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Visualising Injustice with Undergraduate Smartphone Photography

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Introduction

The creation of appropriate assessments for current criminology under-graduates is a complex task, combining opportunities for academic disciplinary knowledge and skills development, to meet wide-ranging expectations for meeting employability demands. Both of these are diffi-cult fields for educators to navigate, ensuring their assessments comply with internal and external quality assurance requirements. Internal matters vary according to a course's assessment strategy and validation documents; with external issues imposed throughout the higher educa-tion sector by the Quality Assurance Agency and the Subject Bench-mark Statement for Criminology (https://www.qaa.ac.uk/quality-code/subject-benchmark-statements/criminology). Therefore, the burdens on assessment practice, has additional weight considering the rising numbers of students in criminology courses (see Young, 2022).

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An expectation for assessments in contemporary higher education, is the development of digital abilities, through authentic tasks appropriate for the modern world. With the integration of technology and digital enhanced approaches into the assessment process, if done effectively, 'involves the nexus of the three interdependent knowledge areas: content knowledge, pedagogical knowledge, and technological knowledge' (Lock et al., 2018: 10). This presents a challenge for institutions to ensure the staff responsible for their assessments are supported to develop expertise in all three of these areas. Such amendments were revealed in the transition to more digitally enabled assessments in response to limitations with social distancing during COVID-19, with blended learning and the replacement of in-person exams with online assessments developed for HE assessments.

This chapter discusses these broader issues with assessment practice utilising two criminal justice modules as examples which use smartphone photography as part of their assessments. The chapter consists of three parts; the challenges in creating authentic assessments, the pedagogical benefits of visual criminology and a short review of the impact from over ten years experience of assessing undergraduate work in this manner.

Challenges in Creating Authentic Assessments

The integration of the students' phones in assessments adds a mobile dimension where learning spaces and experiences can take place beyond the conventional boundaries of libraries and campus buildings. This small innovation enables authentic and innovative methods of assessments, where students can investigate matters of crime and injustice in their own worlds. The benefits of such authentic assessments have been espoused for several decades (Birenbaum, 2003; Clegg & Bryan, 2006; Gulikers et al., 2004; Wiggins, 1998) resulting in authenticity being recognised as a central premise for assessment to achieve its potential for supporting learning (Brown, 2019). Often being seen through an employability lens, authentic assessments enable lecturers to be creative and test the application of academic knowledge and skills, through

tasks that are relevant and meaningful to the students. These pedagogical benefits mean the immersion of smartphones into the curriculum can overcome concerns that education's digital age means technology is taking priority over pedagogy (Beetham & Sharpe, 2019). Their incorporation into the curriculum means lecturers can set work that:

> [L]ets the learner express themselves in ways which feel natural to them... [and] also encourages the learner to integrate knowledge and skills, and act on knowledge. It develops deeper, more integrative personal learning and knowing. (JISC, 2020: 9)

The setting of this kind of assessment can seem beyond the reach of contemporary criminology lecturers, likely employed on courses high in student numbers but poor in the resources, for ensuring their undergraduates receive this kind of learning experience. For assessments to reach these standards, might also be seen as unrealistic for lecturers working at institutions that blithely suggest staff 'do more with less' and prioritise quality assurance over quality enhancement; where '[t]he dominant culture is conservative and defensive rather than bold' (Gibbs, 2006: 19).

The pedagogical aspirations of authentic assessment, can be frustrated by bias in courses' assessment strategies towards conventional methods, such as academic essays and exam questions. These preferences for traditional assessments mean opportunities are missed for engaging students in authentic tasks that connect their undergraduate learning to their lives. It is therefore suggested that such barriers can be overcome by using smartphone photography, as it provides students with opportunities for self-expression and brings new dimensions to their assessments that are not restricted to libraries and lecture theatres. Their inclusion as part of a criminal justice assessment, gives rise to concerns over subjectivity and aesthetics; but such fears have been successfully challenged by the assessment method of academic posters that became commonly accepted on undergraduate courses in the first decade of this century (D'Angelo, 2012). These concerns are also overcome by working closely with students so they understand the marking criteria; an issue that is considered in the third part of this chapter.

Using photographs was originally utilised in a first-year criminal justice module, where the learning outcomes required 'critical assessment of the underlying principles behind the work of the criminal justice system'. Once receiving institutional approval this assessment format gave the students the option to produce one photograph and deliver a ten-minute presentation on how it answered the set question. The assessment was designed as an alternative to the traditional 1250 word written answer, and required a critical analysis of the rule of law principle and the disparities in the ways comparable types of behaviour are responded to. Since this first deployment, the module's learning outcomes have changed slightly, primarily to recognise the increasing influence of zemiology (Canning & Tombs, 2021). The legal bias has been countered by broadening the learning outcome to recognising the alternative view of a social harm perspective for criminal justice. Visual assessment has been maintained with the only change in the verbal presentations replaced by a written component of 750 words. This written part has to have an Appendix, that details what the students did for taking their photographs; plus, when, where and why they did it.

Setting the Scene for Smartphone Photography

The original idea of students taking photographs on their smartphones, came from the "What is Crime?" photography competition held in 2009, by the Centre for Criminal Justice Studies, hosted by King's College London. It was sponsored by the Independent newspaper and sought photographs of non-traditional examples of crime and justice; with support resulting in national publicity for its alternative visions, with 38 shortlisted entries still available online today (Walker, 2011). It was open to both professional and amateur photographers, judged on their photographs expressing levels of understanding of the initiative's themes; rather than questions of aesthetics and photographic excellence. This inclusivity encouraged 'amateur' snapshots on a mobile phone in timing that coincided with the 'birth' of the iPhone. The popularity of these devices meant even then no student reported a lack of access to this

kind of resource (Johnson, 2011). A decade later, the mass ownership of smartphones has been described as 'the smartphone society' where it is claimed the technology helps individuals and groups contest systemic exploitation (Aschoff, 2020). Up to date scale of smartphone ownership is difficult to find, but 2021 figures from Deloitte and Statista, showed that 90% of people in the UK aged 16–55 have a smartphone; with ownership from the younger people in this range being at almost 100%. Such figures therefore may offer confidence for the accessibility of online learning, although experiences from the COVID-19 lockdowns show this may diminish when students' households have limitations on their data allowances (BBC News, 2021).

A slightly different view of the impact of the prevalence of smartphone technology is also adopted in this chapter; arguing that learning, teaching and assessment opportunities have evolved from incorporating cameras into a module learning support mechanism. Now that almost all of today's students have access to a camera, a lecturer's toolkit can be expanded to include these popular resources. Their use can tackle the challenge of creating the immersive opportunities offered by technology-enhanced learning as identified by Young and Nichols (2017). Such prospects enable lecturers to apply additional, more innovative ways to engage with their students, through requiring familiar resources to be utilised in new ways within learning. The incorporation of smartphone cameras, further enables practitioners to set assessments that meet the need for greater flexibility, and enable more control for students in a method that is a feasible alternative to the immersive methods used by Nir and Musial (2020). These methods have resulted in experiences that were accredited for sparking interest and enhancing understanding of criminal court processes, but also provide learning opportunities which may have administrative costs for lecturers and accessibility issues for students (see Fig. 6). In sum, the immersion of smartphones' camera function into criminal justice teaching, has enabled students to adopt a position to effectively document their studies whilst going about their everyday lives.

Such use as a form of assessment has now developed into the visual statement method. This assessment is in a level 5 (second year) criminal justice module and requires students to produce a small portfolio of

photographs, supported by written justifications that effectively combine to answer the question. Its higher level requires a theoretical aspect, to be addressed, such as Rawlsian ideals of liberty and equality. With conventional lectures and seminars on issues, such as the 'original position' and 'veil of ignorance' (Rawls, 1971); the students are required to produce their own representations of injustice according to the standards applied in the module. Such approaches challenge the students to accurately follow the question's brief for their portfolio; which needs to incorporate written reasoning and images in its work that does not merely illustrate contemporary injustice, but considers its potential causes and means of improvement.

Legal and Ethical Challenges

There can be concerns from the students about the legality and ethics of taking photographs in public places, so guidance needs to be provided on these positions. Photography in public places can be presumed as lawful conduct; as shown in the axiom, 'if you can see it you can photograph it', however such freedoms do not exist within a 'prohibited place' as defined by the Official Secrets Act 1911; or in courtrooms and parts of court buildings, thanks to the Criminal Justice Act 1925. The ethical position therefore requires much more time; as shown by the concerns raised by the work of Arthur Fellig (better known by his pseudonym Weegee) whose content is a standard bearer of unethical practice (Fellig, 1945). It requires an appreciation of photography's role for 'making misery itself an object of pleasure' (Benjamin, 1934: 5); plus, the weaponisation of images in Eamonn Carrabine's studies of prisoners in the Iraq War and World War 2 (2011, 2014).

Such fears do not have to thwart this assessment method, as students can be advised on the ethical considerations as part of the teaching, exploring the importance of this in all forms of research (not to harm research subjects and to protect their privacy) as well as recognising the need to protect the identity of research subjects (people and locations). Students are advised not to have identifiable people in their photographs and where necessary, take additional safeguards such as pixelating faces

and other potential identifiers like car registration numbers. Smartphone photography may indeed raise initial ethical concerns, but with preparations included as part of the teaching means students can show their enhanced sensitivity for the interests of others and high-level ethical engagement. The International Visual Sociology Association Code of Research Ethics and Guidelines is also used to support this position, as it requires visual researchers to respect the rights and dignity of all people in serving the public good (Papademas, 2009).

Pedagogical Benefits of Visual Criminology

Visual criminology has now developed into a key area of inquiry as exemplified by the relatively recent publications of two extensive pieces of work in *The Oxford Research Encyclopedia of Crime, Media and Popular Culture* (Rafter & Brown, 2018) and *The Routledge International Handbook of Visual Criminology* (Brown & Carrabine, 2017). The first of these substantial texts, focuses primarily on the relationships between crime and the media, with the second investigating visual criminology as a form of research and scholarship and its formative concepts of visuality and counter visuality. The notion of visuality explains how state power can be naturalised through the production and dissemination of visual images; processes that can make issues invisible and others similarly hidden by an abundance of images rendering the issue impenetrable.

Visual tasks that use students' smartphones, may face critiques for oversimplifying the formal assessment process, but in reality, they test high-order academic abilities for expanding knowledge through visual criminology. They also rebut concerns over appropriate academic rigour, by incorporating complex issues such as aesthetics and ethics, into criminal justice modules. It is this pedagogical approach that develops applies aesthetic understanding in learners, and is a feature for understanding the transmission of ideas and meanings in the modern visually oriented world (Grushka, 2010). As a learning approach it is influenced by critical pedagogy and its concept of conscientisation, where teaching develops critical consciousness in students (Freire, 1970). Visual teaching methods can realise this aspiration through a focus on counter visuality, with

teaching providing the conditions for students to use their knowledge to critique the world, and to intervene via their production of alternative images of crime and injustice. The reliance on visual images arguably opens up new possibilities for the students, allowing lecturers to set tasks where students can express themselves differently; and designing assessments that enable them to contribute to visual criminology's body of knowledge with non-standard images. The use of these images further critiques the justice system response to crime and injustice and illustrates where and how critical pedagogy can be applied as a way of helping students challenge official knowledge and established authority. As Giroux (2018: 31) notes for:

> [E]ncouraging students to take risks, act on their sense of social responsibility, and engage the world as an object of both critical analysis and hopeful transformation. In this paradigm, pedagogy cannot be reduced only to learning critical skills or theoretical traditions but must also be infused with the possibility of using interpretation as a mode of intervention, as a potentially energising practice that gets students to both think and act differently.

Using such methods of assessment seeks to develop the students' levels of visual literacy, helping them think more critically about the images they encounter, enhancing critical thinking skills and developing deeper levels of thought through the messages conveyed by images. Academic literature on visual literacy also supports these beliefs, by enhancing students' memory and developing greater subject understanding (Kędra & Zakeviciute, 2019). Educators adopting these methods in their practice requires an appreciation of what can be gained from actively seeing images, as opposed to merely looking at them, but does not substantially change the teaching and learning content, meaning a visual dimension can be applied to established concepts such as newsworthiness (see Chibnall, 1977; Jewkes, 2015).

Engaging Images for Research, Pedagogy, and Practice (Kelly & Kortegast, 2018), is a collection of essays on the use of visual methods within higher education-based pedagogy. It reviews practices used in the

sector, such as digital visualisation, emphasising the technological assistance students might need whilst undertaking visual-based projects. It also details the use of photo elicitation and photovoice, the former is a method of interviewing that uses researcher-or participant-generated photographs or other images, to elicit information from respondents, with photovoice extends this by using participant-generated photographs to create dialogue for the participant's own voice and perspective. Such methods have been used in health research since the 1990s (Wang, 1997); and deployed in criminological research (Fitzgibbon & Healy, 2019), but the difference between the two approaches is slight. Both methods have shown how talking about photographs, or taking them, can facilitate new insights into social phenomena that written and verbal data cannot provide. Many of the examples in Kelly and Kortegast (2018) do concur with the pedagogical benefits from smartphone photography in criminal justice modules because:

> Through the process of engaging with images and visuals outside of the classroom, students have the opportunity to reflect on their own and others' meaning-making of the image. Engaging students in the process of producing and reflecting upon images can promote important learning outcomes that can enhance what they learn in the classroom. (Kelly & Kortegast, 2018: 7)

The implementation of visual pedagogy by White and Murray (2016) found that images could generate discussions on relationships between the disadvantages of poverty and educational achievement. They found it more productive than written information for acquiring contributions from the student teachers in their research. This has also been built upon by other research and scholarship, with the argument that as visual language is a language itself it needs its own pedagogy (Lane, 2020). This is a pedagogy that helps the students understand:

> [W]hy and how images are rhetorical, motivates them to intervene... and pushes them to create, document and present their resulting work via multi-media platforms (Hovet, 2020: 46).

A Case Study for the Visual Assessment?

This chapter's final section is written from the perspective of a teaching practitioner rather than a detached researcher, so provides a review of the benefits of using visual assessment. The opportunity to submit photographs is often a novel experience for criminal justice students are accustomed to studying words and numbers, meaning initial consternation for how their work will be marked, is not uncommon. These worries are assuaged by a transparent marking process that suppresses concerns for excessive subjectivity and challenges from students over awarded grades. Fears from students those marks for smartphone photography would not be as accepted as those for written assessments, did not materialise, with the transparency of the marking process being conveyed through an accessible quality assurance (the Visual Marking Guidance see Table 7.1). This grid is adapted for different modules and is used for recording dialogue with the students about their images in pre-assessment workshops.

The shift of assessment methods from the conventional written form to an alternative visual one, has been driven by a desire to diversify the assessment process, by making use of smartphone technology. It developed the belief in the impact the resources can have on the world, aided by the familiarity that students have with their smartphones, often offering confidence that innovative and authentic methods can be used in practice as one means to evaluate knowledge and understanding of visual criminology and visual research. The aim for maximising the learning potential of assessments has also been inspired by initiatives such as TESTA (Transforming the Experience of Students through Assessment: www.testa.ac.uk); with assessments being set that reflect real-life contexts, including "mirroring practice in the profession or discipline by casting students as inquirers and problem solvers *for an audience*" (Pokorny, 2021: 84, emphasis added). Smartphone connectivity means digitally skilled students can produce and share their images, so the usual audience for undergraduate work can be extended beyond the lecturer–student. According to one of TESTA's Best Practice Guides for lecturers and feedback, this kind of dissemination can lead to extraordinary increases in the student's sense of ownership and pride in their work.

Table 7.1 Visual marking guidance

Grade	Assessment criteria	Lecturer comments	Student comments
A (first)	The images display an excellent level of knowledge and understanding for the learning outcomes. They are supported by effective thought and justifications The messages in the images display excellent creativity and originality. They show high-level critical analysis of issues affecting the contemporary use of images; such as: • immediacy • standard representations of groups and issues • ethical obligations • other/s		
B (2:1)	The images display a good level of knowledge and understanding for the learning outcomes. They are supported with justifications The messages in the images display creativity and originality. They show critical analysis of issues affecting the contemporary use of images; such as: • immediacy • standard representations of groups and issues • ethical obligations • other/s		
C (2:2)	The images display a satisfactory level of knowledge and understanding for the learning outcomes. They are supported with some justifications The messages in the images display attempts at creativity and originality. They show some critical analysis of issues affecting the contemporary use of images; such as: • immediacy • standard representations of groups and issues • ethical obligations • other/s		

(continued)

Table 7.1 (continued)

Grade	Assessment criteria	Lecturer comments	Student comments
D (3rd)	The images occasionally show a satisfactory level of knowledge and understanding for the learning outcomes. They are infrequently justified The messages in the images display occasional creativity and originality. They show limited analysis of issues affecting the contemporary use of images; such as: • immediacy • standard representations of groups and issues • ethical obligations • other/s		
F (fail)	This grade will be awarded when the above criteria have been met unsatisfactorily		

The use of smartphones can generate personal and powerful visualisations of injustice, and the students have options to share their work online; with popular choices being platforms like *pressbooks*, *prezi*, *slideshare* and *flickr*. Such dissemination reinforces the importance of ethical considerations as students must act in accordance with the consent given by the identifiable people in their photographs; the presumption against having such people, prevents this being an issue. This openness has resulted in the students' work being displayed on various online sites, such as the collections of photographs in two YouTube videos, 'What is Crime?' and 'What is Zemiology', that together have been watched over 11,000 times. Their respective links: https://tinyurl.com/ybnp98p7 and https://tinyurl.com/u36f6ew also go to the module's YouTube playlist. These are helpful resources for showing potential students what studying criminology and criminal justice can involve; as well as for reassuring students about to experience this kind of teaching for the first time.

Discussing some examples of student photos shows there have been many powerful individual examples of injustice, shown in the photographs submitted. For example, a photo taken to illustrate the disregard for disabled peoples' access to a local magistrates' court showed a broken wheelchair lift with a large protective covering that made its emergency assistance button beyond the reach of anyone in a wheelchair. Another equally compelling image and one with real impact, is 'Social Inequality', another level 5 criminal justice student. This was divided in half, with one a long-range image of a hairdressing salon and the other a close up of a sign in its window, that stated, 'Please Note Travellers, Gypsies, Romanians *NOT* welcome'. When the student asked the salon owner for permission to take the photograph, they had a conversation about her assessment that resulted in the sign being removed, 'now that the impact of the sign on other people has been realised'.

Such snapshots have shown the students' willingness to use their communities as places for applying their knowledge of criminal justice theories. They have enabled them to make observations on public and private spaces and apply them to the debates in the module on issues of liberty and equality. The photographs do not have to be taken outside, so if there are accessibility issues or public health lockdowns, the students

have reacted by focusing on indoor examples such as the harms in household products and advertising for things such as debt and gambling. The ability to visualise crime and injustice differently to the standard view of community safety, sees injustice in low level crime and antisocial behaviour; at the expense of these other, potentially more harmful dangers.

It enhances their levels of visual literacy, which have developed a critical understanding of the power of images, and students' abilities for creating them. The popularity of camera phones has meant that opportunities for practice and reflection are plentiful, with the mobility of these devices opening up numerous possibilities for application of learning. It further increases students' ownership over the work and moves them from a conventional passive role in the learning process, to a more active and independent one, as in the student as producer approach to higher education (Neary, 2020). Their familiarity with the phone's camera means assessments can be set that test the students whilst they are going about their everyday lives. These tasks allow them to use advanced cognitive skills, which according to Pearl and Mackenzie (2018), begin with observing (e.g., seeing the injustice) then move to do (taking the photograph) and conclude with imagining (e.g., why is their image 'alternative'?). Smartphones can enhance these skills and further support for the students is given in the advice for doing the research in their criminology degree as a 'creative disruptor' (Case et al., 2021). This means they maximise the resources available to them and research in imaginative ways that challenge the established presumptions in their area of study. Their smartphones can be instrumental for this, as they provide new ways of showing what they have learnt from their criminology degree.

Concluding Comments

The increasing relevance of visual criminology and ubiquitous smartphone ownership in the undergraduate population, has provided engaging teaching and learning methods to be adopted in criminal justice modules. They are based on approaches that transform the students from a previous role as a consumer of visual images, to one that produces

them, allowing smartphone photography to be incorporated into criminal justice teaching and learning, in ways that directly involve the students. Their ethical and legal position can be addressed by establishing the teaching's imperatives for the standards that must be followed by the students in their representations of crime and injustice. These safeguards enable assessments that test the students' independence and creativity, through producing work that can be an asset for the students and have an impact in their communities.

Top Tips: Visual Learning and Teaching

- The current profile of visual criminology should overcome institutional or external concerns about the academic rigour in using visual teaching and learning methods. The inevitable questions about ethics can be answered by embedding the required safeguards and standards into a proposed module outline, such as the seminars for discussion of work and ideas, before any dissemination takes place.
- For lecturers delivering modules through visual teaching and learning, it is advisable to teach the students early about the processes in the visual research methods, like photovoice and photo elicitation. This can reassure students about the similarities between these practices and conventional research methods.
- One of the most beneficial OERs for this kind of teaching and learning is the revised edition of Rawls' A Theory of Justice, it is available for download from the Regionella Campanella at: http://www.consiglio.regione.campania.it/cms/CM_PORTALE_CRC/servlet/Docs?dir=docs_biblio&file=BiblioContenuto_3641.pdf.
- Flickr can be a useful photography site for the students when they go to https://www.flickr.com/search and at the drop-down menu for 'Any license', they select 'All creative commons'. This is where they can begin their search which can be refined to include photographs, people, groups and discussion forums. Alternative sites with appropriate licences that permit the reuse of images are: https://pixabay.com; https://unsplash.com and https://www.photosforclass.com.

- The students are advised to save their photographs as jpeg files as this means they can easily be converted into other formats such as Power-Point and video; if a professional standard is required then tiff files are recommended. This flexibility encourages the use of presentation sites such as SlideShare where the students can disseminate their work; with some also using free movie-making software or free screen recording services to share their original work.

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