



The Scottish  
Government

## Experiences of Supervised Bail

Crime and Justice



social  
research

# **EXPERIENCES OF THOSE ON SUPERVISED BAIL: INTERVIEW FINDINGS**

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## INTRODUCTION

- 1.1 This report outlines the findings of a series of research interviews with people who have been on supervised bail in Scotland. These interviews sought to gain an insight into their experiences of supervised bail, their views on supervised bail, and the ways in which supervised bail impacted upon their lives. This research forms one strand of a wider project examining supervised bail in Scotland.
- 1.2 This research aims to fill a gap in the evidence base by exploring how supervised bail works, thus informing future supervised bail policy and practice.

### Supervised Bail in Scotland

- 1.3 Supervised bail is an alternative to remand (when people are imprisoned while they await trial), whereby those accused of a crime are released on bail on the condition that they meet with a social work or third sector<sup>1</sup> supervisor up to three times a week. The aim of supervised bail is outlined in the Scottish Government guidance of 2008:

*Bail supervision schemes are designed to minimise the numbers of accused held on remand in custody pending trial or for reports after conviction, who subject to safeguards in respect of public safety, could be released on bail to the community pending their further court hearing (Scottish Government 2008: 1)*

- 1.4 In other words, the aim is to support bailees to comply with bail conditions, enabling them to remain in the community while awaiting trial. On an individual level the aim is to avoid the disruptive experience of a period of remand, and give bailees support to deal with any problems they may have, and at a system level it aims to reduce breach of bail and the prison population.
- 1.5 Supervised bail was initially piloted in Glasgow and Edinburgh from 1994. Following an evaluation of 9 months of the pilots (McCaig & Hardin 1999), funding was made available across Scotland, which areas could choose to use for bail supervision, or for bail verification schemes, which confirm addresses for potential bailees. As a result, bail supervision was not introduced in all Local Authority areas.
- 1.6 Research commissioned by the then Scottish Executive in 2004 on bail/custody decisions for females described a general consensus among judges interviewed that bail supervision “was an effective tool with some accused” (Brown et al 2004: 27). Many of the study’s respondents also felt remand numbers could be reduced by increased funding of bail schemes (ibid: 31), however the study also found that there was a lack of awareness

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<sup>1</sup> Most supervised bail schemes in Scotland are run by Criminal Justice Social Work, but a few are run by third sector organisation Sacro. This report will use the term ‘bail workers’ to refer to people working in both kinds of schemes.

amongst judges and prosecutors about services provided by social work and the third sector.

- 1.7 There is currently a supervised bail scheme in place in most Local Authority areas in Scotland. It is targeted at those who would otherwise be remanded, especially ‘vulnerable’ groups as defined by the 2008 Scottish Government guidance – young people, women, carers, drug misusers, those with mental health problems, and more generally those “who would suffer extreme difficulties if remanded to custody” (Scottish Government 2008: 2)<sup>2</sup>.

## The theory

<b>Situation:</b> Some accused are considered for remand on the grounds that they are unlikely to comply with the conditions of bail without supervision or support. Research tells us that remand is expensive, disrupts family relationships, employment and education, and does not allow time for meaningful engagement with rehabilitative services in prison.					
Inputs	Outputs		Outcomes		
	Activities	Participation	Short term	Medium term	Long term
Bail workers (criminal justice social work/ third sector)	Suitable candidates for SB identified and given SB	Bailees and potential bailees	Bailees feel they get on well with bail workers	Bailees continue to attend meetings	Enhanced bailee relationships with family
Bail offices	Bail workers meet with bailees 2-4 times per week		Bailees feel motivated to attend meetings and comply with conditions	Bailees comply with conditions	Reduced re/offending by bailees
Time	Bail workers assess bailee needs and signpost where appropriate		Bailees feel motivated to take up signposted services	Bailees engage with signposted services	Bailees develop a non-criminal, pro-social identity
Money	Bailees and bail workers discuss bailee attitudes, behaviour and aspirations		Bailees reassess attitudes, behaviour and aspirations	Compliance encourages community sentence	Enhanced employability
Partners: Judiciary Defence agents Police Procurators Fiscal				Bailees stay in the community and out of prison	Improved mental health (where signposted services include mental health services)
<b>Assumptions</b>			<b>External Factors</b>		
Processes in place to screen accused for supervised bail Judiciary and others know about and ‘buy in’ to supervised bail			Life events (marriage, childbirth, employment, etc) Bailee’s existing motivation levels, attitudes, behaviour and aspirations Bailee’s family and social circle		

<sup>2</sup> Since the research has taken place the guidance has been reworded to emphasise that any individual can be considered for bail supervision, rather than prescribing specific target groups.

- 1.8 The logic model<sup>3</sup> above outlines (from left to right) the theoretical links between the resources invested in supervised bail, the activities that take place, and the short, medium and long term outcomes for bailees.
- 1.9 Each column in this model is reliant on the one before it, such that activities can only take place if inputs are in place, and outcomes can only be realised if activities take place as envisaged, and if preceding outcomes have been realised. Moreover, outcomes will only be realised if the theory that the activities will or can lead to the short, then medium, then long term outcomes is correct.
- 1.10 Existing research literature gives us some evidence as to the existence and nature of the links between the activities and outcomes outlined in this theoretical logic model. There are two bodies of literature which are of use here – literature on desistance from offending and criminal justice interventions, and literature on the theory of planned behaviour.
- 1.11 Now, while supervised bailees can not all be described as ‘offenders’, as bailees do not always have previous convictions, and have not yet been tried for the case in hand, the aims and nature of bail supervision have much in common with other criminal justice interventions in the community, or with a supervision element, such as probation and mentoring.
- 1.12 And so, a recent review of the literature on what works to reduce reoffending drew two main conclusions that are relevant to supervised bail. First, it was found that community sentences are more effective than short prison sentences, in the long term, in reducing reoffending, and there is evidence that this is due to there being increased access to rehabilitative services in the community (Sapouna et al 2011). There are clear parallels between bail supervision and community sentences here, especially considering the emphasis placed in supervised bail guidance on signposting bailees to relevant services. There are also parallels between remand and short prison sentences, in that both involve a short spell of time in prison, and indeed it is even less likely that remand prisoners will have access to rehabilitative services due to the relatively short average length of remand.
- 1.13 Second, the review found that ‘respectful, participatory and flexible contact with a supervisor can trigger positive change in offenders’ (Ibid). Specifically, research has found that desistance from offending is a process, by which people ‘discover’ their own agency, and gradually build and live out a pro-social identity in place of a ‘criminal’ one (see McNeill 2009 and Farrall 2005). This can be influenced by life events such as marriage and employment (see ‘external factors’ in the logic model), but also by relationships with those around them, including family, friends, and ‘lightly engaged professionals’ such as supervisors (Farrall 2005).
- 1.14 Specific features of relationships with supervisors which have been found to lead to reduced reoffending and the development of pro-social identity include

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<sup>3</sup> For more on the definitions and uses of logic models, extensive resources can be found at <http://www.uwex.edu/ces/pdande/evaluation/evallogicmodel.html>

supervisor assistance to envisage a new identity and alternative new future (McNeill 2009, Farrall 2005), and help to find employment and mend family rifts (McNeill 2009). More specifically, supervision has been shown to be most effective when those being supervised experience supervision as active and participatory, perceive that the supervisors are personally and professionally committed to them, and demonstrate encouragement, fairness, and a genuine concern for their wellbeing. This in turn motivates in those being supervised a sense of loyalty to their supervisors, and a commitment to desist (Rex 1999).

- 1.15 This literature on desistance and supervision provides theory and evidence for the links between supervision activity, and our short, medium and long term outcomes by demonstrating that supervision activity can lead to the long term outcome of reduced reoffending when there is a good relationship between supervisor and supervised, and when this leads or contributes to a reassessment of behaviour, and a change in behaviour and identity.
- 1.16 The second body of literature which is relevant here is the literature on the theory of planned behaviour. This theory was developed in psychological literature, and has been successfully used to understand, explain and predict human behaviour across a multitude of spheres. For example it has been used to examine problem drinking, electoral voting, and condom use (see Azjen 1991, Kiriakidis 2010) to name just a few. To date, however, it has only ever been used to try to build a predictive model of reoffending (see Kiriakidis 2008 & 2010, and Forste et al 2011), rather than to explain and further understand relevant factors in behaviour change.

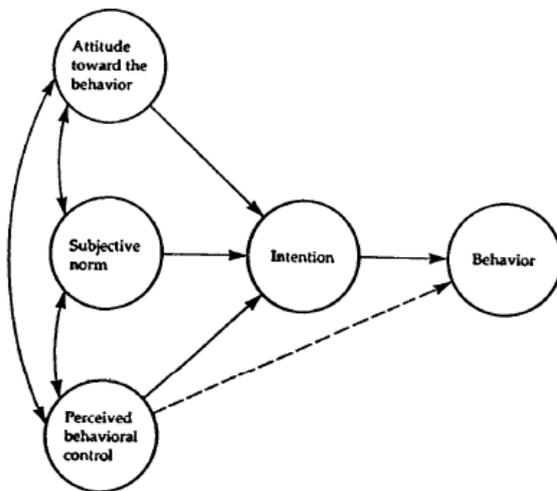


Figure 1 (Azjen 1991, page 182)

- 1.17 The theory of planned behaviour proposes that behaviour is primarily driven by intentions to behave in a certain way, which in turn are driven by three motivational factors (see Figure 1):
  - Attitude towards the behaviour – the extent to which a person has positive or negative views of the behaviour
  - Subjective norm – Perceived social pressure felt by a person in regards to the behaviour

- Perceived behavioural control – the extent to which a person feels they have agency in regards to the behaviour. This will be related to, but not necessarily match, actual control over behaviour.
- 1.18 The structure of this theory is useful in the current context, as it provides a framework for understanding the links between supervised bail activities, and their impact on bailee behaviour, as outlined in the short and medium term outcomes in the logic model.
- 1.19 The findings outlined in this report will focus on the experience of the supervised bail activities (being screened and selected for supervised bail, and the frequency and content of meetings), and the links between the activities and the outcomes, particularly the short and medium term outcomes. More specifically, the analysis of the interviews will explore the mechanisms and circumstances by which the activities involved in supervised bail can lead to the outcomes identified, as well as identifying situations where the activities do not lead to the outcomes.

### **The research**

- 1.20 The interviews form one strand of a wider evaluation of the impact of supervised bail, which also included analysis of operational data, a workshop with bail workers, surveys of the judiciary and Procurators Fiscal and economic analysis. A report on the findings of the evaluation as a whole will be published alongside this report.
- 1.21 These other strands of the research found that supervised bail schemes are in place in most, but not all, Local Authority areas in Scotland, but uptake of the service has been declining in recent years. This decline could be addressed by ensuring good processes are in place for supervised bail screening and by tackling lack of awareness and buy in among the judiciary, Procurators Fiscal and defence agents.
- 1.22 Three quarters of bail supervision orders studied were completed successfully, and bail workers felt that breach rates were low. Members of the judiciary who believed that breach rates were low said that this influenced their use of supervised bail. Evidence also suggested that successful completion of supervised bail encourages the use of community sentences over prison sentences.
- 1.23 As outlined above, supervised bail is designed to only be used as an alternative to remand, not to regular bail. The research found that there is little 'net-widening' of supervised bail to cases where accused would not have otherwise been remanded.
- 1.24 Finally, the economic analysis found that the net benefits of supervised bail as an alternative to remand over the three years examined were between £2million and £13million, and that the average cost of a supervised bail case would need to rise by between 75% and 560% for supervised bail to no longer be cost effective.

- 1.25 The purpose of the interviews with those who had been on supervised bail was to add to this research by exploring the ‘on the ground’ experience of supervised bail, to find out bailees’ experiences and attitudes in regards to supervised bail and its perceived impact on their behaviour and wider lives. Specifically, the aim was to explore the circumstances under which supervised bail does and does not lead to its intended outcomes, as outlined in the logic model above. It is hoped that this will inform future policy and practice, for example aiding in the development of best practice toolkits for relevant justice professionals.
- 1.26 This report will give a descriptive account of interviewed bailee’s experiences of supervised bail, from activities to outcomes, before returning to the logic model and exploring how the findings, and desistance literature, contribute to understanding the links between inputs, outputs and outcomes for supervised bail.

## Methods

- 1.27 Ten people who had recently been on supervised bail were interviewed between October 2010 and March 2011. In line with requirements of the Data Protection Act 1998<sup>4</sup>, interviewees were recruited with the assistance of three bail supervision schemes across Scotland, who either asked those who were about to finish supervised bail if they would be willing to be interviewed; contacted those whose supervised bail had recently ended to ask permission to send contact details to the researchers; or posted opt in letters to those bailees who were now in prison, on the researcher’s behalf.
- 1.28 It had been intended to use a snowballing technique to boost recruitment, that is, to ask interviewees if they knew any other people who had been on supervised bail who might be willing to speak to us. However, the first interviewee indicated that he was currently trying to avoid contact with anyone who had recent contact with the justice system, and on the basis of this the researchers decided not to ask this of other interviewees.
- 1.29 It should therefore be noted that because the interviewees were recruited through their bail workers, generally these were people who had engaged with supervised bail, and had good relationships with their bail workers. It is likely that there are other bailees who did not engage, who were less likely to be contacted by bail workers in regards to this research, and also less likely to agree to participate.
- 1.30 There is therefore likely to be selection bias in the sample, meaning that those interviewed are not representative of supervised bailees more widely, and may tend to have more positive experiences than many of those who did not participate.

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<sup>4</sup> It was not appropriate to ask bail supervision schemes to send contact details of supervised bailees directly to researchers due to Data Protection, so it was necessary to ask the schemes to act as gatekeepers so that personal information was only shared when this sharing had been approved by bailees themselves.

- 1.31 Nonetheless, the sample does include a range of age, gender, experience with the justice system, and location, meaning that the findings below cover a range of experiences and reactions to supervised bail, though the range would have undoubtedly have been wider if the sample had included those kinds of bailees who would be less likely to participate, such as those who did not complete, those who did not like their bail supervisors, and those without stable contact details.
- 1.32 The findings in this report should thus be regarded as by and large exploring the positive stories of supervised bail, and cannot examine the potentially less positive stories of bailees who did not participate.
- 1.33 To ensure their comfort, interviewees were (when possible) given a choice as to where the interview would take place. As a result, four interviews took place in the interviewees' homes, four in bail offices, and two in prisons. A note taker accompanied the interviewer to each interview, both for safety and to take comprehensive notes in case the recorder failed. It is possible that the presence of two researchers may have influenced the dynamic of the interview by creating a less 'natural' interview setting, which may not have been fully counteracted by the interviewer's assurances, informal and friendly approach, and requests for honesty. Clearly, there is no way to know whether and to what extent this influenced interviewee responses.
- 1.34 The interviews were semi-structured, and lasted between 15 and 50 minutes, with an average duration of 30 minutes. The topic guide can be found in Annex A.
- 1.35 Interviews were, with the interviewees' permission, recorded, and then transcribed, and analysed using the framework mode of analysis, with the assistance of Framework software.
- 1.36 Case studies of the particular circumstances and experiences of individual bailees can be found throughout the next chapter of the report.

## 2 FINDINGS

In this chapter we outline the findings from the interviews, working roughly from the left to the right of the logic model, i.e. beginning with outlining the bailee's experiences of the activities involved in supervised bail, and moving from there to their accounts of the outcomes of supervised bail.

### The bailees

- 2.1 The interviewees ranged in age from 18 to 43, with most being between 18 and 22 years of age. Two of the ten were female, and there was a range of experience with crime and the criminal justice system, from those who had been charged with a crime for the first time, to those who had served prison sentences of over a year. Likewise, some had been on supervised bail once, and some had been on it multiple times, and/or had experience with regular bail or remand. Some of the younger interviewees lived with parents, others alone or with partners or siblings, and some had children.
- 2.2 The charges associated with their supervised bail also varied, and often interviewees could not recall the exact charges, though most seemed to be violence or weapon-related.

### Supervised bail screening

- 2.3 As outlined above, in some areas potential bailees are screened in the cells by bail workers, while others are identified as potential bailees by other means i.e. on the referral of defence agents. Of the bailees interviewed, some said they were screened in cells, others said their lawyers had suggested supervised bail to them, and set up screening, and one said they had requested it themselves. All the interviewees from one supervised bail scheme had been screened in the cells, while in the other schemes it was mixed.
- 2.4 All but one bailee had been told or believed that they would have been remanded if they had not been given supervised bail. This fact, that supervised bail meant that they remained out of prison and in the community, was key to many interviewee's understanding and evaluation of supervised bail itself, as we will see below. The one interviewee who said they did not know what to expect if they had not been given supervised bail had a general lack of understanding of the system, including their own disposal, and seemed to see supervised bail as part of their punishment (see case study 3 on page 18).
- 2.5 Some bailees said that they had not been sure about supervised bail at first for various reasons (their innocence, not knowing about it, first impression of bail worker) though others said that they saw it as worth a try because it was not prison.

## Case Study 1

Bailee A was 18 when interviewed. He lived by himself, having recently broken up with a girlfriend who he had been staying with. He had been on supervised bail multiple times from the age of 16. The charges had ranged from serious assault to breach of the peace, and all of these cases had eventually been dropped. His only conviction was for breach of a curfew while he had been on supervised bail.

The main message about supervised bail from this bailee was that it was inconvenient. On the one hand, he saw this as bad as he had to put time and effort into attending meetings, and it interfered with other things he wanted to do, but on the other it was good as he felt it motivated him to avoid trouble, so he didn't have to go through it again. He was also clear that it was preferable to prison.

On the meetings themselves:

*Most of the time you just sign a bit of paper, talk for five minutes and went home, but sometimes he'll say they want yi tae sit and they dae questionnaires and that wi you... A kin never be bothered. It's a pain in the arse. A needed tae come three times a week ...at half two in the day a needed tae make a trip intae toon every week. It's better than the jail but ....*

**Bailee** : *but when a used to go intae the office a don't think a've ever been in here for mare than five, ten minutes. I sign ma bit of paper and leave.*

**Interviewer** : *what do you think the questionnaires and stuff were for?*

**Bailee** : *it wis always about talkin about offending ... drugs and alcohol. Always askin if you wanted help, if a needed help. But a've never, didnae really need it.*

On the bail worker:

*It wisnae as bad as a thought it wis goin' tae be. Because when a first met, it wis (name), a' didnae like him at first, he's like a polisman, it was like talkin' to the polis, a' hate talking to the polis. But we started getting on eventually*

On inconvenience:

**Interviewer** : *Is there anything you would say is bad about the supervision?*

**Bailee** : *there is nothing bad about it. It is just a pain coming like three times a week. A got mine dropped to two, cos I was good...good at coming, so that wis alright when they dropped it to the two. A couldnae be bothered. When you're away doin' something and then you need tae leave, come in here. It wisnae the problem of comin' in here it wis just the needin' tae come. To leave whit you're daein', aye. Especially last winter an' a'. It wis freezin' cold a' the time*

**Interviewer** : *what do you reckon works best? About supervised bail?*

**Bailee** : *it just, it annoys yi. And you just want to get aff y it. So you just don't want tae go through again. I used to come in and get a laugh and that bit it wis just needing tae come a' the time an' that. You cannae make plans.*

On change in his behaviour over time:

*Aye cos when a wis 16 a didnae care. Noo a'm no – when a wis oot at the thing at the weekend there, a wis at a pub across the road, all them just started fighting an' that an a just went hame. Am no getting in this, I'm no landing back in the jail.*

## **Experiences and attitudes to remand and regular bail**

- 2.6 All who talked about it saw supervised as a better option for them than remand, including those who had been on remand and those who had not:

*“In jail I would have had no job, no family, no life”*

- 2.7 Clearly the very fact of being able to stay in the community and maintain or build a normal life was of central importance to the bailees. Some also talked about concerns that being remanded would have led to them getting into more trouble, because of the other people they would meet in prison. One, who was currently on remand, said that the experience had been the worst time of his life.
- 2.8 Two bailees compared their experience with supervised bail to their experience on regular bail. One talked about not having any help or support on regular bail, and how he ‘got mad wi it’ when he was on regular bail. Similarly, the other had previously had regular bail with a curfew, which he had broken by going out and getting drunk.

## **Supervised bail meetings**

- 2.9 The interviewees reported attending between 2 and 4 meetings a week, mostly at the supervisors’ office, with some meetings also taking the form of home visits or phone calls. The length of these meetings ranged between 5 minutes to up to and over an hour. Some bailees interviewed described their meeting length varying depending on how much they had to talk about, or meetings consisting either simply of signing in and leaving, or sometimes sitting and doing surveys with bail workers, while others talked about set appointment lengths of 15 minutes.
- 2.10 Some of this variance may be due to different practices or workloads in different schemes, or of different bail workers, but it seemed to the researchers that at least some of the variance was due to the tailoring of meeting frequency and lengths to the needs and circumstances of the bailees<sup>5</sup>.
- 2.11 Bailees talked about having their attendance requirements reduced after a time, to fewer meetings, and some/more home visits or phone calls rather than meetings in the bail offices. This was explained by interviewees to be a reward for attending meetings and behaving well in general, and some expressed a real sense of pride at having earned this, and at not having missed any meetings. One bailee in particular reiterated multiple times throughout the interview that he had never missed a meeting, and had his contact steadily reduced. This reduction was also sometimes said to be to fit in with a bailee’s work, thus allowing them to start or maintain employment.

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<sup>5</sup> Unfortunately, due to the phased nature of this research, the component involving bail workers took place many months before the bailee interviews, and there was neither time nor resources to interview the supervisors of these bailees to explore this theory.

## Case Study 2

Bailee E was in his 40s when interviewed. He lived with his long term partner and young child. He had been on supervised bail once, while charged with assault. He had previous weapon-related convictions from when he was younger and had been in prison several times, but had not received a prison sentence at the end of his supervised bail, and he put this down to the positive report from his bail supervisor.

For this bailee the key thing was his relationship with the bail workers and the positive feedback he got from them – he talked about how well he got on with them, how he had never missed a meeting and had been rewarded with a reduction in meeting frequency, how the good report had led the Judge to call him a ‘stand up citizen’ and give him a community sentence, and how the bail workers were still complementary to him when he bumped into them. He also appreciated that it allowed him to keep his job, and spend time with his child and partner.

*But I’m, like that, get on brilliant wi (bail worker), she was brilliant, she went on holiday and that and we spoke about it, the place she’d been to and that, she’s like that ‘you’ve really got it down to a t’.*

*And don’t get me wrong, when I went to see them a went tae see them fir about three hours, four hours you know whit a mean, talking about a load of things. And the other week there when I was on community service and he seen me there ... he says how you keeping, you working away and that? ... they’re a’right, they’re brand new .... I wis really ok. Ma wife wis really happy for it an all, really happy, the way they were with me it wis brilliant. They were great wi me and the way they were wi’ (name of child) it wis good the way they were*

*Because I done what I was told, a’d tried ma best to get on wi’ them. If yi don’t do this or that you are nae goin’ tae get on wi it obviously. Goin’ tae work, you don’t go tae work, you’re goin’ tae lose your job. If you don’t go tae [supervised bail] there you’re goin’ tae go to prison. You’re goin’ tae dae it. But I think the better side y things wis, the laugh I had wi them, laughin and joking, and they were really alright. And I says to young [name of friend]... I says they’re only doing their job, they’ve nothin’ tae dae wi the polis an that. They’re only daein’ their job the same as everyone else ... But really deep doon it affected me, made me think. A’d been in trouble but I’m working and all that the now, well I worked when that happened anyway, but its made me realise a don’t want tae lose ma job. A really don’t want tae lose ma job.*

*It wis brilliant fir me. It brought me and ma partner a lot closer. I come up expecting the jail and she [the Judge] says to me she actually says to me, she actually came oot somethin’ about it, I’m trying to remember what it is .... she says people make the high court ... ‘it works for some people and it doesn’t work for others, this is what yi call a stand up citizen fir what he’s done....he’s admitted what he’s done, he’s admitted his faults, he’s admitted what he’s done was wrong...’ blah blah blah, its written down, ‘and I think his sentence shouldn’t be as thingmy, his sentence, prison isn’t the issue here.’ So I think that’s why I got...[inaudible – not prison]*

2.12 Other bailees, however, did not experience such flexibility, and saw meeting frequency and timing as non-negotiable.

2.13 In regards to the content of meetings, bailees talked about signing in, and talking to their bail workers. For some this talk was brief, and help was not needed or wanted. Other referred to the meetings as a source of emotional support, for example they:

*'talked to me about family problems and everything I'd been through'.*

2.14 Some also said they talked about their behaviour with bail workers, and – particularly the young men – about bail workers telling or reminding them to behave (see below).

2.15 On the other hand, for an older bailee, while he felt that bail workers would try to help if he had a problem, he also liked them because they did *not* tell him what to do. This again demonstrates the tailoring of meetings, this time content, to match the needs and profile of the bailees.

2.16 Some bailees also talked positively about practical support provided by bail workers in meetings, which included:

- Helping them find a better lawyer
- Giving structure and keeping the bailee off the streets, occupied, and getting him out the house
- Speaking to DSS on the phone and sorting out benefits issues
- Helping the bailee look for a job

2.17 In addition, some of the bailees were signposted on to other services by bail workers, though some were offered and declined drugs or alcohol services because they felt they didn't need them. Services bailees did take up were:

- Bereavement counselling (*'the best thing that's ever happened to me' – see case study 5 on page 26*)
- Addiction services (drug and/or alcohol)
- Support to find employment/education

### **In/convenience of meetings**

2.18 Some bailees talked about the convenience or inconvenience of meetings. Those who had gained jobs while on supervised bail described meetings being tailored around their work, with times changed or meeting format changed to phone calls. Another bailee talked about being able to go in and speak to their bail worker outside the allotted time when they needed someone to talk to. For these bailees supervised bail was flexible and supportive.

2.19 On the other hand, some bailees talked about the inconvenience of supervised bail, in that meetings were badly timed, or too frequent, or the journey there was time consuming or expensive. For some this was detrimental – for example for one bailee the meetings always occurred just as their children were coming home from school and they were cooking dinner, so they was sometimes late or forgot the meetings, and when there they were keen to get home quickly, which made meetings short and unproductive (see case study 3 on page 18).

2.20 For others the inconvenience of supervised bail was described as a deterrence to offending (see case study 1 on page 13):

*“It just annoys you. And you just want to get off of it. So you just don’t want to go through that again”*

2.21 Some bailees specifically mentioned that being on the tag as a further condition of bail was inconvenient because it prevented them from doing things such as going camping or walking their dogs.

### **Relationship with supervisor**

2.22 All of the bailees said that they got on well with their bail workers, which is not surprising given that almost all were recruited for interview by bail workers.

2.23 When talking about their relationship with bail workers, the following things were talked about positively:

#### Talk

2.24 Bailees talked about their bail workers being someone to talk to, someone who managed to get the bailee to talk in a way they had not before, and about things they had not felt able to talk to anyone else about. Bailees explained that this was because bail workers were truthful, ‘had some skills’ at breaking down barriers, were understanding, and interested, and talk was confidential.

#### ‘Like a normal person’

2.25 In addition to being someone to talk to, bailees variously described bail workers as ‘a laugh’, as someone who would also talk to bailees about their own lives (such as holidays), and therefore as someone who was ‘like a normal person’ or ‘like my own wee mum’, rather than like a social worker or police. This suggests that, in turn, bailees felt like they were being treated as regular people, or even family, rather than as criminal clients. So, for example, one bailee described how he got on well with two of the bail workers because they were ‘a laugh’, but not a third, because he came across like a police officer.

### **Case Study 3**

Bailee D was in her 30s at time of interview, and lived with her children. She had been on supervised bail once, and had never previously had any contact with the justice system.

For this bailee the whole experience of being charged, being on supervised bail, and going to court and being convicted was very upsetting, and supervised bail seemed to be to her just one element of this wider, traumatising experience. Unlike the other interviewees, she did not see supervised bail as an alternative to remand, and she found the meetings unhelpful, inconvenient, and embarrassing.

On timing of meetings:

*a had tae set ma phone cos the kids are comin' in fi' school at that time and a'm runnin' about tryin' tae get dinners ready. So a couple y times a wis either late or a live about five minutes fi' here so .... em he would always phone me and say ken, what... is there somethin' wrong, why have yi no attended? And if I'd forgot, which most y the time, when the kids are all in, ken your head's, when you've got all these kids goin' a'm hungry, a'm hungry, so tryin' tae get them all sorted, a mean, it dis just go oot yer heid eh ....em, but he used tae phone me and say, listen ken so and he used tae be right roond here, eh? But it was only three or four times that he had tae remind me, you know?*

On content of meetings:

**Interviewer** : *so when you were, you know, was it just. Would you say it was about..*

**Bailee** : *five minutes*

**Interviewer** : *five minutes or so. And when you were here, what would you do?*

**Bailee** : *em, just asked me about reoffending. Again if there was any problems, em, sign ma name on the form and he gave me a time for the next week. It wisnae, like, he never rushed me in and oot. Ken he would sit and talk if a felt like talkin' but a mean, maist o' the time a just wanted tae get in and oot cos a had tae get back tae the kids.*

**Interviewer** : *yes, so that means, in itself, was there anything useful for you in that or was it just a case of in and out?*

**Bailee** : *it was just a case of in and out, yeah. A did what a was telt tae do and that was it.*

On impact of supervised bail:

**Interviewer** : *did it affect your behaviour? Being on it at all?*

**Bailee** : *when a got the charge a had severe depression and a was on anti depressants. But that was for the charge no' for the bail itsel'. Just like a big shock eh? Bein' put in cells wi' .... and there a' night, a've never been away fi' ma kids, a've never been in that kind o' trouble. So it wis just a big shock. A'm still tryin' tae get over it, eh? But a'm under a psychiatrist and got anti depressants and that so a'm gettin' there slowly.*

**Interviewer** : *being on the bail supervision, did it have any impact on your family?*

**Bailee** : *we were all a bit embarrassed, eh? Ma kids were embarrassed as well, ken, embarrassed, eh ... The wee ones were more embarrassed about it.*

- 2.26 Bailees also talked positively about the flexibility of bail workers, of the compliments bail workers gave them about their behaviour, about their helpfulness and the support they provided, about their advice, their truthfulness and understanding, and about them being good with their family. One bailee talked about looking forward to seeing his bail worker, and not wanting to let her down.
- 2.27 All of these positive comments demonstrate that these bailees felt that they could trust their bail workers, in terms of their confidence, their intentions, and their advice. And in this context, bailees talked about the emotional and psychological support provided by bail workers. They talked about how bail workers helped with personal problems, and helped them change their outlook and behaviour, i.e. making them think and stopping them getting into trouble. This sets the scene for their descriptions of the impact of supervised bail on their lives and behaviour, outlined below, by starting to show the links between supervised bail activities and the outcomes for the bailees.

### No Support

- 2.28 Two bailees talked about not getting support from bail workers. Both stated they did not need support because they were not criminals, and therefore did not need support to not reoffend. One also said they may have talked to the bail worker if there was more time or if they felt they had needed to talk. This bailee talked in the interview about the problems they had due to the effects of their experience with the criminal justice system, but they said that they had not talked to the bail worker about them, and was now seeing a psychiatrist (see case study 3 on previous page).

### **Breach**

- 2.29 Some bailees talked about how they had breached regular bail or a previous curfew:

*“I reoffended on the curfew because you see your friends going out and having fun and you think ‘fuck it’. You’ve got like a 50-50 chance of getting caught so you take it. On supervised bail you can talk to folk and you don’t have the constant keeping an eye out for the police like with the curfew.”*

- 2.30 This bailee seemed to see the curfew as difficult and constraining, compared to the more supportive model of supervised bail that did not automatically set them against the police. Another bailee said that they had constantly breached regular bail previously, because they did not care, or they would forget. This suggests that this bailee felt that supervised bail helped them both to remember to behave, and to care about their behaviour.
- 2.31 Most of the bailees did not get breached while on supervised bail. Some had missed some meetings, but had either called in to rearrange, or had viable reasons, and so were not deemed by their bail workers to have breached their bail. Some stated they did not breach because they didn’t want to go to prison or back to court:

*“Oh aye. I stuck to it, you know what I mean? You’ve got to...I didn’t want to break it. I want to spend time with my wain. I didn’t want to prison. I’m too old to go back to prison.”*

*“Well it was hard to start off with like, because it was three times a week, it was like trying to get the bus up every day, well every second day to the town. But after a few weeks it was alright. It was keeping me out of bother too. I knew I had to stick to it. Or I would end up ...back at court and all that.”*

- 2.32 One bailee was breached the third time they had been on supervised bail, for breaking a curfew. One was charged with another offence and fined, but supervised bail continued. One had been on supervised bail at least three times, and had in that time been breached for further offending, and not attending. The bailee put this down to addiction issues and said they had done much better on their most recent period on supervised bail.

### **Case outcomes**

- 2.33 Most of the bailees had either had their case dropped, been found not guilty, or had received a community sentence. It is important to recognise that if these bailees had not been on supervised bail, they would have spent time in prison on remand which could not have been counted towards a final prison sentence because they were not convicted or did not receive a prison sentence. Two had been on supervised bail multiple times and did not mention particular sentences. One was still waiting for his case to reach court.
- 2.34 Some of those who had been given community sentences talked about the positive report that the bail workers had submitted to the court about them, and some specifically said that they believed they would have been given a jail sentence if it wasn’t for supervised bail (see case study 2 on page 15 and 5 on page 26)
- 2.35 Data analysed for the wider research project of which these interviews were a part suggest that those who have successfully completed a supervised bail order are more likely to be given a community sentence, and less likely to get a prison sentence, than those who did not complete supervised bail, which suggests that successful completion does influence sentencing decisions. This, alongside positive reports for the court from bail workers, also enhances the encouragement and praise function outlined below.

### **Bailee behaviour and attitudes**

- 2.36 When describing their behaviour before being on supervised bail, bailees often talked about behaving badly when they were younger, conspicuously putting that part of their life in past tense (see box 3 on criminal identity). Some referred to drinking and taking drugs, or having a bad peer group. Others talked about previous attitudes – blocking everyone out, or not feeling they could talk to anyone. One bailee had never been in trouble before.

2.37 All interviewees except one<sup>6</sup> talked about a positive change in their behaviour over time. Common themes in describing this change were:

- A desire to avoid trouble or jail
- Learning to avoid conflict situations (see box 1)
- Stopping drinking or taking drugs
- Growing out of bad behaviour (too old for jail)<sup>7</sup>
- Having sustained good behaviour for some time

**Box 1: Walking away from trouble**

*"I've cleaned my act up anyway. I cannae be bothered with the jail. I cannae be bothered with any of this...When I was out at the thing at the weekend there, I was at a pub across the road, all them just started fighting and that and I just went home. I'm not getting in this, I'm not ending up back in the jail"*

Bailee 1

*"I went to [place] on the bus and there were four boys and they tried to jump me, and obviously I said to them, I said that I was going to try to fight with them. I just walked away from that, that was one of the things that they [bail workers] were saying to try and do, just walk away from it all, so I tried it."*

Bailee 9

2.38 Some bailees talked about this behaviour change separately from their supervised bail, while others talked about how supervisors had enabled them to behave better by:

- Regularly reminding them to behave (see box 2)
- Being clear about consequences of bad behaviour
- Providing support
- Giving them something to do out of the house and off the streets

**Box 2: Reminder to behave**

*"It made me think twice about being a nuisance, because it was meeting with them on Thursday and Friday, before the weekend, makes you think before you do it. They would tell me 'don't go out and get drunk' etc, it was a reminder, puts that thing in you head to behave."*

Interviewer: *Can you say something more about how they kept you out of trouble?*

Bailee: *Telling me what to do and that, warning me that if I do anything wrong, I would get the jail for it. So that's when I just kept my head down.*

<sup>6</sup> This was the bailee for whom the charges for which they had supervised bail were seen as a 'one off'.

<sup>7</sup> This is also a recurrent theme in desistance literature, where it has been shown that many 'criminal careers' come to an end as people age, due to increased maturity, or the influence of life events such as finding a partner or getting a job.

#### **Case Study 4**

Bailee H was 19 at the time of interview, and was currently in prison. She had been on supervised bail multiple times. On earlier occasions she had offended while on supervised bail or not attended, and been breached and remanded, but on the most recent occasion she had attended well and had her meetings reduced from 3 to 2 times a week, and then to once a week.

This bailee did not think that supervised bail had prevented her from offending, as she had had drug addiction issues at the time. She did, however, value having the bail worker to talk to, and she described seeking advice from her bail worker, and going in to talk to her bail worker outside of her prescribed appointments.

On relationship with the bail worker:

**Interviewer** : *aha so how do you get on with [name of bail worker]?*

**Bailee** : *aye a got on wi her well, so I did.*

**Interviewer** : *was that right from the beginning?*

**Bailee** : *at the beginning a didnae want tae talk to her because a didnae know her, but the more a got tae know her. And a would end up have tae go tae speak tae her. Aye. And she wis always there obviously to give me advice on how tae deal wi things*

**Bailee** : *it wis good tae have someone there. Someone tae talk tae*

**Interviewer** : *yes. So did you find it easy or difficult to keep to the supervised bail?*

**Bailee** : *it wis sometimes easy but obviously if a had other things on because obviously I was a drug user and all ... so obviously the drugs an a' that made it a wee bit hard*

**Interviewer** : *can you describe what it was about [name of bail worker] in particular that made her really good to talk to? I know it is quite a hard question but*

**Bailee** : *cos no. It's cos she wis a nice woman she wis dead down to earth, and a liked it because obviously she always told the truth. But she never held anything back. She told it as it wis. Cos you get workers that try tae beat about the bush, about it. But she wis dead straightforward.*

On the impact of supervised bail:

**Interviewer** : *do you think it made any difference to yourself?*

**Bailee** : *no really cos a wis that chaotic. So a wis*

**Interviewer** : *so that didn't make any difference to the way you were behaving? Did it have ... what do you think works best? About it – like for you?*

**Bailee** : *it wis good to just get things aff ma mind. It gave me the chance to tell ma problems.*

**Interviewer** : *mmm is that what made you go?*

**Bailee** : *no a just knew that a had to go. But there wis a couple o times that a just popped in because a needed somebody tae talk tae, so a did. So obviously a went in and if [name of bail worker] had time tae speak to me she wid. So that wis good an a'. Because normally when you work with somebody, if it's no your appointment time they don't want tae see ye. So it wis nice obviously tae have somebody there.*

- 2.39 Some bailees believed that supervised bail had helped them to change their behaviour long term, while some felt that it only helped while they were on supervised bail, and some felt that their behaviour did not need improving by supervised bail. One felt that supervised bail could not have impacted their behaviour because they were too chaotic at that time (see case study on previous page).
- 2.40 Some bailees described their current attitudes towards their own behaviour, stating that they weren't interested in getting into any more trouble, talking with pride about how long they had been out of trouble for, or saying they were looking forward to having a 'clean slate' when their sentence was over.
- 2.41 In terms of their future plans and expectations, bailees talked about their intention to stay out of trouble. Some also talked about future job plans and ambitions and had clearly put some thought into a future, non-criminal self. One did not seem to have thought about the future, stating simply that he thought his future behaviour would be 'about the same'.

### **Box 3: Criminal Identity**

Some of the older bailees described getting into trouble as something they did when they were younger, placing it firmly in the past tense, and stating that they were now too old to get into trouble. Another also put their offending in the past tense, linking it to their previous identity as a 'drug user'. A fourth bailee said clearly that they were not a criminal, describing the charge as a one off. In all of these cases offending did not fit in with their current identity, as expressed to the researchers.

### **Family relationships**

- 2.42 Bailees talked about the impact on their families of three different things – not being on remand while being on supervised bail, supervised bail itself, and other bail conditions such as a curfew.
- 2.43 *Not being on remand:* Bailees talked about it being good for their families that they did not have to visit them in prison, or about still being able to see their families because they were not in prison. One also talked about it being easier for his wife to not have to look after their dogs by herself.

*'It kept me out the jail, I had a job and could see my wee girl'*

- 2.44 *Supervised bail:* Some bailees talked generally about supervised bail being good for their family relationships, for example by changing their attitudes (realising how important a child was, bringing them closer to their partner) or their behaviour (family appreciating the effort he was making when he stopped drinking and taking drugs). However, one bailee talked about how embarrassed they and their children were about them being on supervised bail.

- 2.45 *Curfew*: Two bailees described breaking up with their girlfriends because of the curfew (and supervised bail). Another talked about not being able to visit his family because of a curfew, and having to move house because of a bail condition. This chimes with a recent evidence review which concluded that curfews can place stress on family relationships (Armstrong et al 2011).
- 2.46 Taking all this together it seems that for our interviewees remand and curfews put a strain on family relationships, whereas supervised bail had the potential to not only maintain but improve these relationships in some cases, when the supervision was felt to have enabled the bailee to change their attitudes or behaviour. Clearly we cannot generalise this finding from a sample of ten, but it may be worth conducting research to explore the varying experiences of those on remand, curfews, and other special bail conditions to inform future policy in this area.

### Overall views

- 2.47 There were striking recurring themes when bailees were asked about what was good and bad about supervised bail, although it was also striking how the emphases across these themes differed from bailee to bailee:

#### *Better than jail*

- 2.48 Supervised bail was regularly and favourably compared to the alternative – remand. It was a strong message to bailees that they had narrowly avoided going to prison, and this was described as a deterrent to breaching as well as giving bailees the feeling that they'd been given a second, or last, chance. So, for example, this was the most important thing about supervised bail for one bailee whose case had eventually been dropped. He reiterated several times that supervised bail was better than jail, especially as he could have spent time on remand for something he 'didn't even do':

*'See if it wasn't [inaudible] the jails would be packed. I don't know how many [bail worker]'s got on the bail, but I would actually say it's the best – helping people anyway. They do help, I'd rather go and sign with them than sit in a prison cell...8 by 10 cell...I would honestly.'*

- 2.49 It should be emphasised that it is not just that bailees saw prison as a bad place to be, they also saw the positives in being out in the community – being able to maintain and build upon family relationships, education and employment, in other words maintain or build a non-criminal, pro-social identity while awaiting trial.

#### *Someone being there for you*

- 2.50 For some it was the relationship with the bail worker which was most important and positive thing about supervised bail. This relationship was often described as unique in their lives, in that it provided someone to talk to, someone who was there for you, and who could try to help you. For some of the younger bailees this help came in the form of being told and reminded what to do and not do, while for others it was simply having someone to listen

and care. Bailees described the change in themselves brought about by this relationship, for example it 'made them think', 'opened them up', kept them 'out of trouble'.

- 2.51 Some other themes were prominent to fewer bailees, but still worth mentioning:

*Something to do*

- 2.52 For one bailee the key thing he repeatedly returned to was that having to go to bail meetings gave him something to do, keeping him out of the house and off the streets.

*Burden to be endured and avoided*

- 2.53 For another, having to go to the meetings was a real inconvenience and a burden, but this was explained as a positive thing, as it motivated him to finish supervised bail and avoid going through anything like it again, i.e. to stay out of trouble (see case study 1 on page 13).
- 2.54 The majority of bailees, when asked, could think of nothing bad about their experience of supervised bail, save for one who said the meeting rooms were not nice. There was, however, one big exception to this. As outlined above, for one bailee supervised bail was simply one aspect of the larger traumatising experience of going through the justice system. This bailee had never been in trouble before, did not know whether they would have been remanded otherwise or not, and described meetings as being 'in and out' and very inconvenient because they were scheduled for the same time as their children were returning from school. It seemed to the researchers that this bailee saw supervised bail as part of the punishment, and it was described as embarrassing for the bailee and their family (see case study 3 on page 18).
- 2.55 This case demonstrates the importance of careful targeting of supervised bail, clear explanations of the alternatives at the outset, and the damaging impact of scheduling meetings at disruptive times. It also shows that supervised bail can be stigmatising for those accused who have had no previous charges or contact with the criminal justice system.

## **Case Study 5**

Bailee J was 21 at time of interview. He described 'going downhill' in terms of behaviour in recent years following a death in the family. He had been on supervised bail once, when he had been charged with handling an offensive weapon. He completed supervised bail successfully, and was given probation and community service. He was signposted to counselling and addiction services, which he was very positive about.

This bailee was very positive about supervised bail, and described how his relationship with his bail worker, alongside the services he was signposted to, changed his attitude to his life, his future, and his offending.

**Interviewer:** *Em, so do you think that having the supervised bail had any sort of influence on like the sentencing then?*

**Bailee:** *yeah definitely, definitely, because the reports that [Name of bail supervisor] gied fir me was absolutely great, the stuff she had tae say about us and that. It was basically showin there wis another side tae, how dae a say this? It's no the government but policing and whatever. I never thought there wis that side tae them, a thought they were always just bangin the hammer sendin doon, ye know whit a mean? So it wis nice tae know there were people there tae actually support yi and be helpful.*

*But tae be honest, it's gied me a reality check because a wis goin doon hill an a know a've got the rest o ma life tae live, and I can do lots with maself. So ahm ur going to go out there an dae a lot. And a'm really intae all ma charity work the noo. A've got an interview wi [Charity] next week so fingers crossed that a get that, an if no, a'll get back intae [previous job role].*

**Interviewer:** *what difference did it make to your life?*

**Bailee:** *well it showed me that there is actually people there for you, to help you. And you arenae on your own. Because that wis me. A wis on ma own. That's why a said at the start a had ma barriers up. An a wis blockin everybody oot. A didnae want tae take any information aff ae nobody. But as a said, after three weeks she had broke that barrier and got me talkin. And then, she actually, she wis a good influence, she made me see sense about a lot of things as well.*

**Interviewer:** *so you think it affected your behaviour at the time?*

**Bailee:** *mmhm*

**Interviewer:** *in what way?*

**Bailee:** *well a wisnae getting as aggressive an goin oot there an putting maself in danger and in trouble. If ye know whit a mean? I wis tryin tae keep ma heid straight and whatever. An a wisnae wantin tae let (Name of supervisor) doon if ye know whit a mean (laughter). She wis like ma own wee mum.*

**Bailee:** *yep Tuesdays she would phone me, Thursday a'd go doon*

**Interviewer:** *right aha. And the phone call was that sort of more a checkin in or was that like a full meeting as well?*

**Bailee:** *eh, checking in, seein how a wis daein, eh just generally ... but that made you feel better. She is checkin up on me. Somebody is wantin tae see how a'm ur and how a'm daein ye know whit a mean? And then a wis lookin forward tae seein her on the Thursday. A've got ma gossip.*

### 3 DISCUSSION

- 3.1 It is clear then, that for these bailees, four things led to a perceived positive impact of supervised bail: understanding it as an alternative to remand, a positive relationship with the supervisor, flexibility around timing and frequency of meetings and around types of support provided, and positive feedback in terms of praise, rewards for attendance in the forms of reduced contact, and positive feedback on completion of a supervised bail order.
- 3.2 On the other hand, supervised bail did not appear to have a positive impact on bailee's lives and outlook when it was not seen as an alternative to remand, when meeting times were disruptive to their wider lives, and meetings were short or unproductive, or when bailees did not feel they could relate to or talk to supervisors.
- 3.3 The perceived impact of supervised bail on the lives and behaviour of bailees varied across the sample, from being inconvenient and embarrassing, to having a profoundly positive effect on behaviour and life ambitions. Likewise, impact on offending varied, with some bailees (re)offending while on supervised bail. It is notable, however, that some also talked with a sense of pride about how they had regularly offended while on regular bail, but not once while on supervised bail.
- 3.4 Returning, then, to the aim of supervised bail, being to decrease use of remand and to prevent offending on bail, it seems that for some (but not all) bailees, supervised bail not only supported them to not offend while on bail, but had an impact on their sentence, on their wider life such as employment and relationships with family, and potentially also on their longer term behaviour.
- 3.5 And so, in regards to the theories of change in the logic model at the start of the report, we can start to build a picture of how the activities of supervised bail (the meetings, discussions and signposting) can lead to short term impact on their attitudes (to bail workers, to themselves, and their motivation to comply), medium term impact on their behaviour (compliance with supervised bail, continued attendance and engagement in bail meetings and signposted services, change in wider behaviour) and, potentially, long term impact on their social conditions (adopting a pro-social identity, reduced (re)offending, enhanced employability, and improved family relationships and mental health).
- 3.6 Reflecting the desistance literature, we have seen that for the bailees interviewed, the nature of the relationship with the bail workers was crucial to the outcomes in the logic model to be realised. This relationship was ideally respectful and flexible, and bailees often believed that their bail workers were genuinely committed to their wellbeing, which in some cases clearly inspired a sense of loyalty amongst bailees which encouraged them to change or moderate their behaviour, echoing Rex's findings with probationers (1999).
- 3.7 We saw that some of the bailees described a shift in identity over time, often from a criminal youth to a law abiding, successful adulthood. This reflects the

development of a pro-social identity as outlined by Farrell (2005) and McNeill (2009). As in the literature, the discovery of agency and subsequent identity change were linked to bigger life changes such as 'growing up' or becoming a parent, and were not attributed to supervised bail. However some bailees made a clear link between their bail supervision and the change in their attitudes and behaviour, where bail workers had encouraged them to think and behave in a different way, and aspire to longer term goals like employment, desistance, or good or better parenting.

- 3.8 Here we can return to the theory of planned behaviour, and consider whether the relationship with their bail workers could be said to have impacted on bailee's attitudes to offending, the social pressure they felt in terms of offending behaviour, and their perceived control over their own offending behaviour.
- 3.9 First, as above, bailees described a change in their attitudes towards offending, from a past where they 'didn't care' to a present where they were not 'interested in trouble'. This is not necessarily linked to supervised bail, though some bailees interviewed did make a link between attitude change and the supervision experience.
- 3.10 Secondly, and more directly attributable to supervised bail itself, it can be argued that having an active relationship with a bail worker can influence the social pressure bailees feel to behave in a law abiding way. There are two important points here about subjective norm – the social pressure people feel in regards to a behaviour is not stable, i.e. it can change over time, and the amount of influence on this that particular individuals, groups, and other sources (for example media) have depends upon the relationship that a person has with them. I would argue that the methods used to date to measure subjective norm by those trying to predict offending behaviour (asking how many peers have been in prison in Forste et al 2011, and about the views of 'most people you know' in Kiriakidis 2008) do not take into account this weighting and fluctuation.
- 3.11 It is entirely plausible to suggest that the trusting relationship that can develop between a bailee and their bail worker, as evidenced above, can earn the supervisor a role as an important source of 'social pressure', and in that way they can work to influence a bailee's social norm, and thereby influence their intentions and behaviour. We can see this in the examples where bailees talked about thinking about advice from their bail workers when in potentially criminogenic situations, where social pressure from supervisors came in direct conflict with social pressure from peers.
- 3.12 Finally, it could be argued that the concept of perceived behavioural control resonates with McNeil's conception of the discovery of agency associated with early desistance. Again, it is clear from the examples in Box 1 that some bailees interviewed felt that supervisors had taught them that they had the option to walk away from volatile situations, in other words, that they had

control over their behaviour, and could choose not to offend<sup>8</sup>. The quote in case study 5 on page 26 shows another example where a bailee described being taught by his supervisors that he 'can do lots with himself'.

- 3.13 The findings of the interviews, then, together with evidence from desistance literature and the theory of planned behaviour, suggest that the theories of change in the logic model introduced earlier in this report can be substantiated, demonstrating that where the four conditions outlined above are met, that is, where supervised bail is seen as an alternative to remand, where a positive, engaged relationship with the bail worker is established, where meetings and support are flexible, and where positive feedback is given, supervised bail is capable of impacting on bailee's attitudes, behaviours, and long term conditions. There are clearly important external factors here – including the bailee's life circumstances, and their attitude and motivation levels on beginning supervised bail. Nonetheless, it is clear that supervised bail has the potential to have a marked impact on bailee's lives in the short, medium, and potentially long term.

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<sup>8</sup> It should be reemphasised that there is a link between perceived and actual behavioural control, and both will vary across individuals according to personal, psychological, and structural factors.

## 4 CONCLUSIONS

- 4.1 The findings from interviews with supervised bailees have shown that bailees can respond positively to supervised bail as an alternative to remand, to having a good, trusting relationship with their supervisor, to flexibility in the frequency and nature of support provided according to their needs, and to positive feedback.
- 4.2 These findings likely reflect the most positive success stories of supervised bail, as those who had had a good experience were more likely to be approached to be interviewed by bail workers, and also more likely to agree to be interviewed. However, the findings clearly show that supervised bail can have a positive effect on the lives of bailees, including helping them to reduce or stop offending while on bail, and potentially also longer term. This report has sought to explore the circumstances under which supervised bail has such a positive impact, which may be informative to future policy and practice of supervised bail.
- 4.3 A further report will bring summary level findings from these interviews together with findings from other strands of research into supervised bail to give an overview of the impact of supervised bail in Scotland, including its impact on the prison population.

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## **ANNEX A: INTERVIEW TOPIC GUIDE**

### **Introduction and consent**

- Introduce self
- Introduce the study and provide overview if necessary
- Confidentiality
- Any questions?
- Confirm happy to proceed

### **Warm Up Questions**

Bailee background – how old, where from, who live with, what do

### **Beginning Supervised Bail**

Can you tell me how you came to be on supervised bail?

What do you think would have happened if you hadn't been put on supervised bail?

### **Being on supervised bail**

What did you have to do for supervised bail?

How did you get on with your supervisor?

What were the rules for your bail supervision?

Did you find it easy or difficult to keep to the rules of bail supervision?

Did you breach your bail supervision? Why?

How did your bail supervision end?

### **General perceptions**

What would you say is good about bail supervision?

What would you say is bad about bail supervision?

Has it made any difference to your life? (if so, what difference?)

Do you think it affected your behaviour at the time?

Do you think it has made any long term difference to your behaviour?

Has it had any impact on your family and/or friends?

What do you think works best about bail supervision?

If you could make any changes to bail supervision to make it work better what would they be?

### **Closing**

Is there anything else you'd like to say about bail supervision?

Thank and close

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