power over creation produces an intellectual flexibility that supports not only empathy but also seeing different, and more positive, ways of doing things. **Caroline Caccavale**, founder of the French arts in prison collaboration, *Lieux Fictifs*, argues in this issue that without these insights increased literacy and vocational qualifications will have little impact on the lives of released prisoners. Understanding the centrality of creativity and the arts in human development helps us avoid the narrowing of education systems which see people increasingly and solely in labour market terms.

While Scotland has achieved much in its commitment to the arts and creative learning in all areas, there are particular risks of working within the structures of criminal justice. One of these is a tendency to instrumentalism, of reducing arts to an intervention which is 'delivered' by an expert to a non-expert in pursuit of a measurable outcome. **Alison Urie's** work in community (*Hot Chocolate*) and prison-based (*Vox Liminis*) arts projects, exposed to her the crucial difference between doing justice *to*, and doing justice *with* people who are marginalised, guilty, in crisis. One way controls and denies agency, the other supports and provides resources to take on responsibility.

We are especially pleased to have coverage in this issue of programmes that focus on engaging women in creative practice. Those working in criminal justice well know the limited services available to women, and in arts provision we have seen historically a gendered approach to arts (as something for men) and crafts (for women). **Kevin Harrison and Lorna Callery** confront this issue head on noting there was only a single entry from a woman to a recent Koestler Trust exhibition compared to the hundreds from men. Their contribution, as well as that from **Emma Wilson** describing Apex's unique Women Only Workshops, have identified the power of making art in generating a positive sense of identity and solidarity, important building blocks of strong societies and accountable individuals.

If we cannot reduce a given arts programme to its impact on reoffending, how should we value, and evaluate, the arts in justice? A large body of research has demonstrated beyond doubt the immediate impact of arts programmes through improved sense of well-being and confidence. But what happens after the song is sung, the film screened, the play performed? **Kirstin Anderson and Richard Sparks**, part of the team involved in one of the most comprehensive evaluations

ever undertaken of arts interventions in the Scottish prison system, reflect on this issue. They point out that evaluations generally are not designed (or funded) to follow people through the gate to investigate the sustainability or effects of arts involvement in the longer term. A parallel issue is the lack of opportunities and resources for those leaving prison to pursue their arts practice in the community. The featured interview with **Wullie Sinclair** gives some sense of how one ex-prisoner is trying to keep up his painting on the outside.

Beyond an impact on individuals, we are beginning to understand how the arts cross barriers to connect communities across walls, neighbourhoods and nations. **Paul Cosgrove** shares his experience bringing Glasgow School of Art sculpture and environmental art students to work alongside those in prison, who discover in the process of doing and making together their own and each other's value in being part of a joint creative process. **Justina Murray**, thinking about community justice and the arts, adds that integration 'is not just an issue for prison leavers but for all those excluded from their communities through their crimes', and we might add, for myriad other reasons. Community-based arts activity can connect people in with their geographical communities as well as communities of interest.

Finally, **Yvonne Jewkes and Dominique Moran** explore the role of penal architecture in communicating society's values about punishment both to those on the inside and outside. Architecture tells prisoners what society thinks of them, as animals in a cage or as people capable of a positive contribution, partly through coordinating the possibilities for creativity. Most prisons in the UK are designed without performance or exhibition spaces. Contrast this with Tegel Prison in Berlin which has a theatre that regularly puts on performances for local people (bit.ly/1cDYgAr), showcasing an example of how the arts can bring prisoners and local communities together, reducing the isolation and 'otherness' of prisons.

What draws all of the pieces together is a recognition of creativity as an essential component of our humanity. Creativity is ultimately about human flourishing. It is not icing on the cake, a taxpayer funded luxury, something that happens only in a classroom. When we find new ways to ask questions, to communicate with other human beings, and ultimately to make sense of our acts and place in the world we have the possibility not just of living in a just society, but of building it. The following articles gather together just a tiny portion of the work being done in Scotland to realise this aim, and we hope they (and the extended content online) stimulate debate over the power of the arts for justice.

[Creative Scotland \(2013\) What Is Creativity? A source of inspiration and summary of actions from Scotland's Creative Learning Partners, Edinburgh](http://www.creativescotland.org.uk/explore/projects/arts-criminal-justice)
<http://www.creativescotland.org.uk/explore/projects/arts-criminal-justice>

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EVALUATING ARTS AND JUSTICE INITIATIVES

INSPIRING CHANGE

Richard Sparks and Kirstin Anderson

INSPIRING CHANGE was a pilot programme of arts interventions that took place in five Scottish prisons throughout 2010. It was the first joint partnership of its kind and scale, involving what was then Motherwell College (now New College Lanarkshire), the Scottish Prison Service and seven national arts organisations: Scottish Opera, the Scottish Chamber Orchestra, National Youth Choir of Scotland, Scottish Ensemble, Citizens Theatre, the Traverse Theatre and the National Galleries of Scotland. The main aims of Inspiring Change were: to stimulate prisoners' engagement with learning; to improve literacy skills; and to investigate the potential of the arts to support the process of rehabilitation.

Whilst there is now a lengthy history of arts initiatives in prisons internationally, including some notable precursors in Scotland, and whilst this is a quite rapidly growing movement, Inspiring Change had some highly distinctive features. It was a very ambitious programme in attempting such a wide range of interventions (writing and graphic art, photography, painting, music, theatre, opera) in a variety of different prisons simultaneously. It was also notable for the quality and prestige of the arts organisations involved. It was in this sense an especially, perhaps uniquely, exciting opportunity for research. At the same time, however, the sheer variety of activities, contexts and people involved also made it extremely challenging both to record, and yet more so to distil neat lessons.

Over 200 participants were involved and drawn from a range of prisoner groups from HMP Barlinnie (short-term), HMP Castle Huntly (pre-release), HMP Greenock (women), HMP Polmont

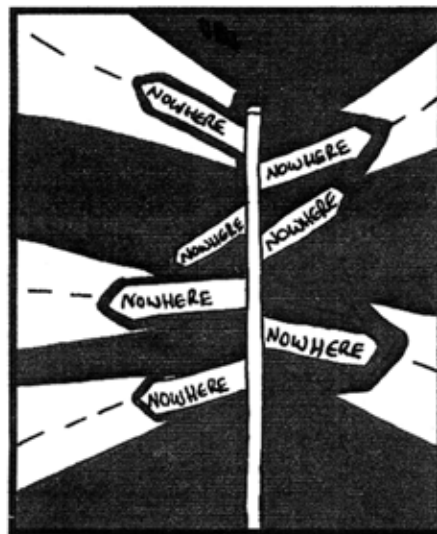
(young offenders) and HMP Shotts (long-term). The evaluation team from the Universities of Edinburgh, Glasgow and Strathclyde, was a highly multi-disciplinary one, with backgrounds not just in criminological research but also in music, literary studies and adult education. As members of that group we strongly felt, and feel, that the multiplicity of perspectives that we were able to mobilise within the research team, and the opportunities for mutual learning that this created, was a really valuable aspect of the experience and one that we would commend to future researchers in the field.

Multiple methods of evaluation were used including: focus groups with prisoners; interviews with prison staff, Learning Centre staff and arts practitioners who led the projects;

confidence and literacy questionnaires for prisoners; session review forms from arts practitioners; education enrolment data from the Prison Learning Centres; behaviour data collected by the prisons; a case study and follow-up telephone interviews with participants who were released.

Not all these methods turned out to be equally useful. Those that proved most productive were able to reveal something about the dynamics of people's engagements with the projects and their own sense of the benefits that their involvement may have had for them. These methods, generally ones that demanded the researcher's presence like interviews, focus groups and the case-study, allowed us to go some way towards our hope of capturing what went on during the Inspiring Change programme as well as detailing the thoughtful and self-reflective comments of the actors (literally and figuratively) themselves.

The more quantitative and documentary data (intended to provide indicators of subsequent conduct or outcomes) were in the end less robust and less systematic than we would have liked, and so provided less safe grounds for drawing conclusions. These indicators tended to be drawn from data collected for other purposes or to be reliant on the input of people other than the researchers themselves (busy people with other priorities). We therefore have great data on what happened during Inspiring Change and on what it meant to many of those involved, but only fragmentary and suggestive material on what that signified in the lives of those people, or those institutions, thereafter. Unfortunately our project has this in common with the overwhelming majority of research on the arts in



It feels like im getting nowhere.

*Participant Inspiring Change, NGS Project
HMP Barlinnie, © Kevin Reid 2011*

criminal justice to date, where there is rarely time or a budget to follow-up meaningfully. One thing we learned is that the way in which the arts are taught in prisons is crucial to how prisoners engage and benefit from the sessions. As described in the final report (Anderson, et al., 2011), many of the prisoners reported that they valued the level of professionalism demonstrated by the arts practitioners, and appreciated being treated as artists in a collaborative project and not as prisoners. They also noted that the experience of making an individual contribution towards a final group goal was positive, an opportunity for feeling like a 'normal' person rather than a prisoner.

MARK: It also changed your thought. Instead of thinking like a prisoner it also got you thinking again like a normal person.

INT: When you say thinking like a prisoner, what do you mean? Like, I don't...

MARK: Instead of thinking about yourself, right? Which is in here you look after yourself first and that. You're thinking about yourself but you're also thinking about the group as a whole.

Citizens Theatre, Barlinnie

DAVID: We liked coming up, didn't we? It changed after a while.

JASON: It got better.

DAVID Everybody got into what we were doing.

INT: How did it get better? How did it change?

JOHN: We started enjoying it.

JASON: The group started getting better.

DAVID: And everybody started trying.

GAVIN: You got confident with each other and your singing and that.

JASON: I think we started getting a bit more confident with each other.

DAVID: It was brilliant, man.

National Youth Choir of Scotland, Polmont



Inspiring Change, National Youth Choir of Scotland, HMP YOI Polmont

The arts programmes tended to focus on prisoners' strengths instead of weaknesses. In a final project, in a play, concert or art piece, participants were able to share their performances and artworks with their families by means of performances in the prison and an exhibition at the National Galleries of Scotland in Edinburgh. Positive benefits gained from participating in the arts projects included the development of new skills, establishing new friendships with other prisoners in the projects and involving family members in final performances.

INT: [Referring to meeting families after the performance] Would you say it was a different kind of visit then?

MIKE: Oh, aye.

ALEC: It was a different atmosphere.

MIKE: A different atmosphere.

ALEC: It was almost like you're family were coming to visit you at the end of your shift at work.

Citizens Theatre, Barlinnie

The warden was there. All the social workers were there. There was other people there. And it all came together like a proper concert. Your family could come in. I thought it was fantastic. Very good.

Scottish Ensemble, Polmont



Inspiring Change, Citizens Theatre Platform 2:10, Cast HMP Barlinnie, © Tim Morozzo, The Herald

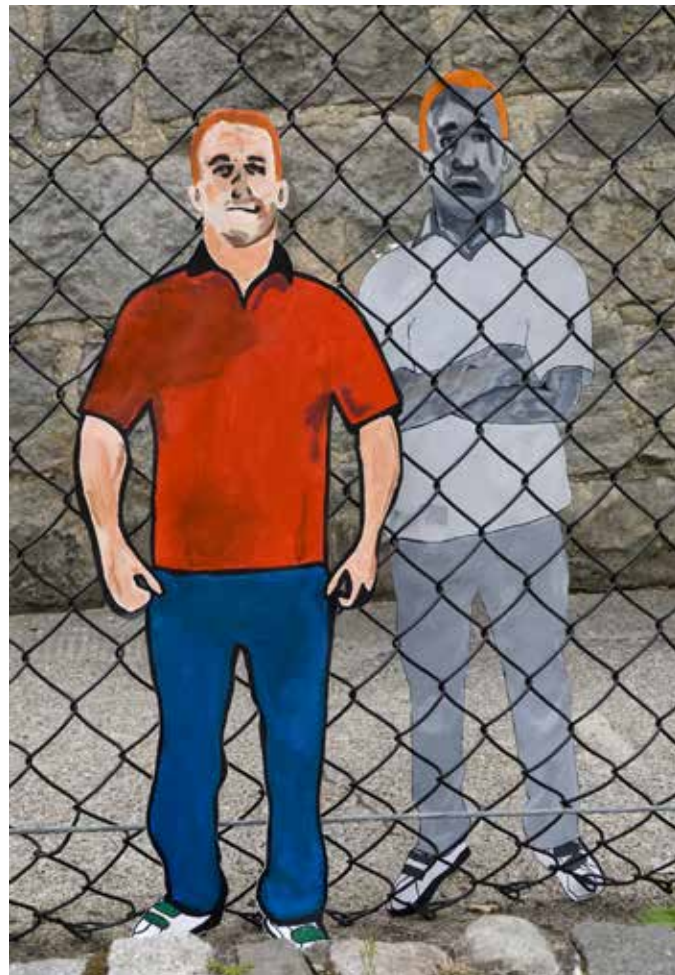
Despite being widely praised by participants and artists, there was some evidence in our research that interventions were at best patchy in engaging other people working in the prisons, such as the Learning Centre staff and prison officers. We need to think about how treating prisoners as serious students and co-producers of art can sideline or even deskill people working in the prison itself. We need to recognise that even a well regarded arts programme may do nothing to enrich these people's experience of the environment that they share with prisoners, nor enlist their participation and enthusiasm. At a moment in the development of penal policy in Scotland where "unlocking the potential" of prison staff to understand themselves as agents of change has become an urgent priority (Scottish Prison Service, 2013) this is an issue that demands thoughtful attention.

Our work on Inspiring Change was conceptualised in relation to theories of desistance, understood as a demanding and non-linear process of change achieved through a hopeful orientation towards the future (see the previous issue of SJM on the theme of desistance).

If future work on arts and justice really aspires to illuminate the question of change, it will need to be ambitious in its engagement of all of the prison's population, and be funded to allow for following the projects and prisoners out into their communities. There is much to be said for a longer, deeper and more intensive involvement by researchers with the lives and experiences of those engaging in artistic production in prisons, both for understanding its contribution over time to life within the prison and, yet more importantly, life beyond it.



Inspiring Change, All Drawn In 2010, NGS Project, © Fraser Gray



Inspiring Change, Participant, NGS Project HMP Shotts

Anderson, K., Colvin, S., McNeill, F., Nellis, M., Overy, K., Sparks, R. and Tett, L. (2011a). *Inspiring Change: Final Project Report of the Evaluation Team*. <http://www.artsevidence.org.uk/media/uploads/evaluation-downloads/mc-inspiring-change-april-2011.pdf>

Scottish Prison Service (2013) *Report of the Scottish Prison Service Organisational Review*. APA Group.

Note: The research team comprised Kirstin Anderson (University of Edinburgh, music), Sarah Colvin (then Edinburgh, now Warwick, literary and theatre criticism), Fergus McNeill (Glasgow, criminology), Mike Nellis (Strathclyde, criminology), Katie Overy (Edinburgh, music), Richard Sparks (Edinburgh, criminology) and Lyn Tett (Edinburgh, community education).

We are grateful to have worked with such a diverse and talented group, though the views, opinions and of course errors in this article are the responsibility of the authors.

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Kirstin Anderson is a researcher with the SCCJR. Her focus is on arts in prisons, and training and development for staff, teachers and arts practitioners working in prisons.



Halden Fængsel, Østfold, Norway. Erik Moller Architects

SHOULD PRISON ARCHITECTURE BE BRUTAL, BLAND OR BEAUTIFUL?

Yvonne Jewkes and Dominique Moran

IN 2013 the Ministry of Justice for England and Wales announced proposals for a new prison holding up to 2,500 inmates, to be constructed in Wrexham, north Wales. Built on the site of a former tyre and rubber factory that previously provided employment in the area, the planned privately run facility is due to open in 2017. When Wrexham was announced as the ‘winner’ of the competitive process to get the new ‘super-prison’, many local councillors treated the news as if they had won the lottery which, in a sense, they had, as the new prison is expected to create 1,000 jobs and bring £23m a year to the local economy (BBC News, 2013). Drawings and plans of HMP Wrexham show that it will look virtually identical to other recently built prisons in England and Wales: so dull and characterless that it practically disappears.

What do these large, bland warehouses say about society’s attitudes to prisoners? Differing so markedly from the heavy, decorative symbolism encrypted in the designs of nineteenth century prisons (which were modelled largely on medieval dungeons and Gothic palaces), do these new prison designs have something equally meaningful to say about the boundary between prisoners and community? Might the nondescript external appearance of new-build prisons be regarded as a visual metaphor for the loss of public

empathy for the excluded offender? Do we turn a blind eye to the plight of those confined if we cast an invisible cloak over them with architecture that might most kindly be described as ‘municipal’? These questions are informing a major research project we are conducting called “‘Fear-suffused environments’ or potential to rehabilitate? Prison architecture, design and technology and the lived experience of carceral spaces” (ESRC Standard Grant ES/K011081/1). In this project, we will be investigating how differently Nordic countries have approached prison design compared to England and Wales. Although a benign façade might, superficially, suggest a benevolent regime, it has recently been argued that security within many countries’ penal systems has risen to a level of prominence that eclipses every other consideration, including what it means to be human (Drake, 2012). To illustrate, the designers and constructors of England’s most recent prison, HMP Oakwood, ‘future-proofed’ it (Jewkes, 2014). Although a Category C facility, holding those prisoners deemed unlikely to try to escape, the prison has been built with all the security paraphernalia of a Category B institution, designed to hold prisoners for whom the potential for escape should be made very difficult. The rationale is that, if at some point in the future, it needs to be used to accommodate high security inmates, it

can do so without the need for expensive retro-fitting of security.

As a facility that accommodates up to 2,000 prisoners relatively cheaply (that is, £13,200 per inmate per year as opposed to the England and Wales average of £21,600 per year for Cat C prisoners and £31,300 for all prisoners) the G4S run Oakwood has been lauded as a 'model' prison by the Secretary of State for Justice. In a sense, it is a showcase prison used, by the government that commissioned it, as a symbolic manifestation of its penal policy and philosophy. However, in recent months, the relatively minor difficulties that it reportedly was experiencing (passed off as 'teething troubles') have escalated significantly, causing alarm among residents living nearby. The local newspaper, Express & Star, reported in January that the prison "has dominated the lives of people here since it was first mooted more than four years ago... Now it looms over them both physically and emotionally".

The relationship between a prison's physical appearance, layout and location and public feelings about offenders and punishment is a neglected topic we will be interrogating in our research. Several commentators have focused on the traditional opposition of communities to location of prisons in their midst, based on concerns similar to those expressed by Oakwood's neighbours; that a prison lowers property values, increases levels of crime, endangers residents' safety, attracts 'undesirable' elements and damages the reputation of the area. But increasingly, this resistance is tempered or submerged by the demands of local councillors and business leaders for the building of prisons to stimulate local economic development.

In this sense, Wrexham's perceived need for the generation of profit through punishment is following the lead of many small rural towns in the US, where policymakers are actively locating prisons in 'lagging' communities. It has been suggested that policymakers in states including California, have located 'inferior' public facilities in less affluent communities because there was less 'NIMBY' protest than in prosperous neighbourhoods and because, unable to attract private commerce, these areas are seemingly more willing to accept opportunities 'discarded' by others.



Correctional facility, Nuuk, Greenland. Schmidt Hammer Lassen Architects.



Halden Fængsel, Østfold, Norway. Erik Moller Architects

A different approach

Prisons such as those in England and Wales are not the only facilities held up by the governments that commissioned them as models which communicate something of their countries' attitudes to offenders. When Halden prison in Norway was opened in 2009, its Governor told *Time* magazine (Adams, 2010) that Halden was proud to be called "the world's most humane prison". The first prison to employ interior designers, Halden's varied colour palettes, natural construction materials, emphasis on maximising daylight (there are no bars on any windows) and location in a scenic forest might be regarded as a physical manifestation of the Norwegian prison system's focus on "human rights and respect" (ibid).

Now, a number of other countries are following Norway's lead and building humane, sensuous, architecturally innovative facilities. In some cases, this approach goes well beyond avoiding an institutional feel and aims to design prisons that, perhaps not uncontroversially, might be described as beautiful. Architects' websites give a flavour not only of the leading-edge designs being employed but also the penal philosophies underpinning them. For example, a new state prison on the island of Falster in Denmark is to be built by architects C. F. Møller. They say:

we have deliberately created a very varied and stimulating environment of different spaces and landscape features - hopefully this will contribute to the re-socialization of the individual and to create renewed confidence in the community and mutual respect for society as a whole

(<http://www.dezeen.com/2011/01/07/danish-state-prison-by-c-f-møller/>)

Another Danish architectural company, Schmidt Hammer Lassen, has won the competition to design Greenland's first closed prison (Nuuk Correctional Institution) which aims to be the "world's most scenic prison". Set within a stunning, rugged landscape, the prison will exploit the "contrast between the rough and the beautiful":

The whole idea behind the project is to add qualities to the complex that will enhance rehabilitation and diminish physical and psychological violence... The thought process behind this is that access to nature – watching the clouds, birds, daylight, weather and so on, can aid in rehabilitation

(<http://www.archdaily.com/375056/ny-anstalt-correctional-facility-winning-proposal-schmidt-hammer-lassen-architects/>).



Closed State Prison, Falster. CF MØller Architects.



Conclusion

Whether aesthetic considerations in their environment are significant matters of concern to prisoners is a moot point, although plenty of prisoner autobiographies suggest that architecture and design are intrinsically related to the pain and harms inflicted by incarceration. Meanwhile, the heated discussion that accompanies proposals for any new prison suggests that architectural and aesthetic considerations matter to most people in the wider community. Of course, it is not just a prison's external appearance that elicits controversy, and public opinion about what a prison should look like may be complex and conflicted, with tensions surfacing between a desire to make prisons look like places of punishment and a more self-interested desire to allow them to blend unobtrusively into their surroundings. Bland, functional, and sometimes austere, the aesthetics of the new prisons in England and Wales succeed in communicating authority, efficiency and, above all, security, but do not possess qualities that might be interpreted as human or humane, far less enriching or beautiful. We wait with interest to see how Scotland's new prisons, informed by a 'community-facing' agenda, respond to the divergent approaches of its Nordic and southern neighbours.

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Yvonne Jewkes is professor at the Department of Criminology, University of Leicester.

Dominique Moran is senior lecturer at the School of Geography, Earth and Environmental Sciences, University of Birmingham.

THE JOURNEY

CO-PRODUCTION AND PERFORMANCE IN CRIMINOLOGICAL RESEARCH

Lesley McAra

IN THIS ARTICLE I explore some of the ethical, practical and intellectual challenges in undertaking 'co-production' in criminological research, and of utilising 'performance' as a mode of researcher engagement. It takes as its focus a small-scale study about the lives of members of an inner city Community Project offering services to the homeless and those who face 'deep social exclusion'. The study is part of a broader research programme aimed at understanding the dynamics of community well-being (Global Justice Academy).

The ethos of this programme is to conduct research with, on and for the community; partnering the University with the community and utilising the University's 'institutional capital' (resources, authority, voice) to promote positive social and political change. Engagement and outreach work are treated as fundamental to this research process (not simply the end point).

The research journey

Our work involved life-mapping interviews with 20 participants (which took place over the course of a year), the construction of a performance around people's stories, and an ongoing photography project of places, objects and people that were of significance to participants on the theme of 'life in a day'.

Interviews

We co-constructed life-maps with participants first by drawing a circle in the middle of the map to symbolise 'this is me now'. Participants were invited to talk about their earliest memory, with the mapping flowing from there. Some interviews lasted 45 minutes, others several hours, some went on for several weeks.

Our team was given a weekly slot in the programme of activities, and the members who regularly worked in the Project kitchen began to nurture us: baking special cakes, making endless cups of tea, recruiting participants for us, as well as becoming participants themselves. Our assimilation into the group reinforced a key insight: that food (its sourcing, preparing, serving, and sharing) is an important conduit for building and asserting a sense of community. Its exchange formed a bond of trust, which supported the collaborative dynamic of the research. Small gestures matter.

Performance

It was agreed that the created performance would form part of the opening ceremony for the Project's refurbished building at which a Cabinet Secretary was to be present. This element was immediately dubbed: 'Making the Minister Cry'!

We worked for ten weeks with Emma Hagen, a drama artist who had experience in supporting people with mental health issues and learning difficulties. Over this period we explored particular moments in all of our lives (including the lives of the research team, again crucial in terms of building trust), and took on the roles of both actor and director. As director, participants were given the opportunity to create scenes; positioning actors, delineating action, giving people lines/ words and directing the way these had to be delivered. Much of the material was not used in the performed play (which focused on positive themes) and not everyone wanted to take part in the final performance. Consequently, the process of co-construction was of equal (if not more) significance in terms of researcher insight, than the final performance itself.

The emotional and emotive nature of the life journeys meant that many of our weekly workshops were highly charged. Three specific scenes stand out, not all of which were included in the final production:

- ❖ **The three ages of women:** this scene was so emotional that it was only ever performed once. It involved an actor upstage crouched on the floor with hands over her head (the abused child); an actor on her knees in the middle of the stage with hands over face (the lost teenager); and an actor standing downstage with arms outstretched (signifying a tentatively positive future).
- ❖ **Rage:** this scene evolved after a challenging encounter within the group. The drama artist persuaded the protagonist to create a scene to explain the anger. Four actors were positioned on the edge of the stage to be gravestones. The protagonist then pointed at each in turn, shouting: 'You are my mother, my auntie, my sister, my child. I've been left behind. It's your fault'. A despairing fugue then followed about loneliness and lost love: the first time any of this had been disclosed.
- ❖ **Freedom:** the participants were asked to embody what the Community Project meant to them. One stood stage-centre, raised his arms and filled the space with a primeval roar; the sound signifying release, joy, empowerment, moving into the light. Silence followed: the hairs stood up on the back of our necks, an extraordinary moment.



One stood stage-centre, raised his arms and filled the space with a primeval roar; the sound signifying release, joy, empowerment, moving into the light. Silence followed: the hairs stood up on the back of our necks, an extraordinary moment

Co-production: risks and rewards

The combination of life-mapping with performance enriches understanding of vulnerable populations. The exploration of key episodes in the performance element added greater insight to the same material disclosed in interview: moreover some highly revelatory stories were only disclosed during the intensity of the performance workshops. As a medium for the expression of experience, drama is very powerful. Gestures, the positioning of actors, the visual and physical symbolism of acting, all have immediate resonance.

The histories and extreme vulnerability of the participants meant that co-operating in a group (listening to, and giving space for, each other's stories) was in itself challenging. Some were terrified of standing on the stage, others could not bear attention to be diverted from their stories. The ebb and flow of creativity was both exhilarating and exhausting.

Inevitably, a different type of rapport was built up compared to the traditional research encounter: creative performance is more interventionist, there is a need for more careful boundary setting, to negotiate limits of action, to gauge when to push an idea further or when to pull back. The formerly dyadic relationship I had with individual participants gradually shifted to a somewhat fragile group identity. Connections and disconnections within the group shaped the process of performance production, and yet at times were too painful to disclose. Power dynamics within the group shifted over time and tensions arose as a result of events beyond the study. At one point the behaviour of a participant became so problematic it might have led to expulsion from the Community Project itself. The research team discussed whether or not to abandon the study, reflecting on the dangers of 'meddling' and the unintended consequences of driving a risky endeavour. Fortunately the key worker, one was always present, dealt with the situation in ways that empowered and supported.

In co-creation and co-production the researcher goes on an emotional journey and is faced with dilemmas about how much to disclose of their own lives, how to sustain critical distance when working through intimate experiences, how to negotiate the bonds of trust that develop in the course of the weekly performance workshops, how to leave the Project and these bonds behind. This of course is much the same journey as that of the participants. In negotiating exit, we held a post-performance workshop to debrief. The ongoing photography project also enables gradual emotional disconnection and distance.

Early findings

The findings, thus far, chime with much that is known about socially excluded groups. Participants were characterised by lack of stability: journeying within and across cities, families, and work. Fathers featured in many narratives: as figures of violence and conflict or through their absence. Participants experienced long-term loneliness and isolation. Many were afflicted with mental health problems. Schooling was experienced as profoundly exclusionary. Of those who had experience of homelessness, all talked about the poverty of emergency accommodation, with bed and breakfasts described as 'squalid' and 'like prison'.

A common finding was that critical moments, often in the adult years and not always of their own making, led to disconnection: examples cited were bereavement, violent victimisation, being 'locked in a dark place'. Most participants could be described as 'clinging to the edge': there was an imminence of crisis within their lives. Low-level crime made life bearable (stealing alcohol and cigarettes). For the most marginalised, offending became a core aspect of resilience.

Concluding thoughts

It became clear that creativity has a key role to play in healing and in promoting social inclusion: 'making' and 'doing' is about 'becoming'. In this way, co-production has immanence as a mode of inquiry and of therapeutic interaction between the researcher and the researched. The inevitable blurring of boundaries, however, is ethically and emotionally challenging.

In the final scene of the public performance, one of the participants stood downstage, in front of over 100 people, and proclaimed: 'I'm proud of myself'. I don't know if the performance made the Minister cry, but, as one of the end points in our collective journey, it made me cry.

Global Justice Academy [<http://www.globaljusticeacademy.ed.ac.uk>]

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Cast, HMP Perth,
Royal Conservatoire of Scotland

EVERY PERSON, EVERY VOICE

AN EXPLORATION INTO THE MAKING OF DEvised THEATRE IN PRISON

Jess Thorpe

To Devise: *to plan or invent (a complex procedure, system, or mechanism) by careful thought.*
(Oxford English Dictionary)

DEVISING THEATRE is essentially the process of creating something new from scratch. Its power is in its infinite possibility and the opportunity it offers individuals to experiment with ideas of content, form, structure, staging and new styles in order to 'make' a brand new piece of work.

For the past five years I have worked as a Drama Tutor in HMP Perth, during which time I have led various groups of male prisoners in the process of devising their own theatre work from their own ideas. Each group begins from the same place, with no pre-determined idea, no characters, no script, tasked to make a piece of original performance that will be shared with an invited audience. It is explained that it will be collectively authored and will belong to everyone. The result will be a collage of ideas from everyone and that the process of making this work will be as much part of the experience as the final product.

On realising that there is no script, participants new to this way of working can often question the outcome of the process expressing that they don't know 'how' to make a performance and feel that they would be much more comfortable being told what to do. It is a common reaction in a prison context (and indeed other contexts) and comes from an entrenched fear of 'getting it wrong' with a firmly held assumption that the teacher knows best. And yet as arts educator with a belief that it is not possible to 'fail at creativity' I encourage the group to consider that the lack of pre-existing instructions can be both a strength and an opportunity. It means that what we will make together is unwritten and will come out whatever they find interesting, whatever they would like to explore. It means that they are the artists.

Another defining characteristic of the devised process is the emphasis on the 'ensemble' and the importance of collaboration. The class in HMP Perth is led from the foundation that this is

not a theatre of 'main parts' or competition but instead of community and dialogue. The strength of the work try and make together is that every voice is heard and every participant is involved in what is being created. These ideas are arguably radical within the context of a prison, for as one participant reflected after taking part in one process, "it's a different way of behaving because in prison you need to always be looking over your shoulder". In this sense we are also opening the possibility of drama as a non-competitive, non-confrontational space and embedding the understanding that in order to achieve in this environment it is necessary to work together with others and not against them.

Alongside the core values of collaboration, ownership and authorship 'devising' also offers a fluidity that allows for a variety of different learning styles. Creative success is not reliant on the ability to be able to sight read large passages of text or accurately convey character but instead celebrates the qualities already present in the individual as a place to begin. This enables each member of the group to explore how they best communicate, whether it be through movement, text or music (as examples) and provides a way for each contribution to add to the overall development of a piece of original theatre.

As an Artist and Facilitator I believe that Art is the tool that we use to reflect on our experiences and the way that we make sense of the world that we live in. It is essentially a social practice; one which connects us to other human beings and explores both what is personal and universal in all of us. It is for this reason that I remain passionately committed to the place of art in context of prison and as part of the larger process of rehabilitation and re-integration into society. For the drama class in HMP Perth, devising theatre has been a way to explore these ideas both through the action of 'making' new work but also through the radical community of practice built as a result of the creative conversation.

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MUSIC IN SCOTTISH PRISONS:

A NEW DIRECTION?

Kirstin Anderson

ONCE VIEWED as a 'harmless' activity for prisoners to pass the time, the role of music in prisons is now recognised as a practice whereby prisoners can engage in stimulating, creative project-based initiatives where they can develop various skills that often act as a catalyst for personal change (Clements 2004, p. 170; Van de Wall 1936, p. 142). Music is used in Scottish prisons in a variety of ways and in different spaces. Formal classes in music are offered in many Scottish prisons through the Learning Centres and can include group and individual and group lessons in playing instruments (mostly percussion and string instruments), using music composition programmes (i.e. Garageband) and singing and listening to music. In addition to the Learning Centre, music can also be played in other spaces such as the Links Centre and in prisoner's individual cells (Anderson 2011).

Miles and Clarke (2006, p. 5) found that "arts interventions in prisons and resettlement are particularly good at fostering the kinds of personal and social resources that open avenues to further learning and underpin attitudinal and behavioural change". Playing music in a group is an activity that takes trust, communication and a sense of humour, giving prisoners the opportunity to interact socially (Digard, Graf von Sponeck and Liebling, 2007). The experience of participating in a music project is not only a potentially enriching one, but it can also present a vital opportunity for prisoners to develop social and personal skills that they can use in other areas of their lives in prison and once they are released. Further work



Participants, Inspiring Change, National Youth Choir of Scotland, HMP YOI Polmont

is needed to explore how music can play a role in the development of relationships between prisoners and prison staff (and prisoners and their families) and act as a catalyst for developing a more positive prison environment.

A small-scale survey carried out with Learning Centre managers in Scottish prisons in 2008 showed that every prison in Scotland has offered some type of musical activity for prisoners at some point since their inception (Anderson 2011). There are two ways in which organised music activity or programmes can be found in Scottish prisons currently: 1) music is offered as part of the education curriculum by a contracted education provider or 2) the prison service hires outside organisations, mostly charitable or independent groups, to come into the prison to provide music projects for a specific amount of time. Contracted education providers have also hired outside organisations to run programmes in conjunction with their own programme delivery.

Two of the most striking findings to come out of this work are that most music tutors who work in prisons have no formal training and development to support such work in a specific closed environment, and further, that there is no support network in place for this unique group of music tutors and practitioners to collaborate and develop new skills together, challenges that are still present in 2014. Additionally, there is still a lost opportunity for collaboration between music tutors based within the prison education centres (or Learning Centres as they are called in Scotland) and outside practitioners and organisations. Vox Liminis, a new organisation founded by Alison Urie in 2013, is making strides

towards collaboration with New College Lanarkshire (which provides education in half of Scotland's prisons) and the Scottish Prison Service (more on p.23). SPS has recently outlined its vision for substantial organisational change, and the work of Vox Liminis is an example of the type of innovative projects which will be necessary to support this change and enhance Scotland's reputation for innovative opportunities for prisoners and prison staff through arts engagement.

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Vox Liminis www.voxliminis.co.uk

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Like Stuart in the story, who asks 'What'd I do?' having questions is not a comfortable place to be. It reveals ignorance. But Stuart and Claire take their fair share of questions; they're both in the dark. So when students in a reading group ask questions, they ask the teacher, each other, themselves. In the process they reframe the familiar, humiliating power relationship between the questioner and the respondent. In reading, it's the questioner who has power. A good question can take us to the heart of the story. Whereas prisoners are used to being the respondent, in reading they learn to be an active audience. They develop a quality of attention that is curious, and careful; they learn how to formulate accurate open-ended enquiries.

Building skills as an audience is crucial. One could argue that reconstruction as an active audience is integral to rehabilitation. So, awareness of the consequences of their actions; of the victim's suffering, the plight of families of victims, the impact of their crime on communities all grow from an awareness of their audience.

Prisoners are watched all the time. They are unwilling performers to an avid audience of prison officers, governors, social workers, psychologists, even teachers. They're watched to see if they're breaking any prison rules, to see if they're behaving themselves, to see if they're expressing appropriate or acceptably docile emotions; remorse, sorrow, self-dislike. They're watched to see if they're developing any unacceptable feelings; resentment, anger, hatred. They're watched for signs of change: the good kind, the kind of change that transforms them into law-abiding citizens and the bad kind, that sees them harden into eternal criminals.

Prisons, for all they are shut off from the real world, for all their seeming invisibility, are public places. Performance, for prisoners, is a constant, painful state of existence in front of an audience wishing to monitor, judge and expose. The constant watching drives prisoners' true nature (the good and the bad) underground. No one is as they seem. They learn how to not be themselves, how to pretend.

Under this strangely public gaze, literature calls for a different kind of audience, one that ask questions. Prisoners can reclaim the role of the questioner and for a different purpose. Not to judge or condemn, but to understand, make sense, even to assert a position.

If reading is about asking questions, is writing about providing answers? Prisoners long to be able to explain themselves, to families and to themselves: to find the answer to the dilemma, how did I get here? Writing offers multiple, possible answers. It understands that as questions can be difficult and complex so can answers. Poetry, in particular, is written with an audience in mind; the loved ones, husbands, wives, partners, sons and daughters left behind. Poems can acknowledge the pain of separation, the disappointment of letting people down, the broken hearts. Yet poems are not just private tokens of apology or longing, they are produced as gifts for birthdays and Christmas, Valentine's Day and Mother's Day, often in the form of a scroll.



HMP Balfour

Scrolls do not offer an 'answer' in terms of a confession or act of self analysis. They are partial in both senses of the word, incomplete and biased explanations. Sentimental, derivative and clichéd, they are not 'literature'. They may be inadequate answers, but they are, for many prisoners, the starting point in a conversation. Writing builds an awareness of a different kind of audience. Not the vigilant, scrutinising prison audience, but the audience they will all return to, their community.

STIR magazine, a cross-prisons creative arts publication, was established in 2012 to publish a selection of prisoners' writings and visual art and to provide prisoners with a different kind of audience. The name was chosen by prisoners for its dual meaning: a slang term for prison and as the verb to disturb, move or set in motion. *STIR* sought to create a public audience for prisoners' creative work. It also sought to engage prisoners with each other, through their writing and art work, in a different, more reflective way. It is run by a group of long-term prisoners, who established the magazine's identity, choose the theme for each issue, select work to be published and offer feedback to the unsuccessful.

Prisoners become active audiences by asking questions. The passive audience does not challenge, interpret or ask questions. Prisoners join reading and writing classes well-used to being a scrutinised 'text.' They are used to being asked questions, not to asking them. They are used to being watched, not to watching, to being read, not to reading. To having their experiences, lives and personalities written about, not to defining or describing their own selves.

STIR can aim to achieve two things in this regard. Through its editorial team it can become an active, questioning audience for the writers and artists submitting their work. It can investigate the nature of 'true honest judgement.' To its readers it should offer the kind of creative work that demands an active audience; one that questions; probes, responds. Above all, it will be a success if it encourages enquiry, if it risks asking the questions to which there may only be complex answers demanding yet more questions.

Raymond, Carver, 'So Much Water So Close to Home,' in *Beginners* Random House, London 2009, 114-133 and

Raymond, Carver, 'So Much Water So Close to Home,' in *What We Talk About When We Talk About Love*, Random House, London 2003, 67-74 (short version)

Ray Lawrence, dir. *Jindabyne*, 2006

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RESPONSIBILITY AND THE 'REAL'

Sculpture and Environmental Art (SEA) Student Placements in Criminal Justice Settings

Paul Cosgrove

HISTORICALLY, SEA has developed its programme around the thinking of the Artist Placement Group, that context is half the work (APG, 1980). In recent years this ethos has grown, and perhaps is as much, if not more, about “bumping into the real world” (Fernández Pan, 2012), in particular through ‘live’ public art projects in a wide range of contexts. The collaboration with New College Lanarkshire (NCL), supported by ArtWorks Scotland (AWS) is an example of how partnership enabled a ‘mass’ placement activity of 15 SEA students in seven Scottish Prisons in all of NCL’s learning centres, not selective of students or learners and not exclusive to one prison setting or another.

A big part of what our students do is ask questions right from the outset about what art is, what does it do, who is it for and why

Motivation for the placements might align with, but was not designed to be part of a social justice agenda; it was not a desire solely for training or employability (Pegg et al, 2012) or creating pedagogic projects as works of art (Bishop, 2012); nor was it showing the artist as problem ‘finder’ or ‘problem makers’, even through they are (Cosgrove et al, 2010). A big part of what our students do is ask questions right from the outset about what art is, what does it do, who is it for and why; rigorously testing their learning and knowledge against processes, situations and contexts. Prisons offered a particular challenge for students in how and where these questions might be asked: the social/political context was heightened through the ‘real’; in this setting there was no sidestepping or bypassing of regulations or rules and no avoidance of responsibility or emotion.

The collaboration was “not centred in the physical condition of a single object or in the imaginative capacity of an individual viewer”; it was “an ensemble of effects, operating at numerous points of discursive interaction” (Kester, 2004: 189). For example, in HMP Cornton Vale, the use of more familiar domestic/culinary skills allowed sharing of knowledge, and culminated in a shared and social event. In HMP Glenochil, collaboration involved learners with students from even wider areas of the Glasgow School of Art, communicating from a distance through a simple exchange of instructions for the making of work, then physically coming together as part of a



GSA Placement Student, HMP YOI Cornton Vale. (Above)
HMP YOI Cornton Vale. (Below)





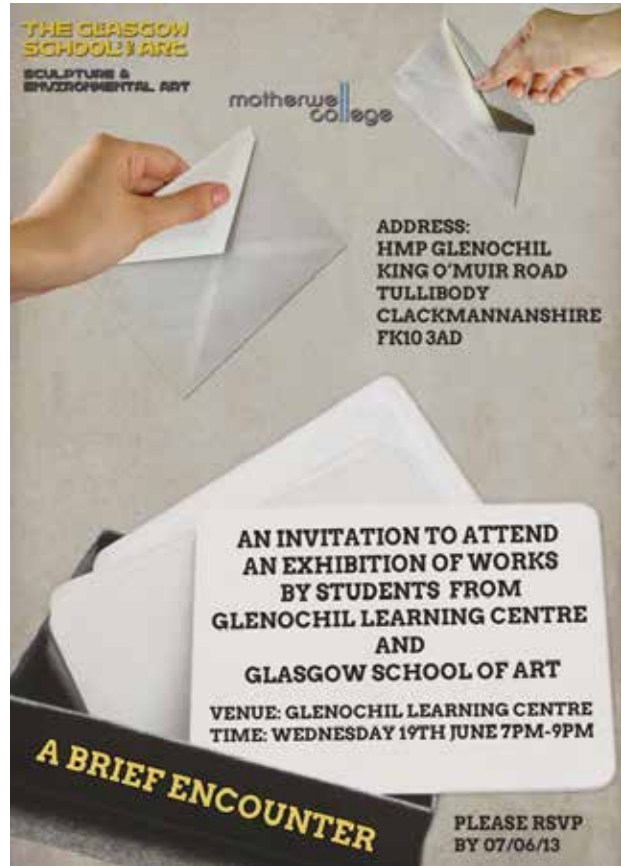
Participant, GSA project, HMP YOI Cornton Vale

shared exhibition. In how and what they did, whether drawing, making, installation, or exhibition and event, students' drew on their own experiences as learners, situating themselves in, as part of the group. This wasn't always straightforward; students, rightly, had to respond, modify and shape what they might have wanted to do in relation to learners' themselves. Research undertaken by AWS offers further insight into motivations for taking part and highlights, in particular the empathy and feelings of responsibility that ran between learners and students. The level of emotion students would feel in this experience hadn't been expected to be "such a massive thing"; planning and organisation, yes, but not the "drowning in thoughts" (Dean, 2013).

The Placement programme was not about students going in and practicing to be teachers or being 'trained' to work in such settings, but doing what they do and sharing the ways they learn in another context. The impact that this experience has had on their developing art practice is palpable. It was made possible through an exchange that was "created in collaboration" and realised through a "reciprocal process"; each feeling responsibility for the other, with not only the artist but all of us having our "preconceptions (about the community or specific social, cultural, and political issues) challenged and transformed" (Kester, *ibid*: 151).



Participant, GSA project, HMP Glenochil



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enhance and reinforce one another, rather than compete. Evening drama classes help break the monotony and the women have enthusiastically engaged with an approach which has allowed them to discuss and develop their own narratives, as well as perform. The project is helping the women to understand how acting is part of life while at the same time deepening their understanding of the solidarity and mutual support they feel for one another.

By joining forces and pooling resources we have been successful in raising the profile of the arts in Cornton Vale and each initiative seems to spark new ideas and enthusiasm for new projects. Initially reluctant contributors to STIR, the women at Cornton Vale have begun to make their mark and the Editorial Board receives increasing numbers of submissions from its female readership. A new collaboration with Stirling University 'Create and Curate' sees the women working alongside poet Evlynn Sharp to write poetry inspired by paintings by female artists in the University's extensive art collection.

Curator Sarah Bromage has helped the women identify works by female artists for inclusion in an exhibition at the prison for International Women's Day. Artist Brigid Collins has begun a series of art workshops focusing on text and texture and resulting in the creation of beautiful poem houses.

The collaboration between prison, artists and teachers has begun to create an energy and enthusiasm for change. In the planning for Freedom to Create one of the women commented: "In here it is always the same, nobody commits, they can't stick at anything, lying in their beds feeling sorry for themselves." There is evidence emerging that the number and variety of arts activities on offer, with their strong links to the wider community and public demonstration of the women's achievements, are helping overcome such feelings of hopelessness and engender hope for the future.

Koestler Trust (2011) "Art by Offenders" Tramway [bit.ly/1ecq12y]

Fine Cell Work [<http://www.finecellwork.co.uk/>]

Kevin Harrison is director of Artlink Central [bit.ly/1lcKPNI] and **Lorna Callery** is manager of the Learning Centre, HMP YOI Cornton Vale.

Kevin Harrison and Lorna Callery

IT WAS NOVEMBER 2011 in The Tramway, Glasgow: the walls were covered with work created by prisoners from across Scotland for the annual Koestler Awards exhibition. Each year work is submitted and curated by an invited group of individuals associated in some way with criminal justice. That year the exhibition was curated by a group of female young offenders from HMP YOI Cornton Vale who reviewed the artwork, interpreting it and selecting the winners. Of hundreds of pieces of art, writing and creative endeavour, there was only one small submission by a woman; an embroidered work by a prisoner supported by Fine Cell Work. The remainder were by male offenders.

The small number of works submitted by women is partly due to lack of resources (Cornton Vale has no dedicated art room) but also reflects a general reluctance by women to engage in the 'arts' as opposed to 'crafts'.

In an attempt to encourage greater levels of participation and raise aspirations, Freedom to Create, a project led by Artlink Central is introducing a range of art forms over three years at Cornton Vale and other prisons where women are held. The initiative seeks to build an understanding of the

connection creativity can play in women-centred criminal justice, by supporting artists to work across the prison, stimulating and involving women in co-designing creative programmes.

In Cornton Vale cultural activities are encouraged by the prison and already given some prominence by the Learning Centre. Just before Artlink's arrival the Learning Centre had hosted a successful placement by students from Glasgow School of Art and held a series of events linked to International Women's Day. The events allowed the women to use art to explore a range of questions relevant to them: what freedoms do we take for granted and which did we forget to ask for?; what is it like to be a woman in modern Scotland? They culminated in a collection of poetry, monologues, fiction and visual art inspired by stories of empowering women, past and present.

Artlink Central has built on that tradition and the early establishment of good working relationships between SPS, College staff and artists has demonstrated what can be achieved when activities are well planned and prepared. Artlink activities take place in the evenings and at weekends as well as during the day, maximising uptake by the women and allowing activities to

WOW

Women Only Workshops Alloa: innovation in community justice and arts for women

Emma Wilson

THE NUMBER of community based settings just for women involved in the criminal justice system could be counted on one hand. The number that are to be found outside of the larger urban centres of Glasgow and Edinburgh are even fewer. The problem is not just about numbers. If we are to really engage with women, drawing them out, building them up, holding them to account, we need to do more than note women's specific needs and differences from men. We need to do something about it.

“I have enjoyed each session. Some days I wasn't wanting to leave the house but the thought of going to WOW group made me get up and go out.”

This is where the Women Only Workshops, and the creative approach which is integral to it, comes in. WOW is a 16-week programme based in the Forth Valley (run by Apex and benefiting from its long term partnership with Stirling and Clackmannanshire Criminal Justice Social Work), designed to be inclusive and accessible to a variety of women in the community. This includes those who are serving or have served community orders, those on release from custody and also those deemed at risk of offending or who face additional and complex barriers to maintaining a positive lifestyle.

After an initial four week period when a staff mentor and the women get a feel for each other and the dynamic of the group, the next eight weeks is the core programme. It is in this second stage that the connection of arts and justice really comes alive, forming a crucial element of the programme. Women participating in WOW are likely to have chaotic lifestyles, face complex issues and trauma, and as a consequence, their ability to attend, engage and concentrate is poor. In addition, the women can be low skilled, face issues with literacy and have low self confidence, all impacting their ability to engage fully. This context dictated the need to offer a diverse learning environment for the women, by balancing delivery of topics such as budgeting or criminal record disclosure with creative activity to promote and sustain engagement. Arts have provided a mechanism to allow women to bring their own skills to the group and to allow others to learn new skills, to reignite their interest and desire for learning



WOW, Alloa.

generally and to improve self confidence through successfully achieving the creation of something.

In one session, the group designed their own personalised 'toolbag'. This became a place to store information and advice gained throughout WOW, with each woman deciding what was important for her to keep whether a stress management technique or a recipe for a healthy family meal. This proved a simple but a very effective approach for the women to retain what they had learned from the programme, and to take it home with them. More than a container of useful information, it also now provides a memento of a positive and shared experience of making and being in a group.

Another set of sessions sought to re-engage women with nature. In partnership with Alva Ecolodge and taking advantage of our semi-rural location, workshops were held in nature spots of the women's local area. Here, the women composed environmental art through photography and sculpture, using a combination of natural and recycled materials donated by the local recycling centre. An exhibition held in The Hub in Alloa offered a rare chance for the women to receive public attention in a positive light and to see themselves thereby as artists and contributors to the community.

I have learnt to understand you can't change things but it's about how to cope.

The last four weeks of the programme offers a chance to reflect on gains made and work to keep these going in the women's lives after they leave. The women desire to sustain peer support groups and to continue sharing skills, including arts. We at Apex who have been involved in this unique venture have learned that while needs may be easily identified, these cannot be addressed in an isolated or dictatorial way. Arts and the art projects have been a way to get us involved in a shared activity, to see ourselves as both learners and teachers, to develop a foundational layer of curiosity, hope and playfulness. These are as essential to survival as any practical skill.

Emma Wilson is Apex Scotland's service development manager: Forth Valley & Tayside.



COMMUNITY JUSTICE AND ARTS: CONNECTING PEOPLE

Justina Murray

“BUT WHAT ABOUT THE COMMUNITY?” I wailed, not for the first time, at another meeting of the national Arts and Criminal Justice Advisory Group in the very cultural environs of Creative Scotland’s HQ in Edinburgh.

I was delighted to be representing Scotland’s eight Community Justice Authorities (CJAs) in this newly strategic approach, and was more than impressed with the achievements of Inspiring Change and other prison initiatives (see Anderson and Sparks p5). But only a minority of people convicted are ever imprisoned: it is only part of the story.

There is no doubt that prisoners’ engagement with the arts can be life-changing, but like so much good work inside, there is such a disconnect when people walk through the gate. So you have sung in your prison choir, exhibited at the Koestler, completed drama workshops in custody but will your local community choir, art club or theatre group welcome you with open arms and are you brave enough to try?

If we agree that engagement in the arts reduces re-offending and that preventative spending works, wouldn’t we do better to focus arts investment earlier in the justice process?

The joint investment of £330K from Creative Scotland and the Big Lottery Fund in an ‘Arts and Criminal Justice in Communities’ fund was welcomed and a shared vision developed that:

- ❖ More community justice service providers offer arts activities for offenders, people at risk of offending and victims of crime, including young people.
- ❖ More arts programmes are integrated into community justice provision.
- ❖ Artists have increased awareness of community justice services and processes.

To be funded, initiatives had to be delivered in partnership with existing community justice service providers; strengthen community and family bonds; enhance through the gate provision (following people from prison to the outside); and/ or create or strengthen links between existing arts and community provision and prisons.

So far, so good.

A pile of applications was received, but it was perhaps easier than we anticipated to identify proposals which met the ambition of this community justice fund.

We readily assume all things ‘justice’ are to do with police and courts and sheriffs and prisons. The idea that the *community* has a role in justice has been somewhat overshadowed. But we know that the biggest protective factors in both preventing offending and reducing reoffending are in our own homes and neighbourhoods, schools and community centres, colleges and workplaces. This is where both ‘community justice’, and ‘community arts’, have their heart.

The successful proposals ‘got’ this distinction between criminal justice and community justice, and put the community at the centre. They included a community-based arts studio for ex-prisoners; a restorative justice initiative involving the gifting of art work created by the responsible person to the person harmed; film-based storytelling; embedding an artist into a Whole System Approach for young people; a visual, storytelling-based community directory; and mapping referral pathways into community arts provision.

People living under the weight of negative labels have found new, productive talents and roles: for some, it’s the first time they have ever made anything

It was a privilege in writing this article to consult people working in some of these initiatives: quotations are from them.

Our discussions identified challenges in connecting-in a ‘non captive’ population:

“It has been very challenging. ... It’s really hard to get people to turn up consistently and to get people to engage [. . .] I think it’s really hard to achieve in the community to be honest. They have very chaotic and complicated lives, and added to that they might have economic and mental health problems or general health problems”.

Of course community integration is not just an issue for prison leavers but for all those excluded from communities through their crimes. Community-based arts activity can connect people with their geographical communities and communities of interest. For example new film-making skills gave a regular activist “a new way to have his voice heard” through filming local protests against the bedroom tax. This connected him and his colleagues into community activity and networks. Similarly the gifting of artwork to victims helped both individual and community healing in a remote rural community, where:

“One of the surprising things that came out of that was how well received it was – it has made a difference . . . It’s very powerful . . . The nature of a small community is that people talk, someone who’s received a gift will talk about it”.

Linking people into mainstream local arts activity is not easy, not least because “even if you signpost into the community, they are very unlikely to turn up, as most activity is very middle class”. Nonetheless several people had been linked into local theatre groups, community choirs, film-making courses and community projects. One initiative included a programme of supported cultural visits. Service users chose an Edinburgh Fringe show (involving their first ever visit to their capital, only a short train ride away): a “very difficult to watch” monologue piece about a woman awaiting sentence for infanticide and “they haven’t stopped talking about it, that was very powerful”.

Partnership working was identified as more naturally achieved in the community than custody, including opportunities for joint training and decision making, with further benefits:

“Partnership is the key to success of the project, and during the workshops all partners have to participate so that none of the young people can opt out . . .”

While it is still far from routine for artists to be integrated “into the mix” of wider justice teams, the benefits are clear for practitioners working with the hardest to reach. Rather than a luxury or ‘add on’, this can be a complementary resource where “each is valued equally”, giving practitioners new creative skills.

“It seems like a real expense, resource-wise, to have an artist and a social worker working alongside each other with a young person, but it needs that collaboration . . . An artist can start to generate an idea with a young person and can keep developing it and generating it to become a finished piece of work. Whereas the partner organisation [. . .] can of course support the young person in other ways.”

A real depth of involvement was possible. For example, in the restorative initiative a young man diverted from prosecution worked for a year creating a garden bench for the people he had harmed. Similarly work was undertaken with the people harmed so both parties were ready to meet when the gift was made.

Creative approaches can reshape traditional justice relationships. When ‘Brushed Up Productions’ (a group of people serving Community Payback Orders) filmed an interview with Sheriff Lindsay Wood in Glasgow Sheriff Court, their difficult memories and experiences of court were replaced

by “a very different experience”, with court staff taking them seriously in their creative roles and accommodating their production requests. The images of this professional group of film-makers hard at work in Sheriff Wood’s court, and the atmosphere of mutual respect provide powerful testimony.

Whilst it’s too early to say that these initiatives have reduced reoffending, there is little doubt that participants are “in the middle of a journey”, developing “a better frame of mind”, and even moving closer to a new and better life. With no guarantee of “stories of triumph over adversity”, participants are described for the first time as “animated”, “really proud”, “enjoying it”, “enthusiastic”, “connecting up to potential work and employment, developing skills”.

People living under the weight of negative labels have found new, productive talents and roles: “for some, it’s the first time they have ever made anything”. They are recognised as producing work of real artistic merit, and for the artist “she doesn’t know what their crimes are and it’s not important to her”.

“It’s one of the few activities that partners have managed to get young people to engage with. [. . .] It could be seen to be a luxury to have an artist work individually or with a small group of people but nothing else has worked for this group to date.”

Looking ahead, many initiatives continue to be plagued by short-term funding, a focus on outputs not outcomes, and the common experience of funding ending just as things are flourishing. “More time” is a common request, as “follow-up is very important, but it gets forgotten”. Support for permanent coordinating roles was suggested, similar to the network of ‘Active Schools Coordinators’. These ‘cultural health visitors’ could play a valuable role in connecting people. Participants are confident that the programme is value for money and does work.

The focus of this Creative Scotland/ Big Lottery Fund investment on integrating arts initiatives with existing community-based services, partnerships and strategies is a key strength, and both investors should be congratulated for pursuing this more strategic and sustainable approach. But with the clock ticking quickly towards the end of this funding stream in March 2015, and the opportunities offered by the upcoming justice redesign, it is a good time for all of us to acknowledge the value of fully integrating and mainstreaming community arts within community justice.

Many thanks to those who assisted with this article including Lisa Kapur Forde, Falkirk Community Trust (Streets of Falkirk); Elspeth Winram, Aberdeen City Council (Step Change); Laura Black, Media Education (Shared Sentences); and Clair Aldington, Shetland Arts Development Agency (Space2Face). All interpretation and any errors remain the author’s own.

Brushed Up Productions’ films at: <http://brushed-up-uk.tumblr.com/>

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JUSTICE WITH OR JUSTICE FOR?

Alison Urie

HOT CHOCOLATE TRUST is a youth community organisation in Dundee's city centre. It is a place where people make and eat food together, make music together, make films together and re-imagine the city together.

It is also a place where young people show up with their life in a bin bag, emerge from the toilet with two lines on a pregnancy test kit, run for refuge when their girlfriend's older brother is in town to batter them, and show up en masse when their friend commits suicide.

We started as a few friends in our early 20s with an interest in youth work getting to know the young people that hung about Dundee's city centre, sharing hot chocolate together on cold winter days. Hot Chocolate quickly became a place of creativity and community. Determined not to put on activity for young people, but to get to know them and facilitate the opportunities they initiated, it has grown through the hospitable fusion of clashing cultures.

The young people were in bands and had nowhere to practice: together we made part of the Church building where we gather into a practice and gig space. They were getting charged for breach of the peace skating in the city: we worked together with designers to shape an outdoor skatepark. They were passionate about drawing and photography but getting kicked out of school: we worked with local artists to create a massive artwork hoarding to put in front of the recently demised Fopp in our neighbouring shopping centre. The social issues stemming from poverty were writ large, but rather than put on sessions on drugs, safe sex and alternatives to violence, we wrote songs on 'war and peace', made films on themes of identity to screen publicly, and made a cardboard city dreaming of the Dundee we all wanted to work towards living in.



Hot Chocolate is a place that is 'strangely educational', in the words of a young person. Two-way learning and research is embedded in everything. Constant honest reflection on practice and capturing of journeys is carried out in the most creative ways possible. And before embarking on anything, always asking 'what kind of day is it today?', and 'are we putting on activity here, or letting others create and learn through making it themselves?'

This is no great utopia. It is a place of grit and grief and frustration. But it's a place of hope, where creativity and imagination for the sake of social change are worked out in a context of *living with* rather than *doing for*.

As one of those 20-somethings in on the first mug, Hot Chocolate marked a formative 10 years of my life. It continues to go from strength to strength now, some 3 years after I have moved on. Nothing of the principles described above have been lost in what it is today, having only matured and developed.

This is no great utopia ... but it's a place of hope, where creativity and imagination for the sake of social change are worked out in a context of *living with* rather than *doing for*.

I am now in my first year of a new adventure in Vox Liminis, it leaves ingrained in me a set of values that I need to grapple with in an entirely different cultural context.

Vox Liminis is a collection of artists, academics and experienced community workers, developing creative practice in criminal justice. Beginning within the prison context and focused on music, we have run a choir in HMP Barlinnie, and are rolling out a series of short songwriting projects in partnership with prison Learning Centres. We are about to embark on a partnership project with Families Outside in HMP Addiewell, making music with imprisoned dads and their children. In time we plan to develop sustained projects within prisons, growing work that stretches between the world inside and outside prison, in partnership with community-based justice and arts practitioners.

Vox Liminis are also hosting a series of conversations between people with convictions, artists and academics in a project called Distant Voices, exploring the place of the arts in developing public dialogue on matters of crime and punishment.

It is based on the belief that through the arts, people connect emotionally with themselves then others as they discover their own voice. Over time and from the inside out, individuals, communities and wider society can ignite their own creativity to recreate themselves; first imagining, then living a different future.

While work within the prison context may seem far removed from the freedom of the community-based, community-owned place of Hot Chocolate, there are overlapping circumstances and values between Hot Chocolate and Vox Liminis that raise a number of questions in our practice.



Understanding the kinds of backgrounds young people who engage in offending behaviour come from is invaluable insight in being able to treat people within criminal justice as individuals with skills and gifts and potential. There is also something of the liminal space of adolescence, at its best a time to grow and develop through, at its worst a place where people get stuck and can't get out of, which resonates with the liminal place at the margins of our society that prison holds.

I also have a burning sense of justice that, just in the way that many of the young people in Hot Chocolate have been marginalised from wider society, many caught up in the criminal justice system are there as a result of social ills in which we are complicit. The sociologist and prophet Zygmunt Bauman talks of 'human waste', or 'wasted lives' as metaphor for the ostracising of those who are deemed economically superfluous. How might creative arts simultaneously be a forum that lets people in the criminal justice system tell a different story or sing a different song, that doesn't only re-imagine their own future, but also the future of how our society does justice?

Grappling with the story of Hot Chocolate causes me to ask a lot of questions of Vox Liminis, and creative arts practice in prisons in general. How do we create a place (in every group) that is open enough to be owned and shaped, but challenging enough to be formative? How do the ground-up principles of shaping activity, enhance and not detract from artistic quality? How do we hold professional boundaries in a risk-appropriate way, while being open to the relational and community aspect of justice as human interaction? Ultimately, can we do 'justice with' rather than 'justice for' in a hospitable, creative, fusion of clashing cultures within criminal justice?

Hot Chocolate Trust, Dundee [www.hotchocolate.org.uk]

Vox Liminis is a brand new Scottish venture, developing creative practice within criminal justice [www.voxliminis.co.uk]

After ten years leading the development of Hot Chocolate Trust, and a brief sojourn as a senior manager in a large third sector organisation, Alison Urie recently set up Vox Liminis; the latest instalment of a career predicated on a commitment to using creativity for justice.



LIEUX FICTIFS

ART IN MARSEILLE PRISON,
A PROCESS OF DISPLACEMENT AND CHANGE

Caroline Caccavale

FROM VOCATIONAL TRAINING TO ARTISTIC CREATION

FOR MORE THAN 20 YEARS, Lieux Fictifs has been involved in a continuous project of training in and creating visual and audio arts in the Marseille Penitentiary Centre. We work out of a studio in the prison measuring 400m², constructed specifically for this use by the prison administration.

This project is developed with the support of the Regional Prison Administration of Provence-Alpes-Cote d'Azur/Corse, the Reintegration and Probation Service of Bouches-du-Rhone and the Marseille Penitentiary Centre. It is part of the partnership strategy developed by the Penitentiary administration of the Ministry of Justice.

The distinction of Lieux Fictifs is to combine professional training in the performing, audio and visual arts with an artistic collaboration between artists and prisoners. These studios are open all year round, every day of the week and directly involve on average 26 people per year.

In this project, vocational training and artistic creation are intimately bound. Indeed the transmission of skills which are not directly linked to employability, is a necessary part of this dynamic for those like prisoners, who for the most part, have never acquired or been part of an employment culture.

The aim of Lieux Fictifs is to engage the individual in a comprehensive process of change. This process permits the imprisoned person to acquire both know-how and social skills to bridge and develop a range of tools (technical skills, empathy, an ability to articulate one's own ideas...) which will allow them to progressively engage in a process of emancipation and transformation. This also creates the possibility for prisoners to participate in a collective work project, in which each person is called on to contribute as an individual but also as a member of the group.

For the imprisoned person who participates in this project, it offers not only the chance of learning skills, but also can stimulate a process of change by initiating a profound evolution in their personal development, their personality and their own sense of their lives.

Practical skills are not sufficient to reintegrate back into society, to secure a job and to succeed and keep up in a society of increasing complexity. The fast moving pace of our world requires greater adaptability and independence. In the face of the challenges of our modern world, artistic and cultural experiences are fundamental to the construction of our identity.

Such challenges are further exacerbated in prison, since being cut off from the outside world reinforces the gap between the accelerating movement of society and the inertia in which the prisoner finds himself or herself plunged. Indeed the prison also locks up the prisoner into a state of social invalidation, reinforcing a lack of autonomy and infantilisation. This reduces the ability of the prisoner either to manage the complexity of the world or to imagine the future.

In the face of the challenges of our modern world, artistic and cultural experiences are fundamental to the construction of our identity

It isn't just giving voice to prisoners but also offering them skills (educational, technical, theoretical and practical) which gives them the ability to articulate their ideas and reflect more deeply on their lives. In so doing, it also breaks the entrenched notion prisoners have of themselves and of society, allowing them to re-inscribe themselves back into the collective.

In prison as on the outside, art and culture cannot be reduced simply to commodities, entertaining diversions or modes of communication. They are tools in the construction of identity, of freedom and of the foundations of our humanity. Art and culture thus are a necessary part of the common good and they are vital for the construction of a better society.

INTERROGATING THAT WHICH SEPARATES, CONSTRUCTING SPACES THAT UNITE

The impact of this kind of work on prisoners cannot be underestimated. The project acts directly upon the prisoner's ability to develop new imaginaries, transforming his perceptions and representations. Thus it allows the imprisoned person to find himself a place in the world, re-evaluating his position in it and building a new self-image.



From 2009 to 2013, Lieux Fictifs conducted two collaborative creative projects involving prisoners, students and local residents: a short film exhibition "Images en mémoire, images en miroir" ('Memory images, mirror images') and a film installation "Dans la solitude des champs de coton" ('In the solitude of cotton fields'). The principle of this work was to share a common project between the 'inside' and the 'outside', through artistic creation: this enhanced the expected impacts on prisoners who took part in this project. Some of them deeply changed their self-image and recovered confidence in their ability to find a place in the community, and to integrate into a group on a basis not tied to delinquency or prison. Antar, a prisoner who participated in this project, demonstrates this: "Together. We have all dug. Those on the inside just as those from outside. Not with the help of a shovel, but with a book. Not to escape, but to find ourselves." Two participants serving sentences are now working for Lieux Fictifs as video technicians.

It also allows prisoners to connect with the rest of society, to find a place in a 'project space' where the boundary between inside and outside is blurred.

For more than five years we have been developing collaborative creative projects that bring together prisoners with those on the outside. This collaborative dynamic allows different participants to share, over the course of the project and the walls that separate them, a common workspace. This puts back in play, specifically for prisoners, the possibility of finding a place within the community. What can we build together, despite this period of incarceration?

There is, in this type of arts work conducted in prisons as in other places, a political and social challenge of breaking down barriers. This process of movement and displacement must act both 'inside' (on the prisoners) as well as 'outside' (on the free). The awareness that we are all connected, and therefore responsible for each other, gives a meaning and constitutes a principle within a society.

"We see a multitude of 'project spaces' that are experimenting new relationships between people, art and place. Project spaces intend to democratise and demystify art in order to bring it into all levels of civil society and everyday life Looking at the functioning of these artistic and democratic project spaces, helps us to imagine aesthetic, political, economic and social modes of organisation, less hierarchical, more hybrid and rhizomic..." (Frederic Khan, journalist, art critic, 2013).



A WORK OF DISPLACEMENT ON SEVERAL LEVELS

For all that, conducting this type of work in prison is not so simple: primarily, it runs up first of all against a problem of being recognised for the work done. Art and culture are frightening for people because they are seen as synonymous with exclusion, often considered elitist. It is necessary then to re-interrogate our own representations of what art and culture are.

It is not the opposition between 'highbrow' and 'popular' culture that is in play, but the interaction that can occur between the two. It is the process of making art that can engage the imprisoned person so that in time he comes to own this process, and in so doing, gain a sense of his own power to change. This demonstrates how crucial such intangible things as sensitivity and knowledge are to a person's ability to transform themselves.

Working on artistic projects in prison thus requires the artist and the institution to engage in the work of displacement, allowing them, despite different professional cultures, to build a common language that guarantees prisoners engaged in these processes are recognised for their work and the changes they have made. This operates and ultimately has an impact on several levels: on the prisoner, on the artist and on the institution.

"Within collaborative creations, the closed environment must necessarily become open-minded and learn to interact with artists, but also with other institutions, and take part in the construction of a common language, which is constituted through mutual concerns, objectives and constraints. It is not to step aside [to let artists do their work] but to negotiate, to find new "arrangements" . . . and modes of operation that break habits and therefore inertia . . ." Leila Delannoy (2014).

If the process of working with prisoners through the co-constitution of an artistic work is a central feature of this type of project, the resulting artistic work is equally important. The dissemination of the work outside the prison, through professional cultural networks, allows the artworks to be recognised as bearing universal values that can reach a wide audience outside. It also permits the society outside to transform its perception of prison and of prisoners.



Entretien avec Leïla Delannoy, doctorante en sociologie, LASCO, SOPHIAPOL, Université Paris-Ouest-Nanterre-La Défense, 2014

Khan F. Des Nouveaux Territoires de l'Art aux espaces-projets de démocratie artistique, Revue *Faire et Savoirs* N°10 décembre 2013, Les nouveaux horizons de la culture

"Dans la solitude des champs de coton" video [<http://bit.ly/1eRSkJK>]

"Images en mémoire, images en miroir" video [<http://bit.ly/1gtRVvv>]

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TIME FOR CHANGE

ADVOCACY AND EMPOWERMENT FOR SCOTLAND'S HIGH RISK YOUNG WOMEN

Gail Wilson

WE WILL NOT make substantial progress in improving the welfare of vulnerable and high risk young women in Scotland if we do not broach national issues. Public Social Partnerships (PSPs) are but changing arms in a fight against systemic negligence and disadvantage. Scotland needs to be bold enough to set in motion an overhaul of our socio-economic system, instead of somewhat ducking under the limited cover of the voluntary umbrella. Nonetheless, the establishment of the PSPs have provided us with an opportunity and a platform for co-operation and transformative agenda setting, so, instead of reinventing the wheel, why not drive forward real change?

Up-2-Us is a charity which is dedicated to helping vulnerable young people with their safe passage from childhood to young adulthood and beyond. Its Time for Change (TfC) project provides gender and age informed, relationship based support to 15-21 year old young women. The remit is: to prevent secure placement and custody of young women, supporting them in transition from incarceration to pro-social inclusion in the community, and supporting young women to successfully engage in a positive and person-centered life plan. Up-2-Us has a national agenda to advocate for this group of girls, who are in a developmental and transitional phase, with additional support needs to establish non-offender identities. The project's aims complement national priorities of reducing reoffending and preventing offending by young people.

TfC was developed to provide support to a population group whose needs are too often packaged up as those of either 'youth' or 'women', neither of which allows for the appreciation of the complex problems of 'young women' themselves

TfC employs three full time and three part time project workers, who attend prison and travel the distance of 11 local authorities in the West of Scotland. What makes it distinct as a project is that it runs 24 hours every day of the week. As a result, it fills a lot of the gaps in service provision of other organisations and are able to respond to crises in real time. TfC supports each young woman in a flexible and needs orientated manner: contact can range from a phone call every couple of weeks to one-on-one contact seven days a week. The project receives self-referrals, generally from young women in prison, and referrals from social workers and secure accommodation. Since the launch of the project in 2010, it has supported 210 young women. In 2013 alone, it supported 69 young women in custody and 52 in the community, of which 17 overlapped services.

TfC was developed to provide support to a population group whose needs are too often packaged up as those of either 'youth' or 'women', neither of which allows for the appreciation of the complex problems of 'young women' themselves. The project provides focused intervention work on offending, social and health welfare, supports engagement in employment and education opportunities, and advocates for the service users in court, with housing associations, probation workers and social services. As a result, TfC acts as a

catalyst, motivating service users to think for themselves, to feel confident, and to engage in activities to further themselves. As one young woman noted, "they don't tell you what to do, they just help".

There is still a lack of congruity between what is known from social welfare research, and policy, often simply because of a lack of resources. However, if they survive the austerity cuts, the informed recommendations of the Angiolini Commission on Women Offenders (2012) could influence decisive change to how young women are viewed and treated in the justice system, for instance, in the transfer of young women, from remand and short sentence to supported accommodation. In essence what this alternative method of justice could aspire to, is to provide a standard of living, security and routine, which many young women have never had.

Is it affordable? The real question is can we afford not to try? In 2012 there were 33,000 sixteen to nineteen year olds not in employment, education or training (Scottish Government, 2012). The cost of a year of incarceration in a young offenders institution is on average £31,926, however this does not include the costs for attending court, escorts, capital charges or incurred costs (SPS, 2013). The average daily population of young women in Young Offenders Institutions between 2012 and 2013 was forty-three (SPS, 2013). The average length of sentence for Time for Change service users in a YOI was six months, however, at least 30% (figures are likely to be significantly under representative) were repeat offenders, and thus in their re-cycling through the system, are incurring additional costs in police and court time. In many cases, our experience is that the risk posed by the young women is up-tariffed, resulting in, at times, an overlooking of their emotional and mental wellbeing.

Time for Change has worked with 18 young women long term (over two years). Our analysis of this work shows that these young women are statistically significantly more likely to have self-control, to think through their actions before committing to them, less likely to underachieve educationally, are less negatively viewed by others in their communities, and are less likely to be victimised in their community, than those supported for less than a year. These outcomes demonstrate the benefit of long term, consistent and open-ended, relationship based commitment to young women. TFC knows that the transitional bridge to safe and content young adulthood can be weak, and accepts that setbacks can often occur. The project workers strive to understand the complexities of each young person and support them to build up resilience, social assertiveness, and self-respect over time. For many, it is the genuineness and consistency of the relationship between themselves and their project worker which appears to be the most effective factor in changing how they think about their lives. Referring to some words of service users; 'just that she's there', 'I can phone whenever I need her', 'it's someone I can talk to when I don't want to talk to anyone else', 'I can have a bad day, see my worker and then be happy'.

If we look at the bigger picture, at least 77% of TFC service users have been looked after away from home and 48% have experienced homelessness. Linked to this, TFC often fights to keep young women on supervision orders as they get older, yet the assessment of local authorities often results in premature termination. It is noted that 57% of the young women Time for Change interacted with had been on a supervision requirement prior to their imprisonment. From the limited information we were able to attain, half were terminated at 16 years of age, although the range spanned from 14 to 18 years. 36% of young women were first processed into prison the year in which their supervision requirement was terminated. It could be said that a culture of money is ruling our welfare system, rather than a culture of care. Ironically, locking up these young women actually appears to be creating a barrier between them and the factors which correlate to desistance, such as finding a job, safe accommodation or a stable partner (Barry, 2007).

The cuts to the welfare budget have been denounced by many. O'Grady (TUC Poll, 2013) put it quite simply, "you should not conduct policy, particularly when it hits some of the most vulnerable people in society, on the basis of prejudice and ignorance". Up-2-Us is a charity, which hopes to challenge the hardened public view of our service users and pledges to inform and motivate others to listen to their stories, rather than judge them for their lifestyles. Amid the maintained demonisation of young women in the social media, the band aid of new mentoring services, and political posturing about the welfare cuts, it is clear that enough has been said, and that it is 'time for change'. Up-2-Us will continue to add to the growing collection of research promoting strength based approaches to supporting high risk young women. There is an opportunity to put weight behind the research coming out of our universities and the third sector, to prevent future generations of young women becoming trapped in the revolving door of imprisonment, at risk of institutionalisation. As progress for equality is made at Holyrood, Up-2-Us will be on the front line, raising the profile of the vulnerable and high risk young women who face severe and multiple disadvantage.

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Take Five

Scottish Justice Matters asks our politicians to respond to questions about crime and justice. We asked:

What should smart criminal justice look like at a time of major cuts in public spending?



Graeme Pearson MSP,
Scottish Labour

SIX KEY AREAS affect the impact Justice has on everyday life: police, COPFS, courts, prisons, local authorities and the third sector. Each area must examine their contribution in light of cost as well as service to ensure we deliver what is needed at the time required, but in conjunction with the other partners. Police have already begun savings, though their concentration on front facing services has led to a reduction in some of the services they provide to the public. Prosecutors, with assistance from Scottish Courts, must effectively address the use of court time to resolve cases. There is still room for improvement here, though I would like to see the increase use of technology and agreements with defence agents to ensure the time wasted is dramatically reduced.

At the same time prisons must begin to measure their success not only in terms security but also in light of the contributions they make to reducing reoffending using prisoner education and skills programmes at every level at the heart of detention. The length of sentence should connect directly to the success or otherwise of the individual prisoner's contribution. Finally third sector involvement as an equal partner in this area of policy will become increasingly important as mainstream agencies search for economies. The voluntary sector has, for years been able to deliver quality initiatives, but I suspect these contributions have not been fully valued before now. New budget pressures will no doubt change that relationship with service providers, but the critical decisions must relate to effective solutions rather than merely cheap ones.

The challenge for professionals for the coming decade will no doubt be that ability to rethink and re-engineer our systems of justice delivery, using new technologies, to better suit the needs of a modern Scotland. Academic analysis of the evidence must play a significant part in our approach.



Margaret Mitchell MSP,
Scottish Conservatives

AVOIDING legislating for situations which are adequately covered by common law has the potential to make tremendous savings. A prime example of this is the unnecessary introduction of the Offensive Behaviour and Threatening Communications legislation, which has resulted in a dedicated unit to police the behaviour of football fans both at games here and abroad. This contentious legislation continues to incur increased costs, police time and effort spent on dealing with complaints.

The compulsion to legislate, rather than scrutinise the effectiveness and efficiency of existing criminal justice legislation, is a trend which has continued under successive governments since devolution.

The proposed abolition of the requirement for corroboration is the most recent example. This has been justified by the assertion that it will improve access to justice for rape and sexual offence victims. In reality, the proposal risks breaching Article 6 of the European Convention on Human Rights by threatening the right to a fair trial, with all the adverse financial consequences.

Former Lord Advocate, Elish Angiolini has also warned that abolition could result in more appeals, more unsafe convictions as well as more human rights challenges. Despite the weight of opinion against abolition, the current Justice Secretary is refusing to listen to reason and to agree a wider review of the law of evidence, which would include looking at corroboration.

In general, despite the rhetoric to the contrary, the SNP Government does not prioritise preventative spend. An example of this is the refusal to take up the suggestion to introduce mandatory literacy and numeracy testing for young offenders. This coupled with sign-posting and throughcare for those identified as having problems, would help them find employment and reduce reoffending when they're released into the community.

Smart criminal justice would see a prioritisation of this kind of preventative spend initiative.



**Patrick Harvie MSP,
Scottish Green Party**

THE UK Government's cuts agenda was never designed to achieve meaningful economic recovery; it's an ideologically driven shift toward an ever smaller state and a meaner welfare system. It's an agenda which should be strongly opposed, not just taken as a fact of life.

But when public agencies are forced to make cuts, that argument won't help them in the short term. There's a real risk that the pressure to make short term 'savings' will only create more problems around the corner. It is vital that measures that may require long term investment, and reap long term rewards, are not sacrificed in the name of cuts.

Meaningful rehabilitation and restorative justice are harder to deliver than prison sentences, but if we want to reduce offending and improve the quality of life in the most affected communities then they are among the best tools at our disposal. A large prison population is a drain on financial resources at any time. We must resist the urge to look 'tough' on sentencing and look instead to the evidence. If rehabilitation costs money, reducing reoffending surely saves it.

As legislators, we must look to what we can do to take the load off criminal justice. A move to treat drug dependency as a health issue, as opposed to a criminal justice one, might be one way to achieve this.

Not all justice measures are expensive. I was disappointed that the Scottish Government wasn't open to ending the blanket ban on prisoner voting. If we want offenders to become citizens, we have to treat them like citizens.

Government and opposition alike talk a lot about 'preventative spending', investing now in services which can cut our costs in the future. If we can apply this idea successfully in justice, we could achieve a safer society regardless of the role that the cuts agenda is playing politically.



**Alison McInnes MSP,
Liberal Democrats**

WE NEED a robust yet compassionate criminal justice system, flexible enough to recognise and respond to individual needs, focused on early intervention and reducing reoffending.

We know the events and hindrances in peoples' lives that often lead them to becoming entangled in the criminal justice system: mental health problems, addiction, poverty, abuse, school exclusion, difficult families or the care system. Yet too often millions are spent picking up the pieces rather than addressing issues earlier through person-centred interventions, preventing lives being further scarred by supporting those most at risk.

With the roots of people's behaviour entrenched in their communities, the criminal justice system needs to address it, so far as is possible, in the community.

That is why there needs to be a greater focus on diversion from prosecution and community-based schemes, giving

offenders opportunities to contribute to those they have harmed, challenging and enabling them to change.

Similarly restorative justice, which I recently secured a commitment to during the passage of the Victims and Witnesses Bill, can inspire offenders to take personal responsibility.

Both these options must be properly resourced if they are to prove an effective part of the sentencing toolkit and reduce reoffending. Indeed, there needs to be greater recognition that prison is rarely the right solution for those convicted of minor crimes. Short term sentences do little to deter reoffending, or address the causes of criminality, but are an immense financial burden.

If prison is the only option, there should be more meaningful training and education, greater emphasis upon mentoring, continuation of care that transcends prison walls through the extension of statutory throughcare to all offenders, and use of the social impact investment partnership model during the rehabilitation process. These would all represent valuable investments and produce lasting results.

Budget pressures necessitate imagination and innovation.



**Kenny MacAskill MSP,
Scottish National Party**

DESPITE Westminster's budget cuts, our aim is to deliver an efficient and effective justice system fit for 21st-century Scotland.

Scotland is safer than when we came to office: crime is at its lowest level for 39 years, clear up rates are their highest for 35 years, violent crime has fallen by half since 2007 and public confidence in crime and policing of communities is at a ten year high. We have maintained visible local policing as the bedrock of Scottish justice. While the creation of a national police force has helped reduce costs, we have also kept our pledge to maintain 1,000 extra officers in our communities.

Our Making Justice Work programme saves by co-ordinating efficiency and effectiveness projects across all justice organisations, including pioneering new technologies which will take a digital first approach.

The best way to save costs is to prevent crime. With our partners, we have focused on education campaigns like 'No Knives Better Lives' to deflect young people from the weapon-carrying culture, helping to reduce incidents of handling offensive weapons by 60 per cent since 2007. We are also reducing reoffending through robust community sentences and faster treatment for people with drug and alcohol problems. Our 'whole system approach' to youth offending, where agencies work together to meet the child's individual needs, has seen youth crime fall to its lowest level since 2008.

Victims' needs are at the heart of our justice system. The recent Victims and Witnesses Act gives victims the right for the first time to information and standards of service. We are also requiring offenders to contribute towards communities and victims through Community Payback Orders and a new Victims Surcharge Fund. Legislation on sexual crimes has also been strengthened and we plan to remove the archaic law on corroboration to give victims access to justice.

PUBLIC SOCIAL PARTNERSHIPS

THE WAY FORWARD FOR BETTER JUSTICE SERVICES IN SCOTLAND?

Rob Strachan

WE ARE experiencing public service reform of unprecedented pace and scope in Scotland. Leaders of public services are having to manage a perfect storm of tightening budgets, reform and increased demand while building and maintaining public confidence. Such an environment tests and challenges all of us to be more creative and collaborative, perhaps more than we have ever been before, particularly with communities, people who use services and with voluntary or 'third sector' organisations in particular.

In keeping with Scotland's reputation for innovation in public services, this is very much where PSPs come in.

So, what are Public Social Partnerships?

PSPs are 'a strategic partnering arrangement which involves the third sector earlier and more deeply in the design and commissioning of public services' (Scottish Government 2011).

This puts third sector organisations at the heart of service design and delivery. In criminal justice, the Scottish Government's Reducing Reoffending Change Fund has set up six justice PSPs representing an investment of £7.7 m to 2014/2015, with a focus on women and prolific offenders (Mairs and Tolland, 2013). There is also a separate PSP, based at HMP Low Moss focusing on supporting prisoners on release (below).

The advantages of third sector involvement

Public sector leaders realise that, for Scotland to succeed, we need to build an appreciation of the key contribution that the third sector can make to public services, not just in terms of innovation but also in terms of the better understanding of service user needs.

The third sector can often reach where the state and the market cannot and while it is early days, I am confident that PSPs will demonstrate this and the added value of cross sector strategic collaboration in justice terms. There are challenges, not least the short term funding (Downie, 2013)

In reality, there are limited workable alternatives to PSPs in the Scottish context. The question is not *if* we should engage the third sector in the design and delivery of public services but *how* we do so. If we fail to find a meaningful mechanism for local partnerships in particular, we can either take the logical step back towards public sector protectionism, running counter to the recommendations of the Christie Commission (2011) or we take the logical step forward towards market creation and a payment by results model for public services. I would argue that there is a distinct lack of appetite for either of these scenarios in Scotland.



Example: Low Moss Prisoner Support Pathway

For an example of how a PSP has been making a difference, consider Turning Point Scotland's provision of staff to help prisoners around release from HMP Low Moss. TPS chief executive Martin Cawley, says that it brings "together skills and expertise among public agencies and the voluntary sector in partnership. People leaving prison often have nowhere to live, a lack of income to buy food or pay bills, or have mental health and substance misuse issues they need to address. Staff will support people leaving prison in order to help access community resources which will greatly improve their chances of being able to make a fresh start."

Already staff report that "It's a huge eye opener. The [prison] staff who have been out now understand why a lot of people come back into prison, because for some people, life in prison is actually a hundred times better than outside" (Low Moss PSP, 2013).

Scotland, like most Western democracies, is alert to the need to mitigate the impact of cuts. I am excited by the possibilities that PSPs offer for the future in the search for a mechanism which enables meaningful engagement with the third sector in the design and delivery of public services at local and national levels. As an alternative to market creation for public services, other countries just might be interested in what we are doing.

Christie Commission (2011) *Commission on the Future Delivery of Public Services*. <http://bit.ly/19XaMPH>

Downie, J (2013) We have the will and the way, so what's stopping us from reducing re-offending? *SJM* 1:2 p.30. <http://bit.ly/L1IEAO>

Low Moss (2013) *PSP Newsletter - 3rd Edition* <http://bit.ly/1hWrFKx>

Mairs, A., Tolland, H (2013) A Ray Of Light? *SJM* 1:2 pp.17-18. <http://bit.ly/19vRqio>

Scottish Government (2011) *Guide to Forming and Operating Public Social Partnerships* <http://bit.ly/LeIRQ8>

Scottish Government Reducing Reoffending Change Fund page <http://bit.ly/1fqd5bT>

Rob Strachan is chief officer of Lothian and Borders Community Justice Authority.



Kath Murray

FOLLOWING the merger of Scottish police forces into a single force in April 2013, the use of stop and search in Scotland has attracted increasing media and political attention. For example, questions have been raised in relation to the scale of stop and search and the apparent expansion of Strathclyde-styled, target driven policing.

In some quarters, the subtext has been read as the centralisation of power within Scottish policing and a lack of challenge to the new governance arrangements. Put differently, stop and search, together with post-reform policing of the sauna sex-trade in Edinburgh, and target-driven traffic policing, has been appropriated to express a sense of unease at the unfolding 'Strathclydification' of Scottish policing.

Yet outwith more recent concerns, the extensive use of stop and search in the years prior to reform, and the curious lack of political or academic attention is also of particular interest. The following snapshot from 2010/2011 provides insight into the size of the matter.

Stop and Search Rates per 1000 people (2010, 2010/2011)	
England and Wales 2010/2011	24
Scotland 2010	86
New York City 2010 (stop and frisk)	72
London 2010/2011	76
City of Glasgow 2010	285
16 year old males resident in Glasgow:	3,695

Sources: Legacy Scottish Police Force data (Strathclyde, Lothian and Borders, Tayside, Northern, Fife, Grampian); Home Office 'Stops and searches tables: Police Powers and Procedures England and Wales 2010/11'; NYCLU (online) <http://www.nyclu.org/content/stop-and-frisk-data>.

Note: Calculations based on all available stop search powers (some variation between jurisdictions).

The absence of stop and search

The data show that by 2010, the rate of stop and search in Glasgow had outstripped that in London and New York City almost fourfold. Nonetheless, it seems reasonable to suggest that most observers of Scottish policing at this time would have struggled to describe the tactic as significant or contentious. Whereas the use of stop and search in England and Wales was deemed "crucial to modern policing [and] a flashpoint in community police-relations" (Delsol and Shiner, 2006; 242), the tactic appeared to be understood as a straightforward policing tool in Scotland, a "non-issue" (senior officer, research interview, 2011), or an "English" practice (Reid Howie, 2002; ii).

Missing data: Police accountability and the Stephen Lawrence Inquiry

How then, might we make sense of this disjuncture between the extensive use of stop and search in Scotland and the absence of debate or interest? Perhaps the most straightforward explanation is that data on stop and search are not routinely published, that outwith those populations being searched by the police, no-one really knew. Whereas stop and search data were made public in England and Wales, police search activity across Scotland remained out of public view.

Looking back, this divergence in rudimentary accountability between the two jurisdictions can, in part, be traced to respective political decision-making in relation to the Macpherson (1999) report on the Stephen Lawrence Inquiry; to the implementation of the Stephen Lawrence recommendations on stop and search in England and Wales;

and conversely, to a failure to implement the recommendations in Scotland.

Whilst Scottish police forces were required to record stop searches from 2005 onwards under the Race Relations (Amendment) Act 2000, a failure to fully implement the Stephen Lawrence recommendations on stop and search would arguably carry important implications for police accountability and the direction of stop and search thereafter. Scottish police forces and authorities would not be required to publish stop and search data (recommendation 62), thereby curtailing both basic accountability and wider debate. Nor was the recommendation that a copy of the search record be given to the person stopped implemented (recommendation 61). As a result, a person who had been searched by the police would not be given evidence to document the encounter, or to substantiate repeat search encounters. Nor were Scottish police authorities required to publicise people's rights in relation to stop and search (recommendation 63).

In short, a gulf would develop between the two jurisdictions in terms of baseline accountability: between the standard of information provided in England and Wales, and that provided in Scotland. Which raises the salient question as to why the Stephen Lawrence recommendations were not implemented in Scotland.

The Stephen Lawrence Inquiry in Scotland

Whilst Williams and de Lima suggest that the Stephen Lawrence Inquiry brought race issues to Scotland for the first time (2006; 499), in the context of stop and search, the policy response seemed more reserved. In December 1999, the Scottish Executive established a Steering Group to oversee the implementation of the Stephen Lawrence recommendations, although as one representative recounted, "My recollection is that it never actually came to any newly hard directive conclusions. But there was a lot of airing of views within it" (research interview, 2011).

To be clear, Macpherson's recommendations on stop and search were not explicitly rejected. Nonetheless, the subsequent failure to actually implement the recommendations appeared to be premised on the twin understanding that first, the 'problem' of stop and search hinged exclusively on 'race', and second, that 'race' was not problematic in the context of Scottish policing. Both the Scottish Police Federation and Association of Inspectors refused to accept that institutional racism existed within the Scottish police service, whilst the Scottish Police Federation argued that implementing the recommendations would create a 'massive bureaucracy', (NAS HH41/3506). As one senior officer commented, "There was a sense... that 'This isn't about us, we don't have any ethnic minorities, we don't have the problems – we're all friends here'" (research interview, 2011).

The Association of Chief Police Officers in Scotland's Review Group suggested that the provision of basic accountability (maintaining records/publishing data) "would be a justifiable and valuable exercise if it were demonstrated and argued that these powers were being regularly abused, and to the detriment of a particular section of society". However, it continued that "there is nothing to suggest that this is the case in Scotland", and that the recommendation would only create "an additional bureaucracy... to little practical purpose" (NAS HH41/3406).

In short, both the problem and regulation of stop and search were understood to hinge on 'race': and given that 'race' was perceived as unproblematic, regulation was deemed unnecessary. Put differently, the principle of accounting for police powers was absent.

The politics of policing

The low-profile of stop and search may also be understood in terms of the more apolitical, or less contentious, character of Scottish policing, which plausibly lessened the impetus for scrutiny. Taking a broad brush approach, from the late 1960s onwards through to the dissolution of the eight legacy forces in 2013, Scottish policing did not follow the politicised trajectory of the police in England (Reiner, 2010). Scottish Chief Constables remained relatively quiet, compared to their more voluble English counterparts, whilst crime and policing did not take on the 'explicitly political dimensions' which were apparent in other parts of Britain (Gordon, 1980). Nor were the police in Scotland subject to the corruption and malpractice scandals that repeatedly arose in England. In other words, Scottish policing appeared to remain below the political parapet, less socially visible and less subject to critical scrutiny.

Out of sight, out of mind

It may be argued that the perceived absence of 'race' problems in Scotland, together with the quieter character of policing, lessened the impetus to publish data on the use of stop and search. It also seems reasonable to suggest that the direction of stop and search might have been debated or challenged at an earlier stage, had the data been made readily accessible. The scale of stop and search in Scotland is equally a story about social marginalization and young people without a political voice: it's about teenagers from deprived areas who don't make formal complaints and may be searched as a matter of routine. All of which suggests that we need a wider debate, informed by robust and accessible data, on the uses of stop and search in Scotland, and on how we want our communities to be policed.

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Reiner, R. (2010) *The Politics of the Police*, Oxford, Oxford University Press.

Williams and de Lima (2006) 'Devolution, multicultural citizenship and race equality: From laissez-faire to nationally responsible policies', *Critical Social Policy*, vol. 26 (3) pp.498-522.

Kath Murray is a PhD student at the University of Edinburgh, researching the development and uses of stop and search in Scotland. In January 2014, the SCCJR published '*Stop and Search in Scotland: An Evaluation*'.

Towards a new approach to restorative justice in Scotland: a short history

Mary Munro and David Orr

“Restorative justice is a victim-sensitive response to criminal offending ...”

Final Report of Irish National Commission on RJ 2009

Restorative justice (RJ) has been patchily available in Scotland for some time, but, with only a few exceptions, has largely been confined to harms caused by low level youth offending. Yet research and experience indicates that RJ resources are best directed where the harm is greatest, in serious cases (CYCJ, 2014). Last year two things happened that radically altered the prospects of developing a more effective restorative justice policy and practice in Scotland.

First, at a seminar organised by the Scottish Consortium of Crime and Criminal Justice (SCCCJ), the ‘Ripple Effect’ DVD was shown which movingly juxtaposed the experiences of both victims and offenders, and demanded a response to make connections with the needs of both (SW Scotland CJA, 2012). A working group was set up bringing together people and agencies with experience of and an interest in RJ, including the now disbanded Restorative Practices Scotland practitioner support group, and representatives of Victim Support Scotland, Saco, the Scottish Prison Service and academics.

Second, an early initiative of the group led to a shift in the law. The Victims and Witnesses Bill was making its way through the Scottish Parliament to bring procedures and practices within the ambit of Directive 2012/29/EU of the European Parliament and of the Council which established minimum standards on the rights, support and protection of victims of crime (Wheldon, 2013). Rather oddly, both the preceding Scottish consultation and the Bill as tabled, were silent in relation to RJ despite Article 12(1) making it clear that member states should ensure “that victims who choose to participate in restorative justice processes have access to safe and competent restorative justice services” and in Article 12(2) that, “member states shall facilitate the referral of cases, as appropriate to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral” (EU Directive, 2012).

The new working group proposed that this should be remedied by the insertion of a new clause establishing a right for victims to request access to a restorative process with the person responsible for the crime or offence committed against them, and that this would be separate from any particular stage of the formal criminal justice process. The thinking behind this move was to make very clear what has been understood by practitioners as basic good practice; that involvement in RJ has



to be voluntary. No-one should feel obliged or forced to take part: the victim needs to feel empowered rather than used.

In November the Justice Committee, at Stage 2 of the Bill, agreed an amendment which would have placed a duty on Ministers to make provision, by regulations, for the referral of victims and offenders or alleged offenders to restorative justice processes.

When the matter was debated in Parliament a compromise position was reached whereby the amendment was revised, removing the duty on Scottish ministers and replacing it with the ability for Scottish Ministers to issue guidance relating to the referral of individuals to and the provision of restorative justice services. This outcome was positive on several levels and Cabinet Secretary Kenny MacAskill’s comments are noteworthy. He stated, “I...agree that more consideration should be given to the potential benefits of restorative justice to victims” and “there are compelling reasons for adopting a more flexible approach than would be possible through a statutory scheme” not least the importance of protecting both persons harmed and persons responsible from being drawn into restorative processes to which one or both parties are not fully committed (SP 2013).

That is how matters stand at the time of writing: developments will be reported in the SJM.

CYCJ (2014) Presentations from ‘Restorative Practice in the aftermath of serious crime’ Conference bit.ly/1bFdZ0W

Scottish Parliament (2013) Victims and Witnesses (Scotland) Act bit.ly/1nGONgW

South West Scotland CJA (2012) ‘The Ripple Effect’ Toolkit <http://www.swscja.org.uk/the-ripple-effect.html>

Wheldon, F. (2013) ‘Victims’ rights: the new 2012 Directive and its impact on victims in Scotland’ SJM.1:2. p. 26.

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Mary Munro teaches a Master’s module on RJ at Strathclyde Law School www.strath.ac.uk/ls-cjpc

PRISON POPULATION FORECASTS: USING THE FUTURE TO PREDICT THE PAST*

Sarah Armstrong

STATISTICS are a way of telling stories. I am going to use the example of prison population projections to show what I mean. But before you start nodding your head and recalling that quote about damned lies and statistics, let me first say that we need statistics, and stories, to achieve justice.

Numbers are a powerful tool to show us a world which is too big to know directly. But numbers are always doing more than just simply presenting information. Analysing data is a way of ordering information into a sensible pattern, in other words, of telling a story. This allows us to make sense of what is going on and to act on problems like climate change and poverty. The risk is letting the numbers do the imagining for us: counting something is at the same time a way of saying what counts.

Sometimes a story can feel so compelling or obvious or authoritative that we lose the capacity to question it, and therefore to control how it ends. This is the risk of prison projections, and I will use this space to make two claims. First, I challenge the idea that past prison populations are a good predictor of future ones. And second, I question the extent to which prisoners are similar kinds of things and can be forecast in the same ways as hurricanes or health problems.

Marching up a hill backwards

The latest Scottish forecast shows a prison population in 2021 of 9,500 (figure 1). That's a lot of prisoners for a small country (Norway only has 3,600). When I was advising the Scottish Prisons Commission on their work in 2008, the figure hanging over our heads at that point was 8,000 prisoners. What then seemed like a catastrophic threshold has now become a reality which is quickly being overtaken by even bigger numbers. How did we get to 8,000, and what will lead us to 9,500?

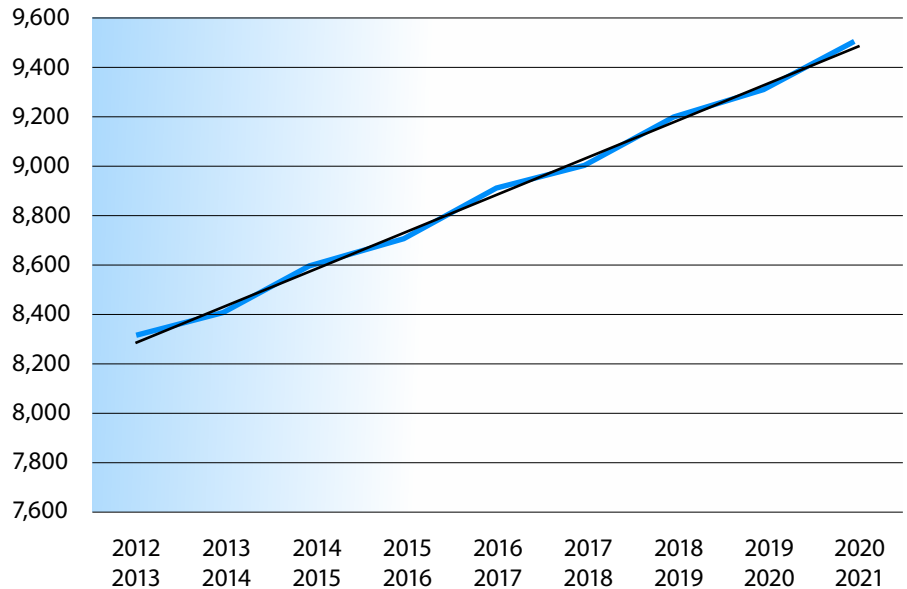


Figure 1: OUR FUTURE? Scottish prison population projected to the year 2021
Source: Scottish Government (2012)

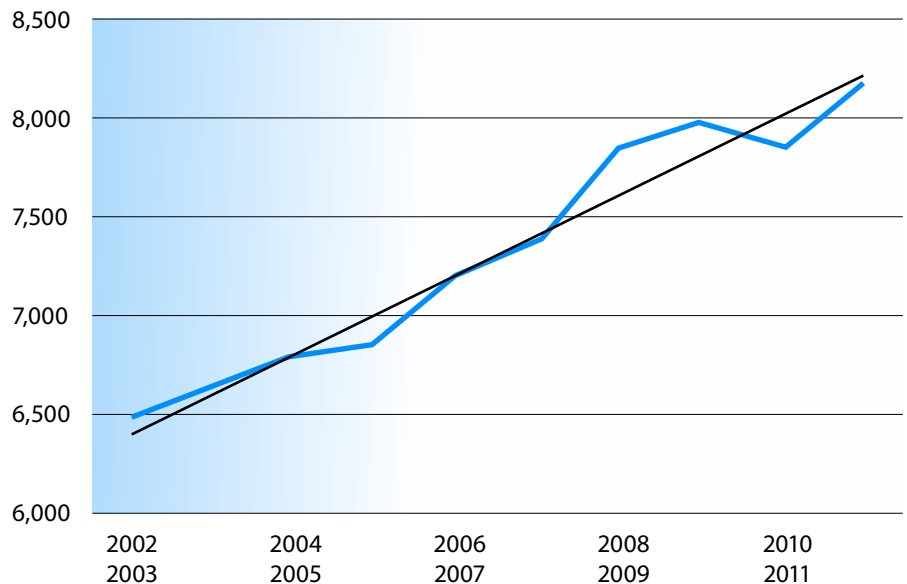


Figure 2: THE PAST? Scottish prison population growth 2002 - 2012
Source: Scottish Government (2012)

The two graphs tell a story in the form of a straight line, literally a linear narrative. It is also methodologically a linear narrative, generated using something called linear regression. This method looks back on the past, plotting all the data points of average prison populations year by year and drawing a line through these to mark the typical rate of change. The future is determined by extending the line of past, adjusted for various factors and assumptions. The story told by figures 1 and 2 is that the future looks a lot like the past, a gradual but persistent march upwards.

It's hard to argue with a straight line. It is both easy to understand but complicated to produce. The combination of high science and ready accessibility produces a powerful legitimacy. It also makes for a boring story, but boring stories are dangerous. We tend to overlook them as topics of critical inquiry; we assume they are correct. After all, who would make up something as dull as a straight line? This story tells us what we might already have expected, that the Scottish prison population has been expanding and will keep on doing so. This future seems undesirable but inevitable.

Policy makers want straight line stories because predictability, their central virtue, is essential to planning. Accurately predicting the future allows for sensible investment strategy. Getting it wrong has significant costs: building too many cells wastes millions of pounds (that could have been used on hospitals, schools and pensions); building too few risks public safety and outrage.

While the latest forecasts actually show some positive signs, predicting slower growth than has been the case for many years, they are also doing something else. They have crafted a story of the prison population as something which grows gradually and consistently. This contrasts sharply with what criminologists know: prison growth is a function of volatile and unpredictable events. The murder of Jamie Bulger, 9/11, the 2008 financial crash, the election of the New Labour Government in 1997, and the election of a nationalist Government in Scotland all have had major consequences for law and policy, and thus for prison numbers.

Forecasting models absorb isolated and extreme events spreading their impact evenly across the past. It is like averaging deaths during a few peak years of the Great Plague over a century. Instead of an extraordinary moment in human history standing out, we see an unremarkable annual loss of life over a long period. Forecasting is also like walking up a mountain backwards. You won't see the peak by looking downhill. This past-based logic of regression explains the failure of forecasts of the England and Wales prison population to anticipate the unprecedented explosion of that penal system beginning in the late 1990s (when projections based on 1980s growth suggested populations would stabilise or fall), and the failure of US forecasts to predict (because they were based on the three-strikes driven population explosion of the 2000s) the surprising decline of America's world beating prison numbers in 2008.

Prison forecasts consistently get the future wrong (which their producers point out). This is not the fault of statistics or statisticians. The latter have been tasked with the impossible, to apply sophisticated mathematical techniques to the unpredictable behaviour of politicians, sentencers and world events.

Prisoners, hurricanes and cancer cases

Prisoners, unlike hurricanes and cancer cases, exist through the will of Government. Scotland has decided that people who do not pay their fines or whose crimes would result in a period of imprisonment of three months or less should generally no longer go to prison. Hence a large group of people became non-prisoners through acts of legislation and policy.

Weather and disease exist whether or not we want them to. Statistical projections may be valid for these phenomena if underlying patterns in their behaviour can be discerned. A forecasting model, in other words, is a useful way of telling a story of events that are not controlled by the narrator. Prisoners, on the other hand, are policy-made and therefore less amenable to forecasting made in service to policy makers.

Linear regression forecasting models also presume a very simple and uni-directional story of causation: X causes Y, low pressure causes rain, smoking causes cancer. What causes prisoners? Is it something 'out there' in the world – genetic makeup, bad childhoods, poor housing? While these play a role in offending behaviour, offending behaviour seems not to play a role in imprisonment rates.

Reclaiming our future

Forecasting prison growth assumes that past populations grew in predictable ways. This profound but inaccurate premise is the reason for the title – predicting the future has been a way of imposing coherence on the past. Past penal reform has not been coherent, however, though it has been relentless. By recognising that prison populations are caused by policy choices and act accordingly, we would regain some control over our future.

The numbers tell us the Scottish prison population significantly exceeds those to be found in our small nation neighbours. We also know high prison populations are associated with reduced social investment and welfare. Rather than treating statistical projections as our inevitable destiny, perhaps we should read them as an indictment of our current practices. And if we dare to question the right of a straight line to tell us our destiny, we might reclaim the future as something we select rather than predict.



This article is based on a longer book chapter: Armstrong, S. (2013) 'Using the Future to Predict the Past: Prison Population Projections and the Colonization of Penal Imagination', in M. Malloch and W. Munro (eds), *Crime, Critique and Utopia*, Palgrave Macmillan.

Scottish Government (2012), *Prison statistics and population projections Scotland, 2011-12* (29 June 2012). Online at: <http://www.scotland.gov.uk/Publications/2012/06/6972>

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THE EASTERHOUSE PROJECT

YOUTH, SOCIAL JUSTICE AND THE ARTS IN GLASGOW, 1968-1970

Angela Bartie and Alistair Fraser

IN 1968, at the height of renewed concerns over youth gangs in Glasgow, the popular entertainer Frankie Vaughan swooped into the city in a blaze of publicity. Meeting with gang leaders from the relatively new Easterhouse housing scheme, Vaughan promised to help them to organise a youth centre in exchange for a promise to end the violence. Weeks later, police organised a weapons amnesty on an area of waste ground deemed 'neutral'. Despite an appeal to the public to stay away, the Glasgow Herald reported an audience of around 200 spectators, a large crew of photographers and television cameramen, four ice-cream vans and two fish and chips vans! Just over six months later, Vaughan's intervention culminated in the opening, by Lord Kilbrandon, of the Easterhouse Project. From the beginning, the it courted negative publicity, eventually closing in 1971 before reopening as a police-run project.

The Easterhouse Project was built upon a model of social justice

Though this episode has become firmly established in Glasgow lore, little is in fact known about the Easterhouse Project in those early days between 1969 and 1971. We have been exploring this and subsequent developments for some years now, tracking down individuals with first-hand experience of Easterhouse (and especially of the Project), in an attempt to understand its wider significance to the history of Glasgow. This has included interviewing police officers, social workers, youth workers, residents of the area, sociologists, and former 'gang members.' We also traced a cache of interviews undertaken in 1969-1970 by sociologist Gail Armstrong with young people who used the Project, many of whom had been involved in the Drummy gang (named after Drumlanrig Avenue). In so doing, we have uncovered a hidden narrative of arts, grassroots politics, social justice, and participatory action, involving some of the key players in 1960s Glasgow.

What made the Project so innovative in its early days was also what attracted much of the negative attention. Its first leaders, Graham Noble and Archie Hind, were artists. Graham Noble had been to art school, and was a set designer, folk-singer, and active in the Playground Association movement (there had been an adventure playground in Easterhouse, 'the Venchie', since the mid-1960s). The assistant secretary was the

Glasgow novelist Archie Hind, who had recently published *Dear Green Place*, thought by many to be the quintessential artistic rendering of the city of Glasgow.

In one of its earliest official publications, Graham Noble, called it 'one of the most ambitious and experimental Projects in Britain, if not the world'. It was run by a Trustees, selected by the boys, in conjunction with the secretary, assistant secretary and a panel of young people. The first Trustees included Frankie Vaughan alongside Glasgow's Chief Constable James Robertson, Glasgow Corporation Bailie Frank McElhone, MP Hugh Brown, and local minister, Peter Youngson. Underpinning the entire initiative was an emphasis on young people helping to run the Project, actively co-operating with the organisers and Trustees. The Project's first publication asserted, "unpalatable though it has been to accept by many, the way 'through' to the youngsters has proved to be one largely on their own terms". There were teething problems: the process of decision making via committee meetings was tedious for young people not used to such formal procedures. In 1970, a specific Youth Committee was established to harness their energies and to maintain their interest in the running of the Club.

The Easterhouse Project was built upon a model of social justice that saw it as a springboard for improving the lives of everyone living in Easterhouse and tackling the underlying issues that had led to the 'gang' problem. The Project sought to engage with young people on their own terms, to discuss their behaviour with as little judgment as possible, and to instil a sense of personal responsibility (through, for example, making Project users repair any damage caused or go without). A delicate balance was sought that showed concern and a willingness to help whilst avoiding being patronising. The politics that underpinned the Project, undoubtedly, were shaped by the broader currents of change in art and politics in the period. As Noble recalled recently:

I was interested in drawing and painting and I think that was also seminal in the sense that the belief grew that through the arts then you could work with young people in circumstances like Easterhouse where there was a great deal of deprivation and poor education and therefore always the belief that the personal development of the individual was what was important and the material was less important. So I think that was one of the main things I picked up from that experience ...

Noble placed the Easterhouse Project, and what he and Archie were attempting to do, firmly in the context of the wider cultural-political scene in Glasgow, particularly the folk song movement and the mixing of writers, artists and musicians with sociologists, social workers and others involved in youth justice. Indeed, Gail Armstrong and Mary Wilson also talked of this mixing and the wider context in which these conversations and the cross-fertilisation of ideas took place. They point to a lively scene in which discussions about the arts, social justice, and the problems that many communities faced were taking place in a relatively small number of pubs and cafes. Glasgow, they noted, was a fairly small city, smaller in population than it is today, with plenty of opportunities for people from a range of backgrounds to meet and to engage with one another. Noble recalled:

Certainly at that time we would sit in the State Bar, [with] people like Archie Hind, Alasdair Gray, lots of people involved in the arts and literature in Glasgow. Matt McGinn, Hamish Henderson when he was through from Edinburgh all that, and they'd all say 'yes, you're doing the right fucking thing here, it's people like us that should be involved in trying to help young people', you know, through the arts and through outdoor education. And I suppose that's what we thought we were trying to set up.

Even more interesting is how those initially involved in the Easterhouse Project sought to introduce young people from the estate to these networks, to extend their social relationships beyond Easterhouse and to introduce them to new ways of life and thinking.

The Easterhouse Project



Front cover: *The Easterhouse Project*, first official publication 1969

Attempts to engage young people through the arts and to harness their creative activity took a number of forms. Gail Armstrong encouraged some to use writing to express themselves. On telling a teenage girl that the poem she had just written was 'excellent', the girl responded, 'I didn't think anyone else could understand what I write'. A longer term writing project was also established with one of the young male 'gang members' and surviving fragments of this personal writing are both intriguing and deeply moving. In 1970, the Project staff was increased with another art school educated organiser joining alongside David Godwin, who was brought in as a 'culture organiser'.

Despite the concern for young people that the initiative provoked and its emphasis on the need for social investment in youth (especially in outlying housing areas that lacked amenities), continued negative press coverage of the Project and of Easterhouse undermined its effectiveness. This contributed to a view of the area as a gang-ridden 'concrete jungle', one that persists to this day. Yet there is a more positive and, we think, more significant narrative yet to be unpicked.

From the late 1960s, there developed across Britain a heady mix of grassroots politics, community arts, and social activism that sought to find new ways to work *in conjunction* with communities to resolve problems. It is no surprise to us that Easterhouse became well known as a centre of this kind of grassroots community development. For example, in the 1970s an award winning community newspaper, *The Voice*, was established, as was the Easterhouse Festival Society. In 1980 the Easterhouse Festival Society hosted the largest community arts gathering in Britain. Reflecting on the democratic and cooperative approach manifested in the early Easterhouse Project we cannot help but see some intriguing similarities and intersections with the Barlinnie Special Unit, created in 1973. In the Easterhouse Project of the late 1960s, a range of individuals from social work, arts and justice backgrounds had pioneered a new way of engaging with 'gang members' treating them with respect and understanding whilst advocating self-reflection and personal responsibility.

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Angela Bartie is a historian at the University of Strathclyde, Glasgow. Her book on the history of the Edinburgh Festivals is due out in paperback later this year.

Alistair Fraser is assistant professor of sociology, University of Hong Kong with a research focus on youth 'gangs', globalisation, and comparative methods.



EVOLVING ARTIST

Nancy Loucks speaks with **Wullie Sinclair**, the founder of Evolved Arts, a new peer-led arts project to support people involved in the criminal justice system in Glasgow

WS: I run an art class, called 'Evolved Arts'. It is mainly for ex-offenders, people that have been in bother and people that are still getting into trouble, to let them know that there is a place for them to go, pick up some skills. I was a bit of a rogue throughout the years, but found out I could paint and draw; it totally changed my life.

NL: How did you find out?

WS: In prison, most of my sentence I went to art classes, and I quickly found out I had some kind of talent... I lost myself in the arts class, I found it a release and something I really liked doing. If you want to learn anything, you need to take up challenges.

Not every prison would have that opportunity.

Most prisons have education facilities but certainly not the degree where you would choose to sit in an art class every day, all day. The education department in Shotts were relaxed about it, let you choose.

I just wanted to learn how to paint and taught myself how to mix colours and how to blend things. [The teachers that came in] were brilliant with us. They were there if you needed help, but if you just wanted to be left to your own devices, they would let you do that, as long as you were doing something practical and they'd seen that you were working away.

Did that teach you how to teach art?

I consider myself to be self-taught, I didn't really ask for much help, I just found my own ways of how to do things, so if I pass that on, it would be how I have taught myself; people can use that, but they can pick up their own methods as well.

How do people find out about the classes?

I'm in touch with [New College Lanarkshire] [and] with the arts department at Shotts. They produce a magazine called 'STIR', and I've regularly had articles in that with updates on how the class is doing. I've also done a few talks at social work services in Glasgow, so they are aware that we are here for them to refer anyone that might be interested... I've got some flyers and am going around libraries and homeless units to leave flyers anywhere I think that people that come under that umbrella would be. I'm also in touch with a charity called 'Blameless', which is for people with substance misuse. They want me to go through once a month, so that's another link. Theatre Nemo, I've linked up with them and with Scottish Prison Arts Network.

It's very early days. I got out two years ago, it's took me about 18 months from the idea coming in to my head to actually getting through a door, getting funding and materials.

Going from [prison] to having something up and running and being advertised... you've had to teach yourself about the arts and how to teach it but also how raise awareness and publicise and fundraise.

There's been parts of it I never imagined I would need to cross; everything was a learning curve. I'm learning something new every day nearly, but I'll get there. I'm quite driven. If I've got an idea and I want to run with it... There have been times when people have been saying "is this going to work?", but I just kept going.

When I was in Shotts, I certainly wanted to continue in art. Initially I made enquires about going to college, I'd missed the start dates of the course, so I had months to wait. In those months I looked about for other places to attend, but I couldn't find anywhere. So the idea came, why not try and start something up?

What have the challenges been?

Every part of it has been a challenge. Initially I didn't know who to approach, where I would start. Eventually I wrote to the head of education in Shotts, and he put me in touch with his boss. It kind of snowballed from there....

At the present time, [classes are running] Wednesday and Friday morning and a Thursday afternoon. It's a start. I'd love to have a permanent or a long-term space we could make into an arts and craft studio, where people that are into creative writing as well come along. I'd like it to be permanent so that you can come in the morning, leave at the end and come back in and your work will still be there. That's what I would love to have.

What is it you want to achieve?

Art completely changed me. It turned my life upside down, in the right way... I'd like to offer somebody else that chance as well... because for decades, I was just breaking the law, and it was time to put it to bed. It was through the art, I fell in love with it. I can't believe how much it has changed me.

For people that are interested, there's college spaces open to everyone in the city [Glasgow], but through that you might find that you want to continue further education, you might find that you really love this... The next step would be maybe to apply for a college space. It's a stepping stone to find something you are good at [and] like doing, rather than going out and getting up to no good.

Where did the name 'Evolved Arts' come from?

'Evolved Arts' name came from me evolving. I was struggling to think of a good name, but I thought, well, I have evolved. I think I've changed.

Everybody that will be in the class, we've all got the same kind of background, so there won't be any fear of sitting with other artists. When I was considering going to college, the people were talking in art world language that doesn't mean anything to me. That would put me off and make feel very uncomfortable; I wouldn't know what to say. You would be intimidated if you went in a proper art environment, coming from the background we are targeting, you probably wouldn't go back. You would feel the odd man out.

NL: You said you've had your work in exhibitions?

I've had three paintings exhibited in London, one in Glasgow. I've only ever put four paintings in for exhibition, and four got picked. I've won awards for them as well. The Koestler Trust take eight ex-prisoners to Venice during the summer. We went to Biennale, the big world art event;



it was fantastic. I took two cameras with me, and all I done was take photographs. They were looking for people that have continued with art upon release in a long-term way, so they got in touch with Motherwell College, who nominated me. I'd never been abroad either, that was my first time abroad. It was brilliant. In my mind up to that point I considered art just as painting, but I started to get drawn to some of the sculptures as well and other different things, so that has broadened my views on what arts is.

We spoke before about going in to prison and talking to some of the guys, and you said you were uncomfortable with that. Why?

I immediately said no, I don't want to do that. A few months down the line I said I'll think about it, and then I said I would do it. I went to go, but... I got cold feet, I don't know what it was. I don't think it was being back in prison, I just don't think I would feel comfortable talking to the guys from this side when I'm used to talking to them from the other side. It was just something inside me that didn't feel right at the time. I've not got a problem talking to anybody... it was just having to go back into the jail. For some reason I couldn't do it... I just found it hard.

What does your family think about all this?

They are all over the moon... just for the change alone, but also to be doing something positive.

Has it changed how you feel about yourself?

I have changed... I don't run about with people I used to. I've got a family now, and I've settled down, and I'm more than happy to walk about in art galleries and look at buildings. I would never have done anything like that [before]...

So we need to watch this space!

I'm hoping that the youngsters are going to start coming in. That way it's a start, and they can tell other people... The long term idea is to get a few things exhibited, sell some stuff and put the money back into buying materials and feed off of that.

Listen to the full interview from: <http://scottishjusticematters.com/the-journal/march-2014-arts-issue/>

A DAY IN THE LIFE OF ◆◆◆ A POTENTIAL JUROR

“I’VE BEEN AT THE SHERIFF, BUT NO UP HERE BEFORE,” a low voice behind me said. The South Court of the High Court of Justiciary in Glasgow feels much taller inside than it is broad. The decoration is tasteful if somewhat faux Georgian: columns and Palladian squareness, whiteness, wood, and pale blue. The witness box and the advocate’s questioning post beside the jury have something of the pulpit about them. A bedside digital clock winks out from the judge’s bench. Behind him sits the tinny-looking mace, representing the court’s royal sanction. This vertical illusion of classical simplicity and order dissolves into jurisprudential clutter: abandoned wigs and splayed lever-arch files, paper piles and jiffy-bagged and labelled crown productions, cast off black robes and the gangling connective tissue of wires and plugs.

While the prospective jurors sit, bored in the public gallery, barely daring to move a muscle, and speaking if they speak at all in hushed tones, the macer gossips with the clerk. Court officials duck in and out. The lawyers are not loud in the traditional, audible sense, but they comport themselves noisily, as assured folk do in their element. Whatever strange quietening discipline the court exerts on the jurors, it doesn’t hold for the circle of eight advocates.

Most of the fifty or so folk, now nervously awaiting the ballot will never have set foot near the High Court before. Many clutch their peach jury citation forms like a sort of talisman, irrationally fearing they are going to misplace it and feel the full force of the law.

Having been scanned and stamped and directed, we pool in another high-ceiling room which is almost full by the time I arrive. The social temperature inside is remarkable chilly: fifty-odd strangers, in a strange place, hardly knowing how to behave. It’s also



strikingly tense and immobile. A few old hands project an attitude of bored assurance. A woman turns through the guide to jury duty obsessively. Others focus on novels, or newspapers. Nobody speaks. We wait, listless and clueless. When the official appears to hustle us into the court room, it comes as something of a relief.

“Should we sit down?” an older lady whispers under her breath. “I guess so”, I say, as the public gallery fills. As a prospective juror, you’re afforded at least a limited insight into the backstage life of the court room which, with the appearance of the judge, is suddenly transformed. Costumes are donned, the informality disappears, and the official roles of the participants assert themselves.

After a homily from the clerk, who made an affable but ineffective attempt to evaporate some of our anxiety, the materialisation of the judge on the bench and the accused in the dock, to the ballot. Where would fate’s fickle finger point? Not, as you might have already guessed, at me. Fifteen other

souls having been empanelled by lot, the indictment against the accused is read, and the court adjourns briefly, to allow the jurors to dump their things backstage.

Those remaining could not leave. If it transpired that a juror knew the accused or a significant witness named in the indictment, one of us might yet be snatched from obscurity to play our part in the process. In the event, this proved unnecessary. Having been given the final judicial nod, we were released.

All of this is done solicitously, of course. The judge and clerk thank us for our participation, and our patience in quietly enduring a process that takes the best part of two hours. But the underlying assumption of authority over you, to which you submit, you are not yet discharged, do not move, bears its own curious frisson. Rationally, you know that the judge isn’t going to have you transported for a misunderstanding, but the prospective juror’s proximity to this unfamiliar power, is a remarkable, straightening experience.

The Contempt of Court Act means that social researchers cannot do much in the way of jury research. Most people’s experiences, evaporate, unrecorded. But even for those who are not called upon to decide on the guilt or innocence of their peers, the experience of being cited is an original, strange and intimidating one: a brief but challenging moment of contact with our judicial institutions with which, in ordinary life, few of us have cause to interact.

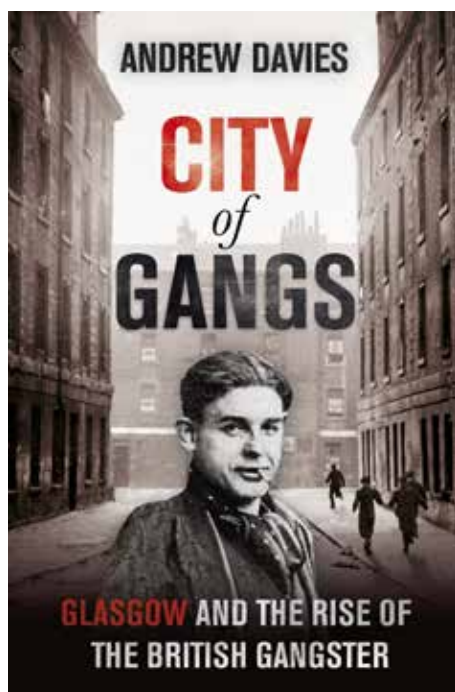
Andrew Tickell is a socio-legal researcher and blogs as **Lallands Peat Worrier**.

The original of this article is at <http://lallandspeatworrier.blogspot.co.uk/2014/01/jury-duty.html>

BOOK REVIEW

City of Gangs: Glasgow and the Rise of the British Gangster.

Andrew Davies, 2013, London: Hodder and Stoughton. 450pp ISBN 978-1-444-76375-1



THE FACT that not everything is new in this fine book on Glasgow's gangs in the 1920s and 1930s is itself a commentary on the hold that 'gangsters' still have on Glasgow's own imagination, and on outsiders' perceptions of its history. Glasgow is awash with 'true crime' books, not all of which are bad, that purport to tell the story of its gangster past, even when they concentrate on the bigger names and more sensational events. Davies tells these stories too, but he writes history more or less as the late E P Thompson would have wanted it written, in ways that rescue long forgotten people from "the condescension of posterity", and showing something of the structural and cultural forces that impinged on them, and to which they responded, often nihilistically. Contemporary newspapers over used the words "terror" and "menace" to describe the gangs, but Davies does not shirk from showing how dismal and destructive the violence was, on the men themselves and their families.

Religion permeates this account, not only in terms of the vicious sectarian allegiances of different gangs but also in terms of the maverick clergyman who periodically stepped in to "save these hooligans from hell", as much by the wise-but-simple expedient of creating clubs and channeling their leisure activities as by spiritual exhortation. Not all senior churchmen agreed with what they did: some were so obsessed with sin and authority that they refused to countenance any explanation of gang violence which emphasised social conditions over personal depravity, but the practical efforts of the more thoughtful clergymen, and a police court missionary, and a gardener, were undoubtedly commendable, and their role in the story makes for one of the most original chapters in the book. The trouble is, these efforts were never enough to have a cumulative effect on the gangs, nor could they touch on the conditions which produced them. Newspapers did run hopeful headlines whenever gangs ceased fighting each other as a result of some ministers efforts, but the truces rarely lasted.

The city's political class were always annoyed by the bad reputation that the gangs gave Glasgow, but did precious little to change the environment which gave rise to them. They particularly disliked disdainful criticism from English newspapers, which bought into the 'Americanisation' thesis that Hollywood crime movies were to blame, and took seriously the idea that Glasgow had become like Chicago, even though the gangs were never involved in organised crime on anything like the same scale. Davies retells the old story about the city council's utterly wrongheaded response to the novel *No Mean City*; the furore it, and indeed some of the real-life gang murders, understandably created could have been responded to so much more constructively by the trinity of police, press and politicians.

Some journalists, notably George Blake, consistently tried to counter the press's more lurid mythologising and the police's persistently self-aggrandising accounts of how they dealt with them, and to give a more honest account of the gangs, estimating that there were only 500 people involved in them compared to the figure of 5000 quoted by the *Daily Mirror* (from a police source). For all he rightly rooted the gangs in unemployment and poor housing, with American gangster movies doing "the rest", even Blake was not averse to portraying the gangsters in sub-Lombrosian terms, possessed of "ape-like" physiques. Memoirs, ghosted or otherwise, may sometimes have revealed Glasgow's gangsters to be complex men, but the rendering of the general run of gang members and their families as fully, ordinarily human, rooted in a particular time and place, in a balanced and objective way, has not really been done before, until now.

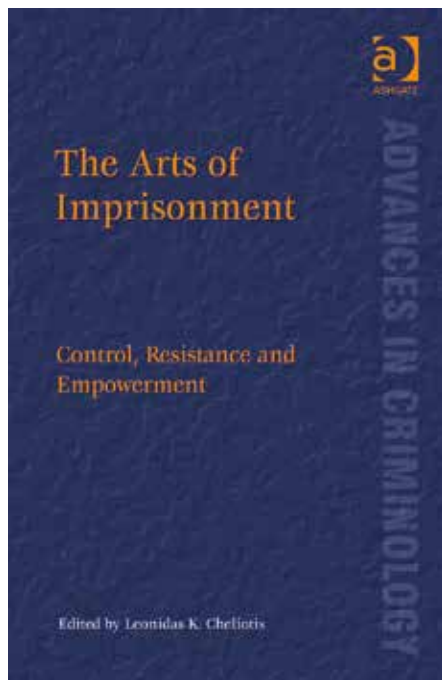
So, all in all, a very good book. Some people will want more sociological theory than Davies offers before they will say that the "city of gangs" has been properly explained, and maybe also more of an indictment of the municipal political system that failed to eradicate them. There is room for that but, regardless, Davies has written a memorable, probably definitive account of people and events that, for better or worse, linger still in Glasgow's self-consciousness, and whose sombre legacy lives on in some of the city's neighbourhoods because too few of the powerful in the past cared enough to do anything serious about it.

Mike Nellis is emeritus professor in criminal justice at the University of Strathclyde.

BOOK REVIEW

The Arts of Imprisonment: Control, Resistance and Empowerment

Cheliotis, L. K., 2012, ed., Farnham: Ashgate; 322pp: 9780754675860 (hbk).



THIS COLLECTION of seventeen essays on the relationship between art and imprisonment speaks eloquently of the functions and value of cultural expression in its various manifestations: from propagandistic representations that serve to terrify and simultaneously assure the public that prison is an austere and cruel place, a reminder that a suitable amount of punishment awaits the transgressor, to sites of resistance to power (as Foucault would have it) and assertions of subjectivity, albeit of a sort that is always limited by the constraints of the punitive imperative. It is interesting, but not surprising, in this age of a seemingly ubiquitous managerialism, mass incarceration, and populist punitiveness, that the arts, whether in the form of state-sponsored therapy or (relatively) autonomous expressions of resistance, should provide the means, not only of assuaging the pains, including boredom, of *doing time* but, importantly, as Michelle Brown (2009: 212) writes elsewhere, of 'semiotic

subterfuge'. Conventional wisdom has it that the 'average' prisoner is under-educated, inarticulate, and incorrigible, on the *outside* an inhabitant of society's most dangerous corners, yet these essays reveal that art is often most vital when it articulates an outsider aesthetic.

The editor's introduction, more than a mere summary of contents (and with an impressive eight-page bibliography), provides a concise and interesting history of the ways in which art has been used to represent prisons, to the outside world as it were. This is art as an instrument of control: gothic architecture, dancing convicts in orange jumpsuits, prison choirs and concentration camp quartets, all of which suggest the pains of imprisonment while at the same time implying that prison can be a 'site of benevolence' (p. 2), of 'open-heartedness and care' (p. 11). The reformists used art as a therapeutic tool which, however, served largely to validate the utility of prison; such is the way of total institutions. But, the dominant theme of this collection is of the struggle for autonomy, albeit conditional; of producing a narrative of sorts (Nellis, pp. 189-210) in order to describe 'a subjective truth' (p. 203) which is more than redemptive.

From Jewkes's (pp. 27-46) discussion of the prison as an 'an-aesthetic space', that is to say, a space that is the product of a technology of disenchantment, where ugliness is 'designed-in', to Ruggiero's (pp. 73-86) critical comparison of the prison exposés of Victor Hugo and Octave Mirbeau, the essays in this collection go some way to a recuperation of cultural criminology's unfulfilled promise of a new and exciting challenge to its more traditional modes of interpretation. Yet, the baby remains safe in the bathwater as many of the essays do not neglect structuralist or objectivist critiques of prison as a site of criminal reproduction that serves largely

to confine and punish the economically disadvantaged, socially marginalised, or politically 'dangerous'.

As Jewkes (p. 33) notes, the 'outside/inside' couplet is nowhere else as evident as in prison building; that is, the outside interpolates the inside and vice versa, serving as reminders, each to the other. While critiques of the 'landscape of social control' (Cox and Gelsthorpe, 257-275) are discussed engagingly and with erudition, the enduring effect of this collection is that it incites the reader to admire and support the human ability to resist the call of prison, and its destructive effects, in creative ways: among others, through black humour and music (S. Gauntlett, pp. 150-165; Digard and Liebling, 277-301); painting (Carnochan, pp. 133-147); writing (Johnson, 167-188; Nellis, 1289-210).

Finally, this reader is left with a sense of hope for the creation of a truly communitarian ethos which, in terms of criminal justice and the constant complaints of criminologists and others that prison doesn't work, is in keeping with the principles of restorative and redistributive justice. For some prisoners, it seems that artistic expression enables a sense of care for others, a care *for* community that non-prisoners might find curious. The promise of this book is that the mortification of the self may be transcended by doing the work that goes to make art:

**But, oh,
the changing is
agonizingly slow.**

(Horner, in Johnson, p. 184)

Brown, Michelle (2009) *The Culture of Punishment: Prison, Society, and Spectacle*. New York: New York University Press.

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scottish justice brief

Current legislation

Criminal Justice (Scotland) Bill

"A Bill for an Act of the Scottish Parliament to make provision about criminal justice including as to police powers and rights of suspects and as to criminal evidence, procedure and sentencing; to establish the Police Negotiating Board for Scotland; and for connected purposes". Most media attention continues to be directed at the provisions to implement the proposal in the Carloway Review, to reform the Scottish evidential tradition on corroboration. The Justice Committee's Stage 1 report published on 6th February supported the general principles of the Bill with the exception of the corroboration proposals. A late announcement, by the Cabinet Secretary, that a reference group under Lord Bonomy was to be set up, to consider what additional safeguards and changes to law and practice may be needed in Scotland's criminal justice system when the corroboration requirement is abolished, came too late for the report. That this a question of when not if, is reflected in Mr MacAskill's contribution to Take 5 in this issue and other public statements.

Stage 1 is timetabled to be completed by 28.2.14.

Criminal Verdicts (Scotland) Bill

This Member's Bill was introduced by Michael McMahon MSP on 27.11.13 to "make provision for the removal of the not proven verdict as one of the available verdicts in criminal proceedings; and for a guilty verdict to require an increased majority of jurors".

No other information is available at the time of writing.

Proposed Human Trafficking (Scotland) Bill

Jenny Marra MSP is seeking to (a) require the creation of a Scottish anti-human trafficking strategy; (b) provide for the special treatment of human trafficking-related crime within the criminal justice system; and (c) provide for the support of survivors of human trafficking. A consultation on the Bill was due to have closed on 17th January 2014.

See the www.cjscotland.co.uk database for regular updates on what is happening in Scottish criminal justice.
Contact scccj.info@ntlworld.com to subscribe.

Other matters

■ The Government response to the independent expert review into Delivering Recovery-Opioid Replacement Therapies in Scotland (August 2013) was finally published in November. The Report's recommendation that ORT (commonly methadone) should continue but that services should be more aspirational to support recovery, was perhaps a nuance too far for the media, resulting in contradictory headlines such as "Methadone 'millionaires' set to be axed thanks to Daily Record campaign against heroin substitute" (Daily Record) and "Scottish methadone policy 'should continue', says review" (BBC).

■ Racist incidents recorded by police 2012-13 figures showed a 14% decrease, confirming an existing trend. Pakistani and White British victims/complainers each accounted for 23 per cent of victims/complainers.

■ In December the Government response to the consultation on 'redesigning' the community justice system, prompted by recommendations of the Angiolini Commission on Women Offenders (April 2012), was published. Community Justice Authorities are to go, with responsibility for the planning and delivery of community justice services being transferred to Community Planning Partnerships, with a national strategy being developed by the Scottish Government. These will be aided by a new national body capable of commissioning services, provide independent assurance on the performance of partnerships and to provide the leadership Angiolini has identified as being needed in community justice.

■ Parliament passed the Victims and Witnesses Bill just before the Christmas recess (see Frida Wheldon in SJM2, Munro and Orr, this issue).

■ Aberdeen city councillors backed plans for a by-law that would criminalise begging. However, the Scottish Government would need to approve it in order for it to be brought into force.

■ In January the Moi Ali, Judicial Complaints Reviewer, gave notice that she was not intending to seek a second term, criticising the limitations of her powers to hold judges to account.

■ UK wide campaigns against female genital mutilation (see articles on FGM in SJM1) gained ground with the Scottish education secretary's commitment to raising awareness in schools being praised.

Events

Moral panic or moral crusade?

21st century social issues and anxieties concerning young people

Lecture by Viv Cree, University of Edinburgh, 12 March at 17:30, LT270, Law School, University of Edinburgh. www.howardleaguescotland.org.uk

"Children: Offending and Offended Against"

Glasgow SASO Conference

8 May. Chair: Lord Hope. Speakers inc: Sir Harry Burns (former chief med officer); Sue Berolowitz (Dep Children's Commissioner, England); Lars Walkliinder, Swedish Min of Justice; Prof Lesley McAra; Malcolm Schaffer, SCRA
Email: info@sastudyoffending.org.uk. CPD for main professions

'No-One's Ever Asked Me:

Hearing the voices of children affected by parental imprisonment'

Children of Prisoners Europe conference. Friday 16 May, Royal Botanic Gardens in Edinburgh. Families Outside and NIACRO are co-hosting it on behalf of Children of Prisoners Europe, <http://childrenofprisoners.eu/>



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