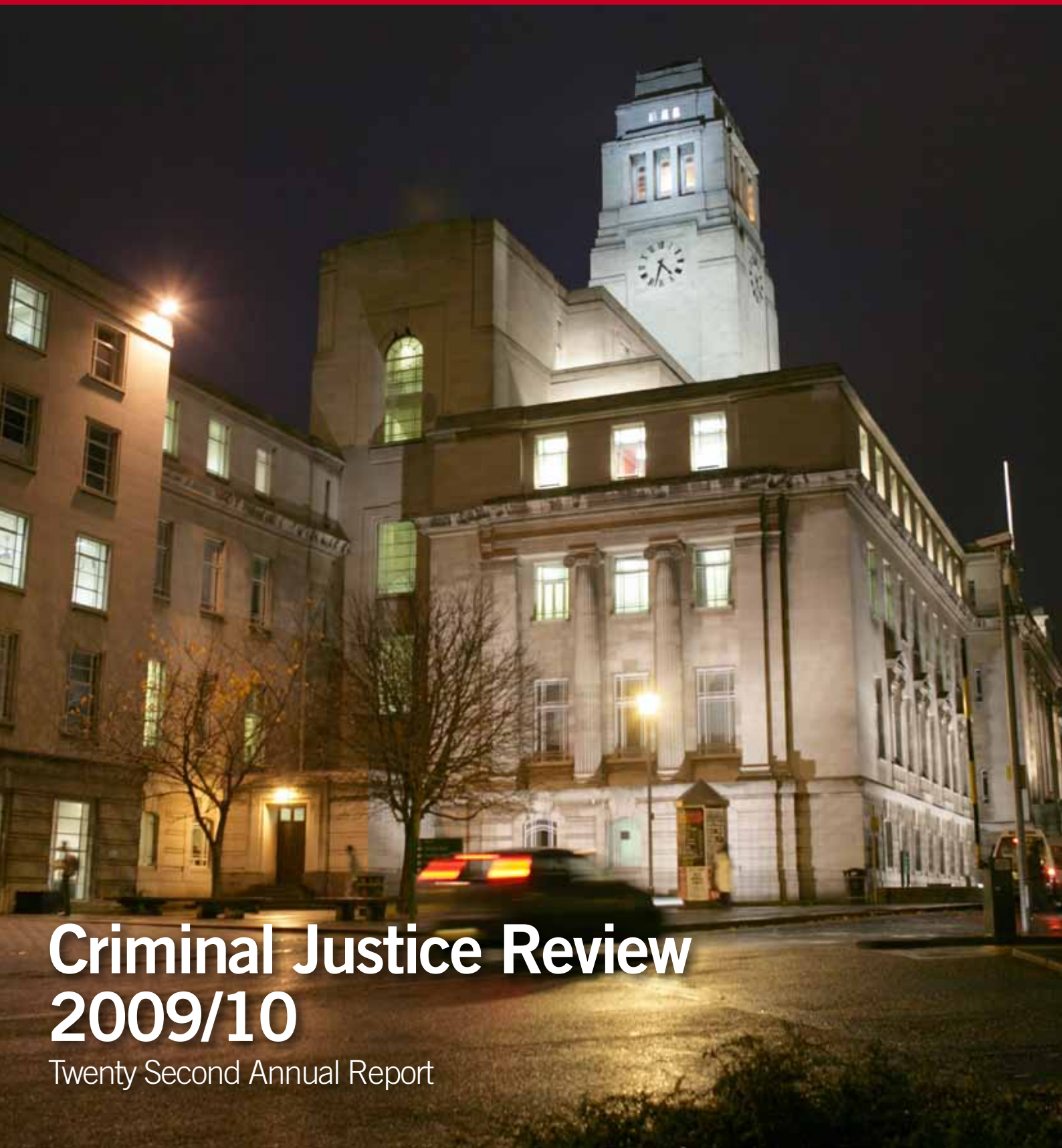


**Centre for Criminal
Justice Studies**
SCHOOL OF LAW



UNIVERSITY OF LEEDS



Criminal Justice Review 2009/10

Twenty Second Annual Report



UNIVERSITY OF LEEDS

Centre for Criminal Justice Studies

CRIMINAL JUSTICE REVIEW 2009/10

Twenty Second Annual Report

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THE CENTRE FOR CRIMINAL JUSTICE STUDIES

The Centre for Criminal Justice Studies (CCJS) is an interdisciplinary research institute located within the School of Law. It was established in 1987 to pursue research into criminal justice systems and criminological issues. It has since grown in critical mass and become recognised as one of the leading criminological centres of its genre with an established international profile and a range of international networks. It also draws membership from staff outside the School of Law – notably Sociology and Social Policy, Geography, Politics and International Studies and the Leeds Social Science Institute. The Centre fosters an active and flourishing multi-disciplinary academic environment for teaching and research, organises a seminar programme and hosts national and international conferences. It has developed a cohesive and supportive research environment and attracts international visitors. Staff working in the Centre excel in the production of empirically rich, conceptually sophisticated and policy relevant research. The Centre is recognised by the University of Leeds as a ‘peak of research excellence’. Its work is supported by a Board of Advisors drawn from key senior positions within criminal justice research users and sponsors, as well as academics and researchers. The Advisory Board helps to sustain good relations with local and regional research sponsors, attract prospective research students and facilitate knowledge transfer. Further information about the activities of the Centre can be accessed via our web pages at: <http://www.law.leeds.ac.uk/crimjust/>

The CCJS runs both undergraduate (**BA in Criminology and Criminal Justice**) and postgraduate teaching programmes. Postgraduate Programmes include:

MA Criminal Justice

MA Criminology

MA Criminological Research

MA Criminal Justice & Policing

MA International & Comparative Criminal Justice

LLM Criminal Justice & Criminal Law

All postgraduate programmes are available on a full-time and part-time basis. In addition, a Diploma route is available. The Centre also attracts domestic and international research students registered for a Ph.D, M.Phil or MA by Research. Anyone interested in information about postgraduate opportunities should contact Karin Houkes, Postgraduate Admissions Tutor, lawpgadm@leeds.ac.uk or Tel: 0113 3435009.

Members of the Centre for Criminal Justice Studies

Catherine Appleton
Linda Asquith
Sarah Blandy
Lydia Bleasdale-Hill
Adam Crawford
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Stefan Fafinski

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Teela Sanders
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Dr Jo Goodey, *European Fundamental Rights Agency, Vienna & formerly University of Leeds*
Dr Philip Hadfield, *Alcohol and Drug Consultant & formerly University of Leeds*
Peter J. Seago OBE JP, *Life Fellow of the University of Leeds*

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Jim Hopkinson *Manager of Leeds Youth Offending Service*
His Honour Geoffrey Kamil *Judge*
Robert Kellett *Governor, HM Prison Armley, Leeds*
Lord Justice Paul Kennedy *Judge*
Geoffrey Kenure *Consultant & Ex Probation Service*
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David Oldroyd *Director of Training, West Yorkshire Police*
Michelle Parry-Sharp *Deputy Justices' Clerk, Leeds Magistrates' Court*
Robert Rode *Solicitor*
Steven Rollinson JP *West Yorkshire Police Authority*
Fraser Sampson *Chief Executive of West Yorkshire Police Authority*
Professor Gill Valentine *School of Geography, University of Leeds*



INTRODUCTION

It gives me great pleasure to introduce this review of the publications, work and activities of the Centre for Criminal Justice Studies (CCJS) covering the period from 1st October 2009 to 30th September 2010. As the forthcoming pages testify, it has been another productive and eventful year in the life of the CCJS. The number and breadth of research projects, high quality publications, teaching initiatives, PhD research students, conferences attended and organised and knowledge transfer activities are impressive and continue to reflect the vibrancy of the staff and intellectual environment at the CCJS. There have been a number of significant highlights, notable events and achievements throughout the 12 month period under review, but I will restrict myself to commenting on just a few. First, the CCJS hosted a number of high profile events, including the Frank Dawtry Memorial lecture for 2009 by Peter Neyroud, Chief Executive of the National Policing Improvement Agency (NPIA), the content of which is reproduced in the working paper later in this report (see p. 42); and the CCJS Annual Lecture on the subject of inequality and comparative rates of crime and punishment was delivered by Professor Kate Pickett from the University of York. Staff in the CCJS also organised and hosted a highly successful one-day conference entitled ‘Aligning Research Agendas to the Challenges of Criminal Justice Policy and Practice’ (see p. 22). This Policy Event provided an excellent opportunity to both engage with our local and national partners in the fields of policy and practice and to explore the emerging new research questions in the light of the change of government.

Second, a team of academic staff at the CCJS took over editorial responsibilities for the journal *Criminology & Criminal Justice* as of the 1 October 2010. The journal is a leading and prestigious, peer-reviewed journal of original research and thinking in the field of criminology and criminal justice policy and practice. The journal publishes scholarly articles on all areas of criminology, crime and criminal justice. It is the official journal of the British Society of Criminology and is published by Sage Publications. From 2011, five issues of the journal will be published annually. The change of editorship is for an initial period of four years and comes at an exciting time for *Criminology & Criminal Justice*, which is celebrating its 10th anniversary this year. In addition, the journal has just been accepted into the Thomson Reuters Social Science Citation Index (Impact Factor pending) – testimony to the Journal’s success and impact. The new editorial team includes the following: *Editor-in-Chief* Adam Crawford; *Editors* Anthea Hucklesby, Susanne Karstedt, Clive Walker and Emma Wincup; *Book Review Editors*: Catherine Appleton and Stuart Lister and *Associate Editors*: Louise Ellison, Mark Findlay and Sam Lewis. To support the editorial team, we appointed an editorial administrative assistant, Lena Krukenburg, who started work in late October and secured the smooth transition from the previous Cardiff University based editorial team.

Third, after nearly two years of negotiation, the University recently announced the successful funding of the ‘Building Sustainable Societies: Work, Care and Security’ Transformation Fund which will commence in January 2011 – with an official launch event in June 2011 – and run for five years. The Transformation Fund is a major investment by the University focusing around three very distinct areas of strength in university-wide research capacity – work, care and security. Led by the Faculty of Education, Social Sciences & Law, the intention is to invest in and build on these areas to develop intellectual traffic between different disciplines. The ‘Security and Justice’ strand, led by Professor Adam Crawford, will involve a number of colleagues in the CCJS and Law School, in collaboration with other senior colleagues in Politics and International Relations, Sociology and Social Policy and the Business School. It will focus on developing a multi-disciplinary research agenda linking international, (comparative) national and local dimensions to the study of contemporary crime control and security related global challenges. To support and facilitate the capture of new external research income, a senior research fellow will be appointed from June 2011 and will be based in the CCJS and Law School (a second post is envisaged to commence in 2013). This major initiative will undoubtedly add significantly to the work and

profile of the Centre over the forthcoming years and is a welcome testimony to the support and confidence that the University has in the work of the CCJS.

Fourth, over the past year we have enhanced our relations with colleagues in the Universities of York and Sheffield under the auspices of the White Rose Consortium. We hosted a joint event at University House in May 2010 (see p. 22) where we began to map out mutual areas of research interest in the fields of criminology, security and crime control and developed this further at a White Rose conference on collaboration in the Social Sciences held in York in November 2010. We await the outcome of the Doctoral Training Centre bid to the ESRC (expected to be announced in early 2011), which, if funded, will see much greater collaboration between the three White Rose Universities in the provision of postgraduate research training and supervision. Some of us in the CCJS have already begun down this collaborative road through a White Rose funded 'studentship network' under the title *Responding to Global Challenges of Crime and Insecurity*. The network funds three PhD studentships (one based in each of the participating institutions) and brings together two co-supervisors from each of the Universities. The network commenced in October 2010 and will both further our research synergies and generate wider future collaborations.

On a more sombre note, we were saddened by the departure of Professor David Wall in the summer after 18 years service. He has taken up a Chair in Criminology at the University of Durham. Our loss is certainly Durham's gain. David was not only the Director of the CCJS before I took over in 2005 but also served as the Head of the Law School. He was, more importantly, a valuable colleague who contributed considerably to the growth and development of the CCJS over a number of years and friend to all, who is sorely missed. On a happier note, we welcome the arrival of two new members of staff. Dr Stefan Fafinski joined us as a Research Fellow in August 2010. His background is in science and information technology and his research interests are in the areas of cyberlaw and cybercrime and the internet and the networked society. Stefan is also a Research Associate at the Oxford Internet Institute (University of Oxford). In addition, Linda Asquith joined us as a lecturer in October 2010 and will be providing maternity cover during Catherine Appleton's absence. Linda is currently doing a PhD (at the University of Huddersfield) which focuses on the post-genocide experiences of survivors who have migrated to the UK. Congratulations to Dr Colin King on the award of his PhD thesis entitled 'The Confiscation of Criminal Assets: Tackling Organised Crime Through a "Middleground" System of Justice', from the University of Limerick. His successful viva was held and defended in August 2010.

This is my (sixth and) last CCJS Annual Report before I stand down as Director in the summer of 2011. I am pleased to announce that Dr Anthea Hucklesby and Professor Susanne Karstedt will be taking over as joint co-Directors. As this report amply testifies, I will be handing over a vibrant research centre that has continued to grow and flourish over recent years. I have no doubt that under the new stewardship the CCJS will continue its reputation for research excellence and trajectory of development. Underpinning this, we will be moving to a new Law Building (on the Western campus) in January 2011. Whilst many of us will be sad to leave our current Victorian premises, the new purpose-built premises will provide a wide range of excellent opportunities to expand and showcase our work, enhance collaborative endeavours, improve our learning, teaching and research environment and host visiting scholars and academic events in line with our important research objectives. Finally, let me take this opportunity to congratulate Dr Sam Lewis on the arrival of her second child, Polly, and Dr Catherine Appleton on the birth of her first son, Haakon! We look forward to both of their returns to work from maternity leave in 2011. Also congratulations to Stuart Lister on the birth of his second son, Marcus. All in all, it has been another highly productive year!

Professor Adam Crawford

Director, Centre for Criminal Justice Studies, November 2010

RESEARCH PROJECTS

SECURITY GOVERNANCE AND REGULATION

The Impact of Anti-Social Behaviour Interventions on Young People

A research team led by Professor **Adam Crawford** and supported by Dr **Sam Lewis** and **Peter Traynor** (Research Officer) is exploring how Anti-Social Behaviour-related interventions for young people and their families direct young people into, through and away from youth justice in a study funded by the Nuffield Foundation. The use of three key interventions – formal Warnings, Acceptable Behaviour Contracts and Anti-Social Behaviour Orders – is being examined in the context of the wider prevention and support strategies used in research sites in the North of England, the Midlands and London. The research aims to identify the extent to which enforcement and / or prevention strategies promote resilience amongst young people and their families, assisting them to navigate away from contact with formal institutions. It is intended that the research will generate empirically grounded understandings of decision-making processes and any differential impacts by: gathering and analysing quantitative data on the use of prevention and enforcement measures with young people over a two-year period in each research site and mapping young people's trajectories into, through and away from youth justice; mapping the use of Anti-Social Behaviour interventions by area using GIS mapping techniques; examining practitioners' views about the use and impact of Anti-Social Behaviour and prevention strategies; exploring the experiences of these measures as described by young people and their families; and observing key decision-making meetings in each site to study the decision-making process.

In December 2009 the Nuffield Foundation granted an extension to the research and a supplementary award to accommodate both Sam Lewis's maternity leave and difficulties experienced in data collection from some of the fieldwork sites. The project is due to report its findings in May 2011.

Police National Legal Database Consortium

A team from the West Yorkshire Police has established a wide-ranging database of legal information of relevance to police officers. The Centre for Criminal Justice Studies continues to act as auditors of the data, **Clive Walker** as the principal grant holder, the co-ordinator of the auditing process and the primary researcher.

Terrorism and the Law: The Construction and Application of Laws and Legal Policies in the United Kingdom

An AHRC Fellowship grant has allowed **Clive Walker** to undertake research for his book contract with Oxford University Press, *Terrorism and the Law*, which is due to be published in 2011. In substance, the book will focus upon UK domestic laws and practices in relation to terrorism. The prime sources of law remain the extensive anti-terrorism legislation, and these key texts are dissected in full. Aside from this fragmented assortment of special terrorism legislation, other laws against terrorism are also covered, including the offences in the Explosive Substances Act 1883 and international treaty-based offences against terrorism. Within the spheres of investigations and policing, important sources of law of relevance to terrorism include the surveillance powers under the Regulation of Investigatory Powers Act 2000, rules on lethal force), and the immigration and asylum rules. Finally, there is analysis of other aspects of public protection and support for victims. Increasingly important sources of the law on terrorism within the United Kingdom are the European Union, the United Nations, international human rights, and international humanitarian law. Their direct impacts on United Kingdom law – as hard rather than 'soft' law – will be fully documented. Just as international law about terrorism has proliferated, so other national jurisdictions have begun to emulate the British torrent of special laws. Comparisons are therefore

drawn with those jurisdictions which either reflect the closest relations to British legal traditions - Australia, Canada, Ireland, and the United States (Federal aspects only) - or are influential within the European Union (France, Germany, and Spain).

The research behind this book has been extensive. With the benefit of an Arts & Humanities Research Council fellowship, research was undertaken and conferences attended during 2009 and 2010 in the UK (the British Library and the National Archives; the Institute of Advanced Legal Studies at the University of London; the British Society of Criminology Conference, Cardiff; the Society of Legal Scholars Annual Conference, Keele; the Royal United Services Institute; and the Centre for the Study of Terrorism and Political Violence, St Andrews' University), in the USA (Stanford University Law School; the University of Minnesota Law School; the Robert S. Strauss Center for International Security and Law, University of Texas School of Law; the American Society of Criminology Meeting, Philadelphia), and in western Europe (the European Consortium for Political Research General Conference, Potsdam; the Max Planck Institute, Freiburg; the European Union Institute, Florence. Aside from these visits and events, interviews were undertaken with a range of police officers, judges, and policy-makers.

CRIMINAL BEHAVIOUR AND DESISTANCE

Assessing the Impact of Circles of Support and Accountability on the Reintegration of Adults Convicted of Sexual Offences in the Community

This four-year research project is the result of a partnership between the University of Leeds, the University of Nottingham and Circles UK with **Dr Catherine Appleton, Dr Anthea Hucklesby** and Birgit Völlm (University of Nottingham). Circles UK is a charitable organisation that has been set up to oversee a number of Circles of Support and Accountability (COSA) projects in England and Wales, and it is these which are the main focus of the study. Circles UK have received funding from the Wates Foundation in order to assess the extent to which COSA projects contribute towards the reintegration of sex offenders in the community. Attached to this research project is a three-year fully funded PhD studentship, based at the Centre for Criminal Justice. The project commenced in March 2010 and is due to report its findings by the end of February 2014.

Drug policy, social reintegration and welfare reform

This project, made possible by the School of Law granting **Dr Emma Wincup** a period of study leave, explored the New Labour government's proposals to introduce a 'new regime' for problem drug users as part of its commitment to tackling worklessness. It was initially proposed that problem drug users should be entitled to claim a new form of welfare benefit – a 'treatment allowance' - but this would be conditional upon agreeing to address barriers to employability, principally through participation in drug treatment. Following extensive debate in the House of Lords, a policy compromise was reached which fell short of quasi-compulsory drug treatment but required problem drug users to undergo a substance-related assessment as part of the process of applying for benefits. The project traced the development of the policy from the 2008 drug strategy through to the Welfare Reform Act 2009 and considered the evidence underpinning the range of objections to the 'new regime'. Two papers based upon the project were presented at the British Society of Criminology and Social Policy Association's annual conferences held in July 2010. Work on the project is ongoing, tracing the Coalition's decision to abandon the pilots introduced by the previous government and exploring the implications of new developments in both welfare and drug policy for 'workless' problem drug users.

CRIMINAL JUSTICE PROCESSES

Pre-charge police bail: an investigation of its use and its effectiveness in the police investigation process

The aim of the research, conducted by **Anthea Hucklesby**, is to examine the use of section 47(3) pre-charge bail for further investigations to take place. More specifically the research is: exploring the categories of suspects who are bailed before charge; examining the circumstances in which pre-charge bail is used and the justifications for its use; exploring any patterns in the use of pre-charge bail; investigating the impact of the use of pre-charge bail on the management of custody suites; and exploring investigating officers views of pre-charge bail, its use and management. The research is being conducted in conjunction with West Yorkshire Police. It involves the collection of quantitative data from custody records and interviews with police officers and managers of custody suites. The research is due to be completed in early 2011.

Special Measures in Rape Trials: Exploring the Impact of Screens, Live Links and Video-recorded Evidence on Mock Juror Deliberations

In England and Wales, adult rape complainants appearing in court may be afforded special measures protection in the form of screens, live links and the use of video recorded testimony. These arrangements are designed to reduce the stress of testifying but critics have worried that they may have an undue influence on juror decision making. Defence lawyers have expressed concern that the use of special measures may prejudice the defence by suggesting to the jury that the complainant needs protection from the defendant. Others have voiced fears that the effect of video-mediated testimony, in particular, may be diminished relative to evidence delivered 'live and in the flesh', leading jurors to view complainants who take advantage of these measures less positively. Against this backdrop, in this ESRC funded study **Louise Ellison** (and Vanessa Munro, University of Nottingham) will empirically examine the influence of the use of special measures by adult rape complainants on mock juror deliberation. In a context in which the Contempt of Court Act prohibits the conduct of research with 'real' jurors, this project will undertake a series of rape trial reconstructions. Four mini-trials will be observed by an audience of mock jurors who will then conduct deliberations which will be recorded and analysed. The project is due to report its findings in 2012.

Exploring the influence of witness preparation on eye-witness accuracy

In this AHRC funded study **Louise Ellison** (and Jacqueline Wheatcroft, University of Liverpool) investigated the influence of witness familiarisation on adult eye-witness accuracy. Sixty adult participants recruited from the community watched a video depicting a criminal offence and were then individually cross-examined about its contents by a practising barrister in a mock courtroom environment. Thirty participants were given written guidance on answering lawyers' questions in advance of cross-examination while the remaining thirty received no guidance. Prepared witnesses were significantly more likely than their unprepared counterparts to provide correct responses to cross-examination questions and were additionally more likely to seek clarification during cross-examination. Prepared witnesses were typically appreciative of the guidance they received prior to questioning. A Briefing Report summarising the findings is available at: <http://www.law.leeds.ac.uk/about/staff/ellison/>

Mapping and measuring cybercrime forum

This project, funded by Nominet UK and conducted with the Oxford Internet Institute, facilitated a dialogue between policymakers, police authorities, representatives of the computing industry and leading international academics on issues of mapping and measuring cybercrime. Its primary aims were to inform decision making in the policy area of cybercrime response and to support a more

sophisticated rounded understanding of the issues involved. A discussion paper summarising the key issues and outcomes of the forum by Dr **Stefan Fafinski** with Professor William Dutton (University of Oxford) and Professor Helen Margetts (University of Oxford) is available on SSRN at <http://ssrn.com/abstract=1694107>.

An investigation of key employability and enterprise skills within the criminal justice sector

Funded by the Faculty of Education Social Science and Law (from the Teaching Enhancement and Student Success fund), this project managed by **Stuart Lister** and **Emma Wincup** aims to identify the key employability and enterprise skills required by criminal justice and security agencies from graduates. It has employed a researcher, Kate Brown, to undertake an empirical investigation, wherein practitioners from 15 relevant agencies have been interviewed in order to learn about the skills their respective organisations wish to see within graduate recruits. A range of local and national agencies have participated in the study including (but not exhaustively): West Yorkshire Probation Trust, Victim Support, Safer Leeds, West Yorkshire Police, the National Policing Improvement Agency, Leeds Youth Offending Service the National Centre for Social Research, the Prison Service, the Independent Police Complaints Commission, GS4 and Securitas UK.

Once this data has been analysed the project will seek to embed a range of skill-based tasks into the curriculum of BA Criminal Justice & Criminology degree in order to promote the development of employability and enterprise skills. The project is informed by the University's Teaching and Learning Strategy, and seeks to align the programme to broader shifts in Higher Education practice which, in light of the Dearing Report (1998), emphasise the importance of providing graduates with employability skills to ensure their future success on leaving university. This project began in March 2010 and is due to report to Faculty in March 2011.

INTERNATIONAL AND COMPARATIVE CRIME AND JUSTICE

Responding to Global Challenges of Crime and Insecurity

The White Rose Consortium is funding a Studentship Network entitled 'Responding to Global Challenges of Crime and Insecurity'. The network funds three PhD studentships, each one based in each of the three consortium Universities of Leeds, York and Sheffield. PhD students are co-supervised by one academic in the host institution and a supervisor from one of the other universities. **Adam Crawford** is the Network leader and is co-supervising a studentship based at York University, Graham Geddes) **Susanne Karstedt** is supervising the Leeds based studentship, Ben Ellis. The Network incorporates academics from the Centre for Criminological Research (in the Law School) at Sheffield University – Professor Stephen Farrall and Dr Maggie Wykes – and from the Department of Sociology at the University of York – Dr Rowland Atkinson and Dr Simon Winlow. The funding runs to September 2013.

Restorative Justice and Crime Prevention

European Commission and Italian Juvenile Justice Department funded research into the conceptual, policy and practical connections between restorative justice and crime prevention across Europe which is being conducted by the European Forum for Restorative Justice based at the Catholic University of Leuven. Professor **Adam Crawford** is contributing to this European project by providing a conceptual overview and analysis of points of connection and links between restorative justice and crime prevention. He presented a draft report to an expert seminar at the University of Leuven on 21-23 October 2009 and a final report European Study Centre of Nisida, Naples, 25-26th March 2010. The project concluded in the summer of 2010 and will result in a

report entitled *Restorative Justice and Crime Prevention: Presenting a theoretical exploration, an empirical analysis and the policy perspective* (published by the Ministry of Justice).

International and Comparative Criminal Justice

This research network co-lead by Professors **Mark Findlay** and **Adam Crawford** combines WUN and non-WUN partners with interests in a range of inter-related themes that coalesce around the internationalisation of crime control, by exploring questions of comparison (both convergences and divergences) in the development of policy, norms and institutional infrastructures. The network is interested in both the development of international institutions and processes, as well as comparisons between national and sub-national developments. Questions about policy transfer, lesson-drawing and international trends in the coordination and delivery of modes of criminal justice and crime control are at the forefront of research concerns within this network. The ICCJnet has secured funding for an annual fellowship to be held at different member institutions 2009-1011. The first fellowship was awarded to James Cockayne a Senior Associate at the International Peace Institute, New York – a major NGO advising governments and the UN on peace and security issues. His fellowship commenced in August 2009 and is hosted by the Institute of Criminology at Sydney University. In 2010 a second fellowship was co-hosted by the universities of Leeds and Sheffield. A collection of essays, edited by Adam Crawford - *International and Comparative Criminal Justice and Urban Governance: Convergence and Divergence in Global, National and Local Settings* will be published by Cambridge University Press in early 2011. The book arose out of the inaugural meeting of the ICCJ Network held in Leeds in June 2008.

For further details about ICCJnet, see <http://www.wun.ac.uk/iccjnet/>

Urban Insecurity and the Politics of Safety

The French-based *Groupe Européen de Recherches sur les Normativités* (GERN) has funded **Adam Crawford** to lead a Working Group to explore possible European Commission funding around the theme of urban insecurity and the politics of safety. This funding initiative was prompted by the collaborative work completed under the CRIMPREV co-ordination action project. An initial meeting was held in Leeds on 1-2 October 2010 and was attended by colleagues from the Netherlands, Finland, Belgium and Slovenia as well as members of the CCJS – **Anthea Hucklesby** – and the Business School. The intention is to collaborate on a comparative research bid under Framework 7.

Rethinking International Criminal Justice

Mark Findlay. *Rethinking International Criminal Justice* is the next phase of the ICCJNet Reimagining International Criminal Justice research strategy. From critically analysing the shape, nature, impacts, and direction of international criminal justice as an evolving process the project seeks to influence and reshape its trajectory through workshopping substantive and procedural challenges in practice. In order to achieve this stage in an ongoing research enterprise, the project utilises a unique interdisciplinary research methodology to bring the worlds of policy and academia into active and meaningful discussion based around responses to a rich and complex scenario of the sort that confronts the various stakeholders daily.

Within Reimagining International Criminal Justice there were initially seven Focus Areas (Historical Development, Balancing Interests, Different Regulatory Faces, Authority, Legitimacy and Accountability, Global Governance and Regulatory Pluralism, Conceptual and Institutional Dichotomies and New Challenges). These Focus Areas have now been pared down to four broad Working Groups considering intervention modalities: Interests, Regulatory Functions and Modes, Potentialities, and Limitations. Each of these groups are charged to generate research ideas necessitated by the intervention modalities they will consider in their delineated areas. *Rethinking International Criminal Justice* is the product of structured working group engagement, through to a meeting where research questions will be married with policy options, and the

resultant challenges will be moulded into a strategic research agenda for the development and funding of action-oriented research initiatives.

Democracy, Crime and Justice

Susanne Karstedt is leading a project that aims at exploring the impact of democratic values and institutions on crime and justice, including interpersonal and state violence, corruption, imprisonment rates and prison conditions. A data base including nearly 80 countries has been established bringing together a wide range of large secondary data sources. Multivariate and hierarchical models are presently established for a range of topics. Findings have been presented at various international conferences including the International Conference on the Sociology of Law at Onati in 2009.

Life after Punishment of sentenced Nazi war criminals

In this project, **Susanne Karstedt** is analysing 30 cases of Nazi war criminals – from members of the elite who have been sentenced at the Nuremberg Trials to concentration camp guards – and traces their biographies after their release from prison. Archival and biographical methods are used, and secondary sources analysed. The findings demonstrate the intricate relationship between individual and collective memories in a society in transition. Findings have been presented at various seminars.

The European Moral Economy

The project analyses the respective module of the European Social Survey round 2, 2004, co-authored by Stephen Farrall, Sheffield, and **Susanne Karstedt**. He is also collaborator in the project, in which hierarchical modeling techniques will be used for the exploration of middle class crime and market anomie in 25 European countries. Findings have been presented at the German Sociological Congress in 2008.

Trust in Justice and the Police: Embedding the UK experience in the European Context

This comparative study by **Susanne Karstedt** analyses the development of trust/ confidence in justice and the police across a number of European countries and between 1980 and 2008, using international survey data. The findings demonstrate that trust in justice and the police in the UK decreased between 1980 and 2000, and increased since then again. Analyses for different socio-demographic groups as well as for salient attitudes corroborate the assumption that trust in justice/ the police is a so-called socio-tropic attitude, implying that actual and differing individual experiences with the police and the justice system hardly impact on attitude change. Findings were presented at the British Society of Criminology conference in 2009, and the American Society of Criminology conference in 2009, in a panel organised by the British Society of Criminology, and at seminars and an international conference at the Institute of Criminology at Cambridge University.

TEACHING RELATED INITIATIVES

Lydia Bleasdale-Hill was awarded a University Teaching Fellowship in 2010, with the associated funds (£4000) being used to examine the development and provision of pro bono (legal volunteering) activities across several institutions. Academics and practitioners have been interviewed about their motivations for, and experiences of, developing and maintaining a range of pro bono activities (including Legal Advice Clinics, Streetlaw, and international pro bono projects). The resulting report will provide a comprehensive and wide-ranging narrative of those experiences, (including common themes to emerge from the interviews), and will serve as a resource for institutions wishing to establish, or expand upon, their provision of pro bono activities. The report will be hosted by the *LawWorks* website (<http://www.lawworks.org.uk/>), and findings will also be disseminated at learning and teaching conferences.

Stuart Lister was awarded the Postgraduate Certificate in Teaching and Learning by the University of Leeds (Staff & Departmental Development Unit) in December 2009.



Peter Neyroud and Professor Adam Crawford before the Frank Dawtry Memorial Lecture, December 2009.

ESSL Faculty Undergraduate Research Scholarship hosted by the Centre for Criminal Justice Studies, Summer 2010

Report by Ian Marder, BA Criminal Justice and Criminology

The CCJS secured funding from the Faculty of Education, Social Sciences and Law to host an undergraduate research scholarship during the summer vacation of 2010 to provide the awarded student with an insight into the work and research conducted by the centre and its links with the professions.

In the criminal justice system, practice is inconsistent across the United Kingdom. In this respect, particularly for the implementation of research- and evidence-based programmes (behavioural training, work experience, education, etc.) to support rehabilitation and lower the risk of re-offending, Yorkshire seems to be at the forefront. For example, almost all offenders in the A-wing of Wolds Prison are either completing a course or working towards a college degree, while the West Yorkshire Probation Department is the only one in the country to employ more than one researcher in-house, and one of only three to employ researchers at all.

The aims of this research scholarship project were diverse. My visits to these agencies mentioned above, as well as to the Leeds Youth Offending Service and to various police departments, provided me with a unique opportunity to observe examples of positive work being done with offenders. The breadth of my visits also enabled me to observe how a range of job-related pressures can shape the views and priorities of practitioners. Additionally, this scholarship was intended to give me a feel for how research is conducted and for what it is like to be a postgraduate student. This report will, therefore, be divided into the following sections: my interactions with various criminal justice agencies, my interactions with postgraduate students, and a discussion of the extent to which this scholarship has prepared me to define my personal interests in research.

First of all, I cannot express strongly enough how enjoyable and helpful the multiple visits to a wide range of criminal justice agencies were. To have negotiated my own placements with all of these agencies, or for that matter any of them, would have been almost impossible. I was given the opportunity to see parts of the criminal justice system which I would never otherwise have been able to see; for example, I was permitted to sit in on an offender's pre-sentencing report as conducted through interview by a probation worker. What I appreciated most about these visits, set up by Dr. Anthea Hucklesby, was that they gave me a perfect opportunity to question practitioners about anything I wanted, from what their job consisted of, to what their own thoughts and values were regarding policy, offenders and wider society. In this sense, my visits were more than just about seeing the difference between theory and practice, but also allowed me to gauge the opinions of many frontline workers who have to make day to day decisions regarding individual offenders and their own agencies. This process, I am certain qualitative researchers would agree, seems to be the best way to find out why specific decisions are made. However, decisions are not based on opinion alone – there are always several variables at play, and I think this can best be described in terms of the different pressures a practitioner is exposed to. This was another aspect of the criminal justice system which I could try to assess from the many discussions I participated in. All individuals working with the criminal justice system, I found, are subject to pressure from both “above” and “below”; for example, the Strategic Department of the Police were accountable to the Association of Chief Police Officers, as well as to the various communities they serve. This combination of pressures constructs the frame within which one must work, the reality of which must be understood in order to fully grasp why practitioners behave the way they do.

Furthermore, spending time with both researchers and PhD students was an integral part of this scholarship. I had always intended to go into postgraduate study in one form or another, but I had

many difficult questions to answer. What area of study interests me the most? Where do I want to go? Do I want to do a taught or a research degree, or a combination of both? Discussing my options with PhD students allowed me to focus my thoughts and direct my quest for the right course for me. Discussing their experiences in terms of education, moreover, has helped me to prioritise better – it was made very clear to me that undertaking postgraduate study in an area one was not interested in was not an option, and so I had to decide on my interests first, as opposed to looking blindly for a suitable course or institution.

Discussion of the criminal justice system with those who work on the frontline forces made one think about the effect that evidence-based legislation, or the lack thereof, can have. My attendance of the Centre for Criminal Justice Studies Annual Conference gave me a good theoretical starting point – Why should policy be based on research? How can policy be based on research? It is, however, only after spending time with practitioners and seeing the effects of a lack of evidence-based policy that one can truly understand the depth of the problem. Nowhere is this problem more prominent than in the criminalisation of intoxication; practitioners whose focus was on drug use, such as the CARAT team at Wolds Prison, rightly felt that they too were the victims of a policy of prohibition and moral opposition to intoxication. In spite of this, I saw many positive developments all around Yorkshire. For example, research by the team at West Yorkshire Probation has led to the discontinuation of many facilities and contracts which had proved to be completely ineffective. Moreover, the widespread use of targeted cognitive rehabilitation and education in Wolds Prison and Westgate Hostel in Wakefield again suggests that using evidence when making decisions can have positive consequences, as opposed to decisions being made in order to try and “out-right the right” as Ed Miliband said recently, or in order to be seen as “tough on crime”, a notion that even Ken Clarke seems to have suspended in some areas.

Practically speaking, this scholarship helped me improve my research skills greatly. For example, I was introduced to SPSS, a widely used data analysis software package. In addition, I spent the majority of my time on visits essentially practicing my interviewing skills, from thinking of the right questions to ask, to improving my ability to communicate and build a positive rapport with an large variety of people from diverse backgrounds, from Chief Police Officers to those who have been incarcerated since before I was born. I also spent several days collating information for Dr. Hucklesby’s upcoming book, as well as completing my own small piece of research entitled “Bail in the UK”. This was the first time I had been presented with a topic about which I knew little without being first given a reading list. Overall, in the course of these two projects, I vastly improved my research skills, learning to collate information and to decide how relevant, important and interesting an article can be. This scholarship, therefore, successfully exposed me to all aspects of a research project.

I strongly recommend that all interested students should apply for this position in the coming years. This pertains to those who wish to continue their studies at postgraduate level, but also to those who think they could be persuaded to continue. Furthermore, this includes those who have a genuine interest in the reality of the criminal justice system. To get the most from the scholarship, one should have good communication skills and be prepared to use them – as students, we simply do not have the experience that frontline practitioners have, and I could not conceive of a better way than this one to interact with the people whose jobs we study and criticise every day.

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Appleton, C. 'Punishment of Serious Offenders: Exploring Ultimate Penalties', Invited speaker, Interdisciplinary Ethics Applied, University of Leeds, 26 April 2010.

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Blandy, S. Accommodation for Sex Offenders, presentation and discussion sessions for the Australasian Housing Institute, Melbourne 8 April 2010.

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the pains of the right to a fair trial', 5th European Consortium for Political Research General Conference, Potsdam, 10-12 September 2009.

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Wincup, E. 'Carrots and Sticks: Extending Conditionality for Problem Drug Users', Social Policy Association Annual Conference, 5-7 July 2010.

Wincup, E. 'Bringing in the Outsiders: Drug Policy and Social Reintegration', British Society of Criminology Annual Conference, 12-14 July 2010.

CONFERENCE ORGANISATION AND REPORTS

'Exploiting International and Regional Research Collaborations', day conference and joint WUN/White Rose Event University House, Leeds University, 25th May 2010 organised and hosted by Adam Crawford. The conference was attended by 26 delegates from the Universities of York, Sheffield and Leeds. It is anticipated that this meeting will be the first of a series under the White Rose Consortium which will see greater collaboration in research, PhD supervision and postgraduate masters programme delivery.

Aligning Research Agendas to the Challenges of Criminal Justice Policy and Practice

By Emma Wincup, Ella Holdsworth and Jessica Read

On 17th June 2010, the Centre for Criminal Justice Studies (CCJS) hosted a one-day conference entitled 'Aligning Research Agendas to the Challenges of Criminal Justice Policy and Practice'. The aims of the day were as follows:

- to bring CCJS researchers and local/regional/national policy-makers/practitioners together to identify the emerging key criminal justice/criminology research questions for the next five years or so, most notably in the light of the 2010 General Election result;
- to engage members of the CCJS advisory board, alongside regional and national research funders and users in a dialogue about their research needs and how researchers can best meet these needs;
- to consolidate CCJS's existing relationships at local, regional and national levels which promote research and knowledge transfer opportunities and establish new ones; and
- to explore ways of ensuring the greatest impact for CCJS research on policy and practice and the scope for evidence-based policy.

The organising team consisted of Catherine Appleton, Stuart Lister and Emma Wincup. Other CCJS colleagues played key roles organising sessions (Sarah Blandy and Peter Traynor), chairing panels (Adam Crawford, Anthea Hucklesby, Colin King and Richard Peake). Five CCJS colleagues presented papers (Catherine Appleton, Sarah Blandy, Adam Crawford, Peter Traynor and Emma Wincup) and were going by ten external speakers: Professor Paul Rock from the London School of Economics; seven senior representatives from local criminal justice agencies; Drusilla Sharpling CBE, one of four Assistant Chief Inspectors from HM Inspectorate of Constabulary and Phil Wheatley, who at the time was Director-General of the National Offender Management Service.

Funded by the School of Law at the University of Leeds, the event was attended by 55 delegates including academic researchers (mostly from CCJS) and criminal justice practitioners and policy-makers. These included representatives of local police forces and authorities, probation trusts, prisons, the Crown Prosecution Service and youth offending teams. Local authorities, community safety partnerships, drug action teams and housing associations were also represented. In addition, there were a small number of delegates from the private and voluntary sector.

The event took place little over a month after the formation of the Coalition government. At that stage little was known about the future direction of criminal justice policy other than the brief details included in the 'Our Coalition: Our Programme for Government' document. Nonetheless these provided sufficient indication of the emerging agenda to inform discussions in each of three sessions on different aspects of criminal justice. For example, the 'policing and security' session involved deliberation on the proposed introduction of elected police commissioners'; the 'offender management' session explored the contribution the voluntary sector might play in the promised 'rehabilitation revolution'; and the 'anti-social behaviour and community safety' session reflected upon the possible impact of David Cameron's 'Big Society' agenda on levels of community involvement in tackling anti-social behaviour.

Inevitably there was much speculation about the impact of forthcoming cuts in public spending on criminal justice agencies. It was repeatedly emphasised that the scale of reductions in the budgets of criminal justice agencies would require more than simply making efficiency savings and would necessitate more fundamental changes. Whilst some speakers and delegates spoke in positive terms about the potential the need to make financial savings could offer; for example, to reduce the prison population, there were also genuine concerns expressed about whether hard-won improvements in the delivery of criminal justice would be lost because of the need to make substantial fiscal savings over a short period of time. Speakers from criminal justice organisations reminded delegates about the numerous challenges they face such as meeting public expectations about the level of service they feel they should get from criminal justice agencies.

Faced with this challenge of controlling crime in the age of austerity, research – at both a national and a local level - might be drawn upon to assist; for instance by providing evidence about ‘what works’ and evaluating potential examples of good practice. It was suggested by one of the delegates that input from researchers could guard against ‘institutional amnesia’ which involves organisations adopting approaches that had not worked in the past. Working alongside other stakeholders – including organisations criminal justice agencies work in partnership with, researchers could contribute to discussions about how to ‘get more from less’. Research – as Adam Crawford outlined – has multiple purposes relating to accountability, development and knowledge but research teams commissioned by the New Labour government were asked to focus on the first two of these by undertaking evaluations of ‘pilot’ schemes. This reactive approach has the potential to inform policy but it leads to the generation of knowledge within existing policy frameworks. An alternative approach is to encourage researchers to adopt a more proactive approach and engage in what Wilcox and Hirschfield (2007) term ‘horizon scanning’ and try to anticipate policy-makers needs for research. To be successful this requires researchers to understand the myriad of influences on policy and the policy-making process itself. It also requires to researchers to become ‘evidence masters’ (Wilcox and Hirschfield, 2007), engaging in a dialogue with key players who shape the direction of policy at all levels. The conference made a significant contribution in this respect, strengthening the relationship between the CCJS and its advisory board and encouraging further collaborations between CCJS staff and the policy community.

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A Report on the ‘Aligning Research Agendas to the Challenges of Criminal Justice Policy and Practice’ Conference organized by the Centre for Criminal Justice Studies 17 June 2010

By Ian Marder (3rd Year Undergraduate Student, BA Criminology and Criminal Justice) and Amy Spramson (2nd Year Undergraduate Student, BA Criminology and Criminal Justice)

As we all know, there have been many occasions where contemporary policy has fallen short of having the “evidence base” it was frequently claimed to have by, for example, the architects of New Labour. This is not to say they are the only ones at fault for failing to achieve this, although the claim by David Blunkett, former Home Secretary, in 2002 that “this Government has given a clear commitment that we will be guided not by dogma but by an open-minded approach to understanding what works and why” (speech to the ESRC, Feb 2nd, 2002) makes one particularly inclined to single them out. It is under this backdrop that academics (in this case, in the field of Criminology and Criminal Justice) have felt the need to discuss the future of research; a future in which some are hopeful that the utilisation of a “new type of politics” can be adopted for the

purposes of influencing government. This brings us to the main aims of the conference: to discuss the current relationship between research and policy and to consider the best ways to ensure the two become aligned. Hence, as asked by Dr Anthea Hucklesby, the question is: to what extent will the new coalition government use evidence in the development of policy?

The Place of Research Within the Process of Routine Policy Making – Session One

This is a subject that is clearly at the centre of Professor Paul Rock's own research. In his talk, he focused on the process of policy making rather than the end product and on the trumping of evidence by politicisation. This, he argued, has never been more relevant, citing the example of Professor David Nutt (Ex-Chair, Advisory Council on the Misuse of Drugs (ACMD)), whose conclusions tended to be "politically and electorally indigestible", meaning that due to the politicised and media-driven nature of drug policy, it may have been electorally disadvantageous to follow Professor Nutt's advice on the drug classification system. In fact, pushing evidence into the political sphere is made all the more difficult by the constant changes in government departments; one will "never go into the same Home Office twice", argued Professor Rock. This constant flux has led both politicians and academics to a state of disillusionment about the influence of research on policy-making. As Professor Rock pointed out, "a scholarly voice needs an attentive audience", of which recent parliaments seem to be devoid. Researchers also need to be more diligent in their approach to the environment in which they must work, he concluded – otherwise, they are setting themselves up for disappointment.

Professor Adam Crawford then sought to explain the seemingly irrational stance taken by some politicians, which sees policy seldom bear much relation to reality. First, he argued that actuarial justice has taken over as a way of viewing wider society, a theory within which "risk" is paramount. His second argument, therefore, was that the desire to err on the side of caution leads practitioners to justify their actions by uncertainty rather than evidence. Lastly, he referred to "institutional amnesia", specifically with relation to the way the criminal justice system is viewed in parliament – by this he suggested that policy makers seem incapable of learning from previous mistakes. The past has, in fact, been "obliterated". This is highly significant, insofar as it explains both the repetition of ideas and the inability to learn from the past.

Policing and Security – Session Two

This discussion was introduced by Professor Crawford, who suggested that the police have undergone a wholesale transition from a "force" to a "service". He emphasized how difficult it is to measure the effectiveness of crucial aspects of security. However, given the current climate, it seems ever more essential that practice must reflect "what works" and provide value for money, or, as many have termed this situation, there is a need to "get more for less". What followed was an interesting debate, surrounding a rebalancing of the criminal justice system. Drusilla Sharpling, from HM Inspectorate of Constabulary, illustrated this point using the statistics for concluded crimes, meaning crimes which have resulted in a conviction or some other forms of state-punishment, 42 per cent of which are traffic offences. She went on to question whether this was a sensible balance for a *criminal* justice system. Not according to DCC David Crompton, who argued that evidence-based redistribution of resources is required. In essence, some areas will have to be cut in order to improve the more essential areas of security. He uses the example of policing partnerships; whereas some are extremely effective, some have been maintained simply for "the sake of it", suggesting that it may look good to have numerous partnerships, even though some of them fail to play an important functional role. This gives credence to the argument of utilising time and money differently. Consequently, Fraser Sampson, Chief Executive of the West Yorkshire Police Authority, claimed that for "excellence" to be achieved, other avenues may need to be pursued, such as restorative justice and the voluntary sector, which allow empirical knowledge to be collated and implemented.

Offender Management – Session Three

This session began with a description of the key challenges faced by offender management policy-makers and practitioners, including reoffending rates and overcrowding and costs of prisons. Dr. Appleton and Dr. Wincup illustrated the difficulties of solving these problems in the present political environment, pointing to the coalition government's proclamation that they will push for a "rehabilitation revolution" although they had not defined to date what such reforms would involve. Phil Wheatley, the Director General of the National Offender Management Service, approached this from an alternative angle. He argued that reoffending rates have been taken out of context and that it was essential to look at, for example, the type of offenders who are entering the prison system. A consequence of this would be a more focused investment on tackling prolific and high risk offenders, particularly bearing in mind that the prison system may face estimated cuts of around 20 per cent. However, Rob Kellet, Governor of HMP Leeds, alluded to the fact that most of these issues were not even mentioned by the coalition and saw the cuts not as a threat, but as an opportunity to take a different approach. Lastly, Sue Hall, Chief Executive of West Yorkshire Probation Trust, reiterated these issues, stating that the coalition had not mentioned the probation service once. Furthermore, she argued that this "different approach" could involve a focus on the individual's motivation to desist from offending, an area of research which had previously been disregarded in political circles.

Anti-Social Behaviour and Community Safety – Session Four

The Anti-Social Behaviour (ASB) agenda has invited a wide array of negative criticism, the main areas of which, as contended by Dr. Sarah Blandy and Peter Traynor, consist of definitional issues and the blurring of distinctions between deviance and criminality. In addition, they highlighted the importance of the contemporary "shift from enforcement to prevention", but as of yet are unaware as to whether or not this will continue under the new government. SI Simon Whitehead and CI Elizabeth Belton proceeded to challenge common perceptions – whereas many see ASB as consisting of low level disorder and victimless crimes, they maintained that their priorities lie in lessening the effects of more serious, persistent incidents. They presented CCTV footage to demonstrate certain examples, such as gun crime and the dealing of harder drugs, specifying that their aim was to alleviate the suffering of the residents of certain areas who were forced to tolerate such behaviour, thus improving the quality of life in these communities. Interestingly, they endorsed the "strategic" use of Anti-Social Behaviour Orders (ASBOs), and advocated the primary use of other community support measures; they see the use of ASBO's as a last resort and, indeed, a failure. The final speaker of the conference, before it was drawn to a close by Professor Crawford, was Steve Williamson, the Chief Executive of Re'new. He questioned the partnership approach to the ASB agenda, arguing that in order to succeed, we need to do things "*with* people, rather than *to* or *for* them". In other words, we must allow people to have the capacity to do things for themselves in the long term. In fact, we have neither the resources nor the evidence to pursue any other course of action.

To conclude, the themes of the conference were nothing if not vital. The discussions showed that we cannot expect to find any easy treatments or solutions to the presented problems, but we need instead to better understand the complexity of the situation. One issue, which there seems to be a consensus around, is that aligning evidence with policy and practice is essential for both increased efficiency and productivity. If this is true, the coalition government needs to learn from the past and to remember that we *literally* cannot afford to continue to be ignorant towards the notion of evidence-based policy.

KNOWLEDGE TRANSFER

Work for Governments, Statutory Agencies, NGOs, Professional Bodies

Adam Crawford

- Contributor to ESRC/Police Foundation Seminar Series Mapping the Public Policy Landscape 'What is Policing for?' Booklet. Available at: http://www.esrcsocietytoday.ac.uk/ESRCInfoCentre/Images/ESRC_PP_Policing_stage9_tcm6-35102.pdf
- Member of the ESRC Peer Review College (from March 2010)
- Acted as Reviewer for Home Office Research, Development and Statistics research reports and Police Foundation research briefings.
- Assessor for the European Research Council Starting Grant 3rd Call – 2010 and Leverhulme Trust.

Catherine Appleton

- Member of Circles UK Research and Evaluation Group
- Member of HM Prison Grendon Research Advisory Group

Louise Ellison

- Member of an Expert Panel chaired by Mind (funded by the Law Society) charged with developing guidance for prosecutors and advocates on best practice in criminal cases involving witnesses/complainants with mental health problems. The resulting *Toolkit for Prosecutors and Advocates* was launched nationally in October 2010.

Stefan Fafinski

- Written evidence to House of Lords European Union Committee (2009-10) *Protecting Europe against large-scale cyber attacks*, HL 68, 127 – 136.
- Consultant to British Computer Society/Law Society group to demonstrate how improved understanding of both technology and legal issues can improve future legislation in relation to the passage of the Freedom Bill and Great Repeal Bill.
- Founder and Chair of the Law Panel at the Worshipful Company of Information Technologists, a City of London Livery Company

Anthea Hucklesby

- Consultant for G4S to implement a change programme to pilot measures to increase compliance with electronic monitoring. The programme has been implemented as a direct result of the research conducted by Dr Hucklesby for G4S in 2005/6 on compliance and electronic monitoring.

Susanne Karstedt

- Scientific Advisory Board of the Kriminologisches Forschungsinstitut Niedersachsen (KFN) (Criminological Research Institute of Lower Saxony), Hanover
- Advisory Board of the Institut für Rechts- und Kriminalsoziologie (*Institute for the Sociology of Law and Crime*), Vienna.

Sam Lewis

- Peer reviewer for the National Probation Research and Information Exchange (NPRIE) Research Officer's group.

Clive Walker

- Submission to Lord Carlile, Annual Review of Terrorism Acts, Home Office
- House of Lords Select Committee on the Constitution, Fast-track Legislation: Constitutional Implications and Safeguards (2008-09 HL 116) - my input is mentioned at paras.65, 68, 72, 79, 143, 145, 159, 181
- House of Commons Home Affairs Committee, 'The Home Office's response to terrorist attacks (2009-10 HC 117).
- Whalley Second Report on the Justice & Security (Northern Ireland) Act 2007 (NIO, Belfast, 2010).

Media-related work

Adam Crawford

- Interviewed for a two-part documentary series for Radio New Zealand on alcohol issues aired on 18 July and then 25 July 2010 available at: www.radionz.co.nz/Insight
- Quoted in BBC Online 'Magazine', article: 'What's the Price of DVD players got to do with crime?', 15 July 2010 at: <http://www.bbc.co.uk/news/magazine-10635206>
- Interviewed for Radio Leeds, on 'Restorative Justice', 15 July 2010, available at: http://www.bbc.co.uk/iplayer/episode/p008rh55/Andrew_Edwards_and_Katherine_Hannah_15_07_2010/ (at 42 mins)
- Quoted in article 'UK police body warns of riots and unrest', J. Boxel, *Financial Times* 19 May 2010.

Stefan Fafinski

- Interviewed by BBC Radio 4 – *Today* on wasting police time, 20 August 2010

Editorial Work

Adam Crawford

- Editorial Board the *British Journal of Criminology* (until January 2010)
- International Advisory Board of the *European Journal of Criminology*
- Editorial Advisory Board of *Criminology and Criminal Justice*
- Editorial Committee of *Déviance et Société*.

Louise Ellison

- Editorial Board Member of *International Journal of Evidence and Proof*

Stefan Fafinski

- Guest editor of *Policy and Internet Special Issue on Cybercrime* (April 2011)

Mark Findlay

- Editorial Board *International Journal of Financial Crime*
- Editorial Advisory Board *Howard Journal of Criminal Justice*
- Editorial Board *Nottingham Law Journal*
- Editorial Advisory Board *Queensland University of Technology Law Journal*
- Forum on Crime and Society (UN) – (2001 -) – editorial board
- Editorial Board *International Journal of Comparative Criminology*
- Editorial Board *International Journal of Criminal Law Education*

Susanne Karstedt

- Guest editor with Levi, M. and Ruggiero, V. of a special issue of *British Journal of Criminology*, 50 (4) entitled 'Terrorism: Criminological Perspectives' (2010).

Emma Wincup

- Editorial board member, *Qualitative Research*

VISITING FELLOWSHIPS

Sarah Blandy Visiting Fellow at the School of Law, University of New South Wales, April 2010

Adam Crawford Visiting Fellow to the Frans Denkers research programme on 'Safety, Security and Citizenship', Free University of Amsterdam (2008-11).

Stefan Fafinski Visiting Research Fellow, Oxford Internet Institute, University of Oxford, March – September 2010.

Mark Findlay Visiting Professor of Law, Singapore Management University.

Clive Walker Visiting Fellowship within the Institute for Advanced Legal Studies, University of London, 2008-09.

VISITING SCHOLARS

Fatih Birtek lecturer of Criminal Law and Criminal Procedure Law at the Turkish National Police Academy visited the Centre for his second visit. On this occasion he stayed with us for 3 months between July and September 2010. His research focused on the regulation of the interception of communications and intrusive surveillance systems and the title of his research project was: "*The Invasions to Privacy Life via Interception of Communications/ Intrusive Surveillance and the Admissibility of Intercepted Materials as Evidence in Court*". As a first step, he investigated the admissibility of intercepted materials in terms of UK Legislation and ECHR judgement - mainly Kennedy v. UK (2010). He explored the principal rules of the ECHR relating to lawful interception practices. He compared UK legislation with US legislation and practice, focusing in particular on the impact of 9/11 and the subsequent changes to interception of communication systems as a method of gathering information for counter-terrorism. Fatih went on to conduct a study of the differences in UK, the US and Turkish law in terms of the admissibility of gathered information by the interception. This led to a comparative law study for the Turkish National Police Academy "*The Interception of Communications as a Surveillance Method in Terms of Prevention of Terrorism and Organised Crime and Legal Issues in Turkey*". Fatih's research also resulted in a presentation - entitled *The Use of Interception of Communication for Prevention of Crime and Gathering of Intelligence and the Admissibility of Intercepted Materials As Evidence in Court* - at The International Intelligence Symposium, 24-26th September 2010, held in Istanbul, Turkey. The presentation will be published along with others from the symposium as an international refereed edited collection.

Dr. Ilaria Bottigliero Senior Researcher at the International Development Law Organization in Rome was awarded the 2010 Worldwide Universities Network ICCJnet Fellowship in international and comparative criminal justice. The Fellowship jointly hosted and part-funded by the University of Leeds and the University of Sheffield. The Fellowship enabled Ilaria Bottigliero to conduct research on the rights of victims of major crimes, such as genocide, war crimes or crimes against humanity, to participate effectively in international criminal justice and to receive some form of

redress for the harm suffered. Ilaria was hosted at the Centre for Criminal Justice Studies, University of Leeds for 3 weeks in May 2010 and at the Centre for Criminological Research, University of Sheffield for 3 weeks in September 2010.

On 25 May 2010, Ilaria delivered a public lecture on *Victims' Access, Representation and Reparations in International Criminal Justice: A Critical Review of Recent Progress and Achievements*, which was hosted by the Centre for Criminal Justice Studies and the School of Law, as part of a collaborative research event of the White Rose Consortium. The talk focused on a critical review of the International Criminal Court's (ICC) recent progress and achievements in victims' access, participation and reparations, seven years after the Rome Treaty's entry into force. This involved an examination not only of the strictly procedural aspects of reparation mechanisms which have been set up under the ICC's regime, but it also entailed broader issues such as the role of victims and survivors of major human rights violations in international judicial processes, the place of judicial and quasi-judicial redress mechanisms in modern restorative justice and victimology theories, as well as the value of victims' redress in countries engaged in peace-building and reconciliation efforts. On 29 September 2010, Ilaria delivered a public seminar on victims' access, representation and reparations in international criminal justice to an audience of academic staff and students at the University of Sheffield.

The final outcome of the Fellowship will be an article with the overall findings of Ilaria's research, on the question of victims' participation in global justice mechanisms as well as the realization of their right to redress for the harm suffered. Ilaria is currently drafting the article, and will be discussing opportunities for publications with the host Universities, in a way that could promote the Fellowship framework and capitalize on the research conducted at both Universities. The Law School is currently exploring signing a Memorandum of Understanding with the International Development Law Organization in Rome to enhance future collaborative and mutually beneficial research opportunities.

In Ilaria's own reflections on her visit she concluded:

"The WUN Fellowship was a wonderful and enriching experience. On both of my research trips, I was received with kind hospitality, sincere open-mindedness and warm friendship. Many students and colleagues expressed an interest in victims' rights, the question of reparations and international criminal justice in general. Many expressed an interest to maintain contact and to continue the dialogue. I feel that some small seeds have been planted towards stronger cooperation, which I am sure is going to last beyond this year of research and travel. I consider the technique of the Visiting Fellowship, conducted as a part of the Worldwide Universities Network, to be a really wonderful instrument that promotes deeper reflection on how to better achieve universal ideals of peace and justice, respect for human dignity and equality for all, in a true spirit of academic freedom and mutual respect. I thank the University of Leeds, the University of Sheffield and all partner institutions for making this all work so well."

RESEARCH STUDENTS

The following research students successfully graduated with a doctorate during the period of review:

- **Kerry Clamp** ‘The Receptiveness of Societies in Transition to Restorative Justice’ – Supervisor Adam Crawford.
- **Wendy Guns** ‘Recognising Sexual Violence as a Crime against Humanity in International Law’ - Supervisors Amrita Mukherjee & Steven Wheatley.
- **Ho Hai Truong** ‘The Development of a Human Rights Culture in Vietnam’ - Supervisors Clive Walker & Steven Wheatley.

The following research students are currently working towards the completion of their research degree:

- **Abdul Razak Ahmad** ‘Terrorism and the Rule of Law: Rethinking the ASEAN Way and Responses’. Supervisors Clive Walker & Amrita Mukherjee.
- **Khulood Al-Bader** ‘Domestic Violence: A Comparative Study between Kuwait and England and Wales’ - Supervisors Louise Ellison & Sam Lewis.
- **Suhail Almerdas** ‘Computer Crimes: A Comparative Study of Laws in Saudi Arabia and UK’ - Supervisors Clive Walker & Stefan Fafinski.
- **Noura Al-Oumi** ‘Suspect’s rights and the problems of police malpractice in the Criminal process: A comparative study between the Kuwaiti and English laws’ - Supervisors Clive Walker & Anthea Hucklesby.
- **Saad Al-Mutari** ‘An Evaluation of the Forensic Science Services of Saudi Arabia’ - Supervisors Clive Walker & Carole McCartney.
- **Zainal Ayub** ‘Digital Evidence: A study of the search and seizure of digital evidence in Malaysia and the UK’ - Supervisors Clive Walker & Stefan Fafinski.
- **Anna Barker** ‘Perceptions of Local Insecurity: Increasing Public Reassurance and Confidence through Intensive Neighbourhood Management - Supervisor Stuart Lister.
- **Karen Clubb** ‘A Critical review of the Anti-Money Laundering Provisions with Reference to Use of The Informal Money Remittance Systems for the Financing of Terrorist Activity/Organisations’ - Supervisors Andy Campbell & Clive Walker.
- **Ben Ellis** ‘Being Feared: Micro-dynamics of fear and insecurity in global city spaces’ - Supervisors Susanne Karstedt & Stephen Farrall (University of Sheffield).
- **Graham Geddes** ‘Security, Diversity and Locality: Community perceptions of crime disorder and terror within everyday urbanism’ - Supervisors Adam Crawford & Rowland Akinson (University of York).
- **James Goodwin** ‘What Contribution Has The Ad Hoc Tribunal Made to The Development of International Criminal Justice?’ Supervisors Susanne Karstedt & Mark Findlay.
- **Rick Graham** ‘Jury interpretation of DNA evidence presented in court’ – Supervisors Louise Ellison & Carole McCartney.
- **Kathy Hampson** ‘Emotional Literacy and Youth Crime’ - Supervisors Emma Wincup & Adam Crawford.
- **Jeremy Harmer** ‘Is Internet Privacy Doomed? An international, comparative study’ – Supervisors Yaman Akdeniz & Nick Taylor.
- **Ella Holdsworth** ‘Women’s experiences of electronic monitoring’ - Supervisors Anthea Hucklesby & Emma Wincup.
- **Tim Hydes** ‘Police and the Mentally Disordered Suspect’ - Supervisors Anthea Hucklesby & Stuart Lister.

- **Jo Large** ‘Criminality and the Counterfeiting of Luxury Fashion Goods’ – Supervisors Emma Wincup & David Wall (University of Durham).
- **Genevieve Lennon** ‘Policing Risk: Stop and Search under the Terrorism Act 2000’ - Supervisors Clive Walker & Nick Taylor.
- **Ravinder Mann** ‘The Impact of Restorative Justice Interventions upon Victims of a Common Assault Offence’ - Supervisors Adam Crawford & Sam Lewis.
- **Chris Markham** ‘A Critical Analysis of the Law on Search Warrants, Their Application and Effectiveness With the Area of Criminal Law’ – Supervisors Anthea Hucklesby & Stuart Lister.
- **Sylvia Ngane** ‘The position of witnesses before the International Criminal Court’ – Supervisors Steven Wheatley & Sarah Blandy.
- **Jompon Pitaksantayothin** ‘Regulating Sexually Explicit Content on the Internet: towards the reformation of the Thai regulatory approach’ – Supervisors Ian Cram & Yaman Akdeniz.
- **Jessica Read** ‘Older prisoners’ experiences of resettlement’ - Supervisors Anthea Hucklesby & Catherine Appleton.
- **Kaniz Sattar-Shafiq** ‘The law on terrorism and the British Muslim Kashmiri communities’ - Supervisor Clive Walker.
- **Joshua Skoczylis** ‘The local prevention of terrorism in strategy and practice: ‘Contest’ a new era in the fight against terrorism?’ - Supervisors Clive Walker & Adam Crawford.
- **David Thompson** ‘Assessing the Impacts of Circles of Support and Accountability on the Re-Integration of those Convicted of Sexual Offences into the Community’ - Supervisors Anthea Hucklesby & Catherine Appleton.
- **Peter Traynor** ‘Pathways into and out of knife use: young people’s motivations, rationales and experiences of carrying/using knives’ - Supervisors Adam Crawford & Stuart Lister.

PUBLIC SEMINAR PROGRAMME

Tuesday 13th October 2009 at 5 pm

'Crime and the Camera'

Rex Bloomstein, *Film producer/director*

Rex Bloomstein will be showed excerpts from films such as *Release*, *Prisoners' Wives*, *Parole*, *Strangeways*, *Lifer – Living With Murder* and *Kids Behind Bars*, which have exposed the realities of prison life and addressed aspects of the English penal system previously closed to public scrutiny. He revealed the dilemmas of the documentary filmmaker, discussed the ethics of filming inmates and asked whether these encounters with the camera provide a necessary humanising perspective when we talk of the prison population or the criminal justice system.

Rex Bloomstein's films on human rights, crime and punishment and the Holocaust have become major themes in his work. He has exposed the hidden realities of prison life and pioneered 11 years of human rights appeals for the BBC with his series *Prisoners of Conscience* and *Human Rights, Human Wrongs*. As well as producing and directing *Auschwitz and the Allies*, and his three part history of anti-semitism, *The Longest Hatred*.

Tuesday 3rd November 2009 at 5 pm

'Imprisonment and Penal Culture: The Australian Prison Project'

Professor David Brown, *University of New South Wales*

David Brown discussed and outlined the Australian Prisons Project, funded by the Australian Research Council, which is exploring the expanding use of prison in Australia, in order to understand the defining features of contemporary penal culture(s) across Australian states. In particular, it is concerned with exploring how penal cultures impact on particular vulnerable groups including indigenous people, women and people with mental illness. For further information see: www.app.unsw.edu.au

David Brown is Emeritus Professor in the Law Faculty at the University of New South Wales in Sydney and currently visiting fellow at the Centre of Criminology at Oxford University.

Tuesday 10th November 2009 at 5 pm

'Groups and Violence in the Night-time Economy: Watching drinkers police themselves'

Dr Mark Levine, Psychology Department, *Lancaster University*

Why do humans fight? When they do, what stops the violence from spiralling out of control? This presentation explored the informal regulation of violence in the night-time economy. It described a systematic behavioural analysis of 42 episodes of public aggression (none of which involve police or bouncers, some of which end in violence) captured on a single city-centre CCTV surveillance system.

Mark Levine is a social psychologist with an interest in social responsibility, public order and public space. His recent research projects include research on bystander intervention in violence (funded by the ESRC) and CCTV surveillance, public drinking legislation and interactions in

public places (funded by the Home Office). He is a member of the Conflict and Solidarity Research Unit in the Psychology Department at Lancaster University.

Tuesday 24th November 2009 at 5 pm

**‘Death and Life of a Great European Standard:
Crime Prevention by Urban Planning and Design’**

Dr Günter Stummvoll, *Keele University*

On behalf of the Council of the European Union, the European Committee for Standardisation (CEN) produces norms and standards for quality assurance for products in a variety of economic fields such as transportation, pharmacy, electronics, food-production and the building industry. Supported by the industrial sector and driven by powerful businesses, market mechanisms have become increasingly influential in local governance in European countries. This presentation reviews the work process of an expert group in the CEN and draws some conclusions on the particular outcomes: What kind of design-guidelines did they suggest to national urban planning authorities? What kind of obstacles were they confronted with during their work? Did they succeed? Was this project a failure? Is this form of crime prevention compatible with the strategy of “governance through norms and standards”? What is the future for design-led crime prevention in Europe?

Guenter Stummvoll is Marie Curie European Research Fellow at the Centre for Criminological Research, in the Institute for Law, Politics and Justice, at Keele University. He studied architecture before he changed to the study of sociology at the University of Vienna. His specialist field is crime prevention and social control.

Thursday 3rd December 2009 at 5.30 pm

The Frank Dawtry Memorial Lecture 2009

‘The Future of Policing’

Chief Constable Peter Neyroud

Chief Executive, National Policing Improvement Agency

Peter Neyroud was Chief Constable of Thames Valley Police from 2002 until 2006, when he became chief executive of the newly created National Policing Improvement Agency. He has been a police officer since joining Hampshire Constabulary in 1980. He rose through the ranks to become Detective Superintendent with responsibility for intelligence, covert operations and drug strategy. He was appointed Assistant Chief Constable of West Mercia in 1998, reached Deputy Chief Constable two years later and was awarded the Queen’s Police Medal in 2004. He is co-author with A. Beckley of *Policing, Ethics and Human Rights* (2001, Willan) and co-editor with T. Newburn of the *Dictionary of Policing* (2008, Willan).

The text of Peter Neyroud’s lecture is reproduced in this Annual Report (see p. 42)

Tuesday 2nd February 2010 at 5 pm

**‘The Criminal Assets Bureau:
A Paradigmatic Shift in Policing “Organised” Crime in Ireland’**

Colin King, *Centre for Criminal Justice Studies, University of Leeds*

In Ireland, the Criminal Assets Bureau brings together State officials from the Garda Síochána (Police), Revenue Commissioners and Social Welfare under the umbrella of one multi-agency body, without traditional barriers to cooperation hindering their work. The Bureau is much more than a multi-agency body. It is, essentially, a policing unit that is able to harness the powers and resources of separate agencies to pursue policing objectives. This presentation considered the coming together of officials from distinct State agencies, the rationale behind such a move, and its implications (namely, the concentration of the extensive powers of the various agencies in what is one of the most powerful agencies in the State). It analysed the gradual creep of Bureau activities beyond the realm of organised criminal activity, as it develops for itself a much broader remit.

Colin King joined the University of Leeds in September 2009 from the School of Law at the University of Limerick where he also pursued his doctoral research. His PhD analyses the operation of civil forfeiture in Ireland. He is currently conducting research on substantive, procedural and institutional responses to the problem of serious/ organised criminal activity.

Tuesday 9th February 2010 at 5 pm

‘How Tony Blair fed the feral beast of the media and savaged the criminal justice system’

Professor Jon Silverman, *University of Bedfordshire and ex-BBC Home Affairs correspondent*

Jon Silverman is an award-winning broadcaster/author with over thirty years of experience working with the print and broadcast media. He was the BBC’s home affairs correspondent from 1989 until 2002. He is a well-known commentator on criminal justice/legal issues for a range of BBC programmes and writes on these matters for the print media. Jon’s books include *Innocence Betrayed* (2002 with Prof. David Wilson) and *Crack of Doom* (1994). Jon’s current research interests include the influence of a changing media on senior policy-makers responsible for the criminal justice system in the UK and is writing a book entitled *Crime Policy and the Media* for Willan Publishing, to appear in 2010.

Monday 1st March 2010 at 5 pm

‘Youths’ Experiences of Discrimination, Social Marginalization and Violence: Differences in Perspectives between Muslims and non-Muslims’

Dr Susan Wiltshire, *Centre for Criminal Justice Studies, Leeds University*

This seminar presented some of the findings of a research study conducted during 2008/09 in France, Spain and the UK. The study involved a large-scale survey amongst 12-18 year olds which aimed to explore the relationship between young people’s experiences of discrimination and social marginalisation and the identification of attitudes that were supportive of violence and their actual engagement in violent behaviours. The seminar focused on differences and similarities in the experiences and attitudes of Muslim youths compared to non-Muslim youths.

Susan Wiltshire is a lecturer in Criminology at the University of Leeds, having previously taught at the University of Glasgow. Her interests include youth crime and antisocial behaviour, religiously motivated crime, and the significance of religious identity and belonging amongst youth.

Tuesday 16th March 2010 at 5 pm

'Theorising and Researching Police Legitimacy'

Dr Justice Tankebe, *Institute of Criminology, Cambridge University*

Legitimacy is something of a contemporary shibboleth in police studies. Yet it remains under-theorised. This presentation provided some preliminary thoughts on the subject. The main claim advanced was that a full explanation of police legitimacy entails dealing with three necessary dimensions: the judgements of citizens about the moral validity of police practices (external legitimacy); the police's own assessments of their legitimacy (internal legitimacy); and, a *higher-order* legitimacy against which both external and internal legitimacy may be assessed.

Dr Justice Tankebe is a British Academy Postdoctoral researcher at the Institute of Criminology and a fellow at Fitzwilliam College, Cambridge University. He is originally from Ghana, where he studied for his first degree in sociology before moving to Cambridge for his doctoral studies. His research interests are in the fields of policing, corruption, legitimacy and procedural justice, comparative criminology and social theory. His current research is focused on constructions of legitimacy in ethnically-diverse boroughs in London.

Thursday 17th June 2010 at 5.30 pm

The Centre for Criminal Justice Studies Annual Lecture 2010

'The Spirit Level:

Why Equality is better for Everyone'

Professor Kate Pickett, *University of York*

Societies which tend to do well on a variety of measures of social, physical and psychological well-being tend to do well on all of them. The key is the amount of inequality in each society. The more unequal a society is, the more ill health and social problems it has. Inequality has always been regarded as divisive and socially corrosive. The data show that even small differences in the amount of inequality matter. Material inequality serves as a determinant of the scale and importance of social stratification. It increases status insecurity and competition and the prevalence of all the problems associated with relative deprivation. Particularly important are effects mediated by social status, friendship and early childhood experience. However, although the amount of inequality has its greatest effect on rates of problems among the poor, its influence extends to almost all income groups: too much inequality reduces levels of well-being among the vast majority of the population. In this lecture, Professor Pickett related issues of inequality to questions of trust, social capital, crime and punishment.

Kate Pickett is Professor of Epidemiology at York University and a National Institute for Health Research Career Scientist. She studied physical anthropology at Cambridge, nutritional sciences at Cornell and epidemiology at Berkeley before spending four years at the University of Chicago. Kate co-wrote *The Spirit Level* with Richard Wilkinson and is a co-founder of The Equality Trust.

Tuesday 5th October 2010 at 5pm

'Police in the Network Society: The Rotterdam Harbour'

Professor Bob Hoogenboom, *Nyenrode Business University and Free University of Amsterdam*

Drawing on insights from his recently published book *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Macmillan, 2010, with Maurice Punch) Bob Hoogenboom argued that policing today involves many different state and non-state actors. His presentation traced the process of unbounding policing, exploring the way that boundaries between public policing,

regulators, inspectorates, intelligence services and private security are blurring in the context of the policing of Rotterdam Harbour, one of the world's busiest ports.

Bob Hoogenboom is a professor at Nyenrode Business University, and holds the chair Police Studies and Security Issues at the Free University of Amsterdam. He is also a visiting Senior Fellow at the London School of Economics.

Tuesday 26th October 2010 at 5pm

'Representing the interests of the applicants: lawyers and the Criminal Cases Review Commission (CCRC)'

Professor Jacqueline Hodgson, *University of Warwick*

The Criminal Cases Review Commission (CCRC) was established to review potential miscarriages of justice. It operates as a largely inquisitorial body engaged in post-conviction review. Based on data over a seven year period (2001-2007) and more recent observations of committee decisions, this presentation examined the role of the applicant's lawyer at each stage of the CCRC process and the part that she can and should play during this essentially inquisitorial review. Does legal representation enhance an applicant's chance of success (as most lawyers contend), or simply delay the process of review? Does the lawyer's role oppose or complement that of the CCRC? And how do lawyers themselves understand their role during the process of review? Should they engage proactively in evidence gathering or leave the investigation and review to the Commission? Is legal representation key, or do other factors have a greater impact on the review of an applicant's case?

Jacqueline Hodgson is a Professor of Law at the University of Warwick. She has researched and written in the areas of criminal justice and comparative criminal justice. She held a British Academy/Leverhulme Senior Research Fellowship for 2009-10.

Thursday 25th November 2010 at 5pm

'Going, going, gone:

Principle, procedure and proportionality in the 'recovery' of the proceeds of crime'

Stuart Lister, *Centre for Criminal Justice Studies, University of Leeds*

This talk casts a critical gaze over policy and practice developments in England and Wales that aim to de-stabilize the financial underpinnings of acquisitive forms of crime. It seeks, first, to contextualise the recent broadening and deepening of the 'proceeds of crime approach' to crime control by situating these developments within the political rationalities of the 'new right'. Second, it charts on-going attempts by the state to institutionalise the 'confiscation mindset' across law enforcement agencies. Third, it proceeds to argue that forceful rhetoric concerning the moral and instrumental underpinnings of this approach have given rise to deep-seated normative concerns apparent within the current regime of confiscation and forfeiture. In particular, concerns are raised in regard to the privileging of civil proceedings over criminal, the prospect of double punishment and (dis)proportionality of sentencing.

Stuart Lister is a senior lecturer in the Centre for Criminal Justice Studies at the University of Leeds. He joined the School of Law in 2001, working on a series of linked research projects in the areas of crime prevention, policing and security. His research interests come together around exploring the changes and continuities in the provision, role, function and effectiveness of contemporary policing and security endeavours. He has a long-standing interest in the governance of security in the night-time economy.

Wednesday 8th December 2010 at 5.30pm

The Frank Dawtry Memorial Lecture

'Women Offenders in the Criminal Justice System: Cinderella, Portia or Persephone?'

Professor Frances Heidensohn, *Visiting Professor, London School of Economics*

Over the past forty years, female offenders have gone from being a neglected and marginal group within the criminal justice system to becoming the focus of a large number of reports and policy initiatives. How are these changes best understood and what has been their impact? These and other questions will be addressed in the Frank Dawtry Memorial Lecture.

Frances Heidensohn is Visiting Professor in the Department of Sociology at the London School of Economics and General Editor of the British Journal of Sociology. From 1994 to 2004 she held the chair in Social Policy at Goldsmiths', University of London. She is the author or editor of a number of studies on gender ,crime and justice, including *Women and Crime* 1996, *International Feminist Perspectives in Criminology* 1995 (with N Rafter) *Sexual Politics and Social Control* 2000 and *Gender and Justice* 2006 .Her other work covers policing and comparative criminology and in 2004 she gained the Sellin Glueck Award of the American Society of Criminology for her contributions to international criminology. She was a member of the Sentencing Advisory Panel from 1999 to 2010, a Commissioner for Judicial Appointments from 2001-2006 and is at present a lay member of Conduct and Registration Committees for the General Social Care Council.

CCJS Working Papers

The Frank Dawtry Memorial Lecture 2009

Introduction by Professor Adam Crawford

As Director of the Centre for Criminal Justice Studies, I would like to extend a warm welcome to everyone tonight on the occasion of the Centre's Annual Lecture for 2009 in the Frank Dawtry Memorial Lecture series. Let me begin by saying something, first, about the Frank Dawtry Memorial Fund and, second, about the Centre for Criminal Justice Studies; before going on to introduce today's lecture.

Born in 1902, Frank Dawtry was for 18 years the general secretary of the National Association of Probation Officers (NAPO) and sometime Secretary of the Campaign for the Abolition of the Death Penalty. He was awarded an OBE for his work with NAPO. For many years, and up to the time of his death, Frank was on the executive of the Howard League for Penal Reform and an active member of the Institute for the Study and Treatment of Delinquency, publishing in its flagship academic journal, the *British Journal of Criminology*. He was a founder member of the National Association for the Care and Resettlement of Offenders (more frequently known by its acronym as NACRO). Equally he was involved with the National Association for Mental Health and was on the council of the National Citizens' Advice Bureaux. He was a convinced pacifist and founded the Sheffield 'No More War' movement. He was also a fellow of the Royal Society of Arts. In May 1963 the University of Leeds conferred on him the degree of Master of Arts, *honoris causa*.

Frank died on 5th October 1968. In his obituary published in *The Times* he was described by Reverend Kenneth Thompson as: "Modest and dedicated, with a keen sense of humour, he was a visionary who translated his visions into achievements, not only for the Probation Service but in the whole field of penology". At the Centre for Criminal Justice Studies, we are honoured to commemorate someone of Frank's stature who tirelessly campaigned for the abolition of the death penalty and championed prisoners' rights.

The fund was set up to establish a living memorial to Frank at the University of Leeds. The endowment is for a lecture to be given annually by a prominent speaker on one of the following topics: "the treatment of offenders; the prevention of crime; and the administration of justice."

Previous speakers in the series include: the first lecture given by Professor Terrance Morris of the London School of Economics in 1973; Lady Barbara Wootton (1975) and Professor Laurie Taylor (1981). More recent speakers have included, the then Head of Interpol, Ray Kendall (1997), the Right Honourable Jack Straw (1998); Professor Richard Ericson (1999); Professor Rod Morgan the former Chair of the Youth Justice Board for England and Wales (2007); and last year we heard from Dame Anne Owers, Her Majesty's Chief Inspector of Prisons. As this illustrious list suggests, the lecture series has sought out not only some of the brightest minds of their generation, but also those who are able to straddle the concerns of research, policy and practice, in order to shed light on many of the pressing criminal justice issues of the day.

The memorial lecture has a longer history than the Centre for Criminal Justice Studies which was established in 1987, as an inter-disciplinary research institute based within the Law School. The Centre for Criminal Justice Studies aims to excellence in research, teaching and learning and knowledge transfer. As well as being the home to over 15 academics, we have a growing body of research staff working on externally funded research contracts and a large number of research

students - some of whom are drawn from the local professions. We also have an expanding array of postgraduate programmes in criminal justice and criminology. More information on our Masters programmes together with copies of our recently published annual report can be obtained during the reception that follows today's lecture. Working with local criminal justice (and allied) professions is an important part of our work. We are very pleased to be assisted in this regard by an Advisory Board made up of senior representatives of diverse (local and national) professional bodies as well as researchers, a number of whom I am pleased to see are able to join us tonight. We take very seriously our mission to engage with and inform public debate about crime and criminal justice.

This brings me to the subject and presenter of our lecture for today. Over three years ago Peter Neyroud was appointed the first Chief Executive of the newly created National Policing Improvement Agency which became operational in 2007. The NPIA is single national agency responsible for national operational services – including the Police National Computer, National Fingerprint database, Automatic Number plate recognition system and some 40 or so other major services – as well as for improvement and support across the 43 police forces of England and Wales. In so doing, the NPIA works closely with its other partners in the Association of Chief Police Officers (ACPO), the Association of Police Authorities (APA) and the Home Office.

As a newly created national body, some have seen the establishment of the NPIA as further evidence of the creeping nationalisation and centralisation of policing authority, direction and control; thus, potentially undermining the traditional local constitutional basis of policing in England and Wales. Others point to the growing need for robust institutions: to meet the global security challenges as well as those that cut across force boundaries; to coordinate the way information, evidence, knowledge and science is used in policing; to help develop the skills and professionalism of the (increasingly diverse) workforce; and to foster best practice in various aspects of policing from neighbourhood safety and anti-social behaviour to counter-terrorism and organised crime. Amongst the NPIAs more (or less) controversial roles, lies its responsibility for overseeing the national DNA database the regulation of which is to be the subject of a new 'Crime and Security Bill' set out in the recent Queen's Speech. More broadly, the future of policing and the role of the NPIA therein are very much at the forefront of current debate with the publication yesterday of the latest Policing White Paper (entitled *Protecting the public: supporting the police to succeed*), which envisages a challenging financial climate ahead.

Peter Neyroud was Chief Constable of Thames Valley Police from 2002 until 2006, before assuming his current position as chief executive of the NPIA. He has been a police officer since joining Hampshire Constabulary in 1980. He rose through the ranks to become Detective Superintendent with responsibility for intelligence, covert operations and drug strategy. He was appointed Assistant Chief Constable of West Mercia in 1998, reached Deputy Chief Constable two years later and was awarded the Queen's Police Medal in 2004. As well as the day job, Peter is also a member of the Sentencing Guidelines Council and an independent review board member of the Parole Board.

By way of academic background, Peter Neyroud studied Modern History at Oriel College, Oxford and holds a MSc. in Professional Studies (Crime and Policing) and a diploma in Applied Criminology. With this foundation Peter has contributed to debates about policing through a number of publications (unlike some of his Chief Constable colleagues who tend only to write autobiographies once they've left the force). Peter is co-author with Alan Beckley of *Policing, Ethics and Human Rights* (Published in 2001 by Willan) and co-editor with Tim Newburn of the *Dictionary of Policing* (2008, also published by Willan) – to which a number of my colleagues and I contributed! He also authored an important IPPR report on *Public Participation in Policing* (in 2001) and is currently co-editor of *Policing: A Journal of Policy and Practice* (published by Oxford University Press).

This list of publications, achievements and activities testifies to the extent to which Peter is very much a *thinking person's policeman*! He has, for a long time, been a friend of research – seeing the value in a dialogue between researchers, policy-makers and practitioners to ensure that reforms and practice developments are informed by a research evidence base. It is in this context that I have had the pleasure of meeting and working with Peter; listening to his thoughtful contributions to various projects and conferences. Both my colleague Stuart Lister and I were therefore delighted when Peter (whilst Chief Constable of Thames Valley) agreed to contribute to the advisory board that we established for our Nuffield Plural Policing research project some years ago. Peter also contributed to an ESRC seminar on ‘Community Policing’ that we hosted in Leeds in 2006.

In both his writing and in his work, Peter has always expressed a deep interest in, commitment to, and concern for, human rights and ethics in policing. In this, Peter's has been an important and thoughtful voice. Human rights and ethics are both issues which all-too-easily can get sidelined in debates about policing, particularly in an era of uncertainty and insecurity, where responding to perceived public demands for certainty and security can give voice to and provoke intolerant sensibilities and parochial moral sentiments.

And yet, democratic public policing should not be concerned merely with giving the public what it wants – with pandering to the loudest voices or to those most able to articulate their demands and deepest pockets. This is not to deny the importance of responsiveness to the public, nor to undermine the core value of democratic input and oversight, but to recognise that policing is a normative enterprise governed by key principles of respect for individual rights, due process and equal treatment.

The modern police represent the public face of Thomas Hobbes' Leviathan, wielding legitimate force on behalf of the state. It was the American police researcher Egon Bittner who identified the ‘special competence’ of the police institution in the *capacity* of constables *for decisive action* and their authority to intervene where force may have to be used. ‘The role of the police’, Bittner argues, ‘is best understood as a mechanism for the distribution of nonnegotiable coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies’ (1970: 46).

This generic coercive authority, although relatively rarely used, differentiates the police from other public servants. It also structures the relationship between police and various publics in ways that the police may be called upon to use coercive force against some citizens in the name of good order or public protection. The concept of ‘policing by consent’ relies on the recurrent reaffirmation of the rightfulness and legitimacy of the police function. Hence, public perceptions of the legitimate authority of the police determine their capacity to act in every exigency in which force may have to be used. The special mandate implied in ‘policing by consent’, rather than through brute force, derives from the public trust that coercion will only be used where necessary in extreme situations. The fragile competence upon which policing rests, therefore, consists of what Bittner describes as a balancing act of ‘retaining recourse to force while seeking to avoid its use, and using it only in minimal amounts’ (1974: 40).

Hence, democratic policing necessitates both restraints on police powers and the promotion of human rights. However, this is not always an easy challenge in a cultural and political context in which sentiments of ‘populist punitiveness’ are easily evoked by the emotions that crime and victimisation prompt and where there is easy political capital to be made by politicians appearing ‘tough on crime’ whilst proffering overly simplistic distinctions between offenders as ‘others’ against whom ‘we’ - the law abiding citizens - must construct ever-reinforced security barriers and coercive controls.

Consequently, securing and protecting human rights needs to be a major rationale for, and necessary prerequisite of, contemporary policing which accords to normative and ethical standards, rather than being seen as something that gets in the way of and hinders the 'real job' of protecting the public. As Peter and Alan Beckley argue in their book, a culture where respect for human rights is a central and conscious factor in police activities is fundamental both to the purpose of policing in promoting security and to its moral foundations. 'Good policing', they note, is 'minimal policing – minimally intrusive and carefully controlled in its use of force' (2001: 21).

Whilst ultimately bound up with coercive power, policing relies upon considerable degrees of voluntary and 'quasi-voluntary' compliance on the part of citizens. Such consent is not purely self-interested or instrumental but also has a normative base, strongly linked to perceptions of legitimacy. It is important because the coercive powers of policing personnel are themselves limited and only used as an option of last resort. In this vein, some researchers, such as Tom Tyler (1990: Sunshine and Tyler, 2003) and colleagues in the US have highlighted the importance of 'procedural justice' for both the legitimacy and effectiveness of policing. There is now a substantial body of research demonstrating that experiences of procedural justice – being treated fairly, with respect and dignity as well as the appropriate manner in which authority is exercised – can significantly affect perceptions of legitimacy and public confidence in the police as well as legal compliance.

Even, and maybe particularly, in a climate of financial stringencies such normative issues are fundamental. As Jan Berry acknowledges in her recent report on *Reducing Bureaucracy in Policing*: "To reduce bureaucracy... there is a need to rebuild trust, make rules more flexible, and encourage a proportionate, common sense approach – one based on integrity, ethical standards and professional judgement" (Berry 2009: 1). These indeed are challenges for the future of policing.

With this in mind I look forward greatly to hearing what Peter has to say to us this evening. He will speak to the capacious title (which to be fair, I gave to him – not that it took much invention) of 'The Future of Policing'.

Peter, welcome to the University of Leeds and the Centre for Criminal Justice Studies. The floor is yours...

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The Future of Policing

Peter Neyroud*

I'm not going to try and speak about the entire 'Future of Policing', that would be quite beyond me, but I am going to try and focus on a number of strands. It is actually an interesting week to be standing up to talk about the future of policing because actually, even if I had a larger case, I couldn't drag with me all the documents that have come out this week alone. Nor indeed could I compress, certainly not this year's contributions to the debate because actually this I think used to be a library, you would be about half full.

I just thought I would start by doing a little bit of a trot around, just to get a bit of a flavour of what's to come. And obviously it's a run up to an election and I've got – I was an attendee at Ipsos Mori's Christmas event which always comes with a set of PowerPoint slides from Ben Page. And they were particularly talking about what things the public are concerned about, and not surprisingly, crime, policing and justice are right up there, in the top 3 or 4. There was also another fascinating thing which in some ways contradicts Adam's legitimacy argument - but I'll come on to legitimacy in a minute - which is that the most popular Prime Minister was also the least trusted Prime Minister. Tony Blair had the lowest scores for trust and the highest scores for popularity in recent times. And there's something there that is curiously contradictory.

However, 'a busy last few years' would be my summary of policing. We have, if you only just go back to the bit before my agency [NPIA] came into being. We've had mergers, which is almost an extended debate and is code for 'we're not quite sure that the shape of policing in the UK is fit to meet the challenges that are coming'; for which you could also read 'we're not quite sure that the shape of policing worldwide is fit to meet the challenges that are coming'. And I'll try and develop the challenges that are coming.

We've had so many police and criminal justice and crime bills that I'm not sure I could name them all, but one that has just passed into law is the Police and Crime Act 2009. And that has far-reaching changes, in particular - back to structure - it has a major change that talks about the powers of the centre to determine that certain things are done in a given way across the country. Yesterday, we had a White Paper and we also had Jan Berry's document during the course of this week. And in the last week or so we've also had... well probably a more important document in an odd sort of way, not to dismiss the White Paper that would be highly inappropriate for somebody working in a Government agency! I'm not going to dismiss the White Paper, largely because there is a great deal about my agency, the NPIA, in the White Paper. But actually, in terms of the quality of policing, Dennis O'Connor's report on public order, as a read (and it's a big read) I think is a more seminal document. It contains some fantastic analysis of the challenges of public order policing and also some quite, one or two slightly odd statements. There's an extraordinary statement where it says that the British Police Service doesn't answer to anyone but 'the people', which struck me as slightly odd. I didn't know that I was the people's police. It sounds like something out of North Korea, actually, and I'm not sure that's the right constitutional position either.

Then in that same week or so, we had the IPPR's study of national policing, which actually was also a kind of review of 1997 onwards. I'm not sure I – and I don't think Sir Norman Bettison did either - agree with the analysis of the 1997 onwards because it seems to me there has been quite a lot of progress. But the thing it finished off with is 'structures' again. It's the structures of policing nationally in particular that, in their analysis, don't seem to meet the challenges.

* This is an edited transcription of a talk delivered on 3rd December 2009.

We've also had a pretty substantial debate around local accountability over the last period of time. A debate actually that's been rumbling on since the original paper by Policy Exchange and indeed back further in the paper I wrote for IPPR (Neyroud 2001) which is going back quite some time, was all about the balance between responsiveness and answerability and accountability. Obviously to come, we've got manifestos over the next few months and I'm sure policing and criminal justice will feature large in those.

There is a wider, international debate about policing. I'm part of one of those involved in a session called the Harvard Executive Sessions on Policing, which interestingly repeats a Harvard Executive Session on Policing that took place in the 1980s and was the springing off point for community policing. At that stage it was people like George Kelling and Professor Moore and a range of others who were largely Harvard based, along with a range of American police chiefs, some of whom are great advocates of community policing and some of whom, the then Commissioner of Los Angeles for example, was a major doubter. But nevertheless, it kicked off a movement and the Executive Sessions this time round again, about 20 American police chiefs and major academics and two of us from outside the country, one from the UK, one from Australia, debating things that are crucial. There are very similar debates about the structure of American policing. Municipal policing looks fragile when compared to some of the challenges.

There are two other similar events going on, one going on in Australia, thinking about policing in the Southern Oceans, and another one called Pearls of Policing which involves Singapore, Holland, Sweden and a range of other people. So, the future of policing and where it's got to is something that is seen professionally in the service as being a point of significant debate and departure.

There are some really very serious challenges. The first one is, in some ways the most obvious, but it's not necessarily obvious, and indeed it will play out over an extended period. 'Difficult financial climate' is perhaps somewhat of an understatement and I think most, in terms of policing and criminal justice, something like 15-20% of the current budgets will come out of the budget. So over the course of the next 3 to 4 years, that has a dramatic effect in terms of what choices are made and how they are made.

We have an increasingly technologically-aware population, let alone criminal population, and our population has just plain shifted. Geographic policing, which is still fundamentally the basis of policing, ill-fits a contemporary world where... certainly my four children spend more of their time in an internet space that isn't geographic. And therefore also some of the crimes are not geographic and we are struggling with that, and we are not alone. American colleagues are struggling with it as well. More than that, if you have a situation, which we increasingly have, where the offender is in the Ukraine - and I didn't name that country for any particular purpose, although it just happens to be a more recent example. The server that they bounced it through happens to be in Sweden and the victim is in the UK, you can't any longer carry on with a nation-based form of policing for those types of crimes. And as those crimes become increasingly problematic, you have to develop different partnerships across the world.

Less predictable crime patterns and public order issues brought on by economic instability are another challenge. I think the less predictable crime patterns are interesting because we're in the middle of a recession and wisdom says that in the middle of a recession the crime goes up. Well it doesn't, it doesn't in the same way and it hasn't done in the States. Crime across East and West Coasts has fallen, with a few exceptions. Not following the predicted patterns if you follow that, and that's probably because this is a different sort of recession but nevertheless the predictions are slightly more unpredictable, on a global scale anyway.

I suppose the last challenge is that there is globally, and I don't just mean in UK terms, a shift towards confidence. There is globally a shift towards a police service that's focused on confidence and listening. And it is the beginnings of the impact of Tyler and others' research actually in terms of recalibrating the role, plus a very powerful professional sense of the avenues that we've been driven up. And the 'we' in this case is not just UK policing, this is not a UK political point. If you go and talk to colleagues across Europe, you go and talk to colleagues in America, you talk to colleagues in Australia, the hottest topic on performance management is 'how on earth do we get out, as hamsters, of the wheel that is doing the numbers?' Because doing the numbers means very, very high levels of bureaucracy. It means a risk-averse culture which is focused on just doing the numbers and presenting them. And the evidence is that that isn't necessarily the basis of confidence. That said, it's more interesting than that. A piece of research that Martin Innes is about to publish, which has looked at the impact of effective detection of serious crimes on confidence. And there is a clear link between detection of serious crimes and the public's confidence (Innes 2010). So it's not as simple as saying 'decouple this', it's a more complex picture.

There are immense drivers for change, not just the economy but the debate around privacy and security which was a sort of start/slow burner, but has become a major part of the political debate. It's not as simple as saying there are too many people on the DNA database, it's a much more complex picture than that. Fascinating to find in the last week major articles, for example in *The Times* which had previously led the charge on 'let's take everyone off the DNA database'. We suddenly had Sean O'Neill writing a completely the opposite way around article saying 'look what you will throw away if you just go down that route'. So it's not a simple debate, it's a complex debate around the balance between prevention and detection and liberty. And it particularly is a debate where the new language of policing, which is about balancing risk and harm has become the central part of the debate for us.

Let's consider the following four key issues:

Accountability, locally and nationally, is hugely important and clearly a point of debate within the run up to the election. Again, this is not a debate that is confined to the UK, it's a massive debate worldwide and in particular in respect of the role of national bodies in policing. For instance, the US police chiefs, as part of the Harvard Session, are actually trying collectively to write a paper on 'What is the proper role of the federal government in policing in the US?' This is based on the fact that they simply can't get the right level of support for things like radios and collective doctrine and things of that nature because the nature of municipal policing doesn't allow them to do that. But the way that we need to join up investigations means it's absolutely essential.

Performance management: We had a debate about performance management, which was about counting buckets. We have now a debate about performance management which is about trying to find effective ways to balance the serious harm and risk element of policing with delivering the day-to-day bread and butter pieces of policing, which is actually where confidence is rooted. How do you do that in a way that doesn't involve vast bureaucracy at the one end and actually provides real rooted choices, rooted in evidence choices at the other end on serious crime is a particularly different challenge.

Internationalism for me is the fastest growing piece of the lot, linked to the next one. The Lisbon Treaty is as an example of this. The Lisbon Treaty has far reaching impacts on policing, not the least of which is majority voting within the EU on crime and justice matters. But the whole package of the Schengen Treaty and the Schengen Information System, which I'm in the process of implementing, the Prüm Treaty which is about biometric sharing, the Stockholm Programme, which is about specific case by case cooperation between European countries, combined with the development of the European Police College, which has limped along and as one of my predecessors will remember very well, limped I think is a good description. But it is now a genuine part of the Lisbon apparatus and it's about trying to make European colleagues work in a more

coherent way across Europe, which, given that we've just done some database sharing between the Dutch and ourselves. The result of that was, for example, that a Latvian citizen got arrested in Poland for a homicide in the Netherlands, as the result of committing a shoplifting case in Oxford Street. So broadly speaking, he went Christmas shopping without using his cheque book or his card, he got arrested, got cautioned, and on to the UK DNA database. We shared this data. Consequently, he's been arrested for, and now been charged and is going to court for, murdering a 78 year old man in North Holland. That seems to me to be a kind of harbinger of a different sort of future and I think from most UK citizens' perspectives, the idea that you actually do detect those sort of very unpleasant crimes by sharing between countries is something that I think would attract wide support but it needs to be debated openly.

The *workforce and professionalism*. It's a very different workforce. It has evolved very rapidly over the last 10 years at a time when the economy is driving change. Taking stock of what the most effective version of that workforce is to deliver those challenges is a huge part of the challenges facing chief constables across the country.

There are then opportunities. Unsurprisingly, given Adam's introduction to me, 'science and policing', I think, is a huge opportunity and one we need to seize. And developing that into a genuinely evidenced-based approach to policing, particularly when the money is tight, seems to me to be very important. That means a different sort, and I think not just that but also the financial climate and the range of challenges facing chiefs means a different approach to and a real challenge in developing leadership from frontline through to senior leadership. Then the challenge is collaboration in partnerships which are moving very rapidly.

Just to develop the issues around privacy and security a little. They are not just all around Article 8 of The Human Rights Act, but that is an incredibly important part of it. And as Adam rightly said in the introduction, I have a long-term interest in this, not just in terms of having written a book, and therefore trying to encourage colleagues to buy it, but the very practical issue that actually I was involved in the development of the Police Service's approach to human rights and in auditing it. If there ever was an illustration of why it's so important, then issues like the HMIC report on public order illustrate the real difficulties and challenges of getting it right. It's not a theoretical issue, human rights.

Now in the case of privacy and security, working through a set of rules that mean that we've got the right balance between collecting data and detecting offences is not as simple as it was 20 or 30 years ago. We know so much more now about criminal career history. We know so much more about how early years' offences provide a predictor to, not a firm predictor but a predictor to late years' offences. We know so much more about the type of offences that are associated with other offences. We know so much more about how to use data in a different way and in fact we have collectively, not just data within policing systems but also open source data. And it's often missed in this debate. There is far more data. You can get far more data from open source systems by google-ing than you ever can from any police system. But the issues: how we collect the data, who collects the data, how that data is used and deployed in policing terms, and how the citizen understands that, particularly when most people's understanding, for example of the complexity of the way in which we use DNA in detecting criminal offences, is not good. And that applies to most people, frankly. DNA is complicated and it's complex, particularly when you start getting into areas like familial DNA, and into some of the more challenging developments of forensic science.

In European terms, things are moving fast. They're not unconnected with the previous debate because if we are to maintain confidence but also be effective, we not only have to have better join-up with our colleagues in Europe, and the better way of working with that, the public have to understand that. And if there are any lessons that politicians have learnt about the European

Union, being really clear with the public about what is going on and why it's going on and why it is actually a benefit is a crucial part of ensuring that there is legitimacy. But, this situation is moving. I suspect it's moving faster than the public actually understand. And the treaty changes are extremely rapid. I think, in fact to be frank, they're moving faster than most frontline colleagues can understand.

Just to give an illustration in very practical terms of what the changes mean. In no more than 18 months when we switched the Scheme system live, any police constable accessing in this country off their mobile data, which - contrary to some of the reports in the last week - works extremely well. But any police constable accessing their mobile data terminal with the PNC on it will not only see the UK PNC, they will also see the Schengen system. So they will see for example that the person standing in front of them, if the details are matched, could well be somebody who is wanted on a Euro arrest warrant in Hungary. That would be on their terminals, in the same way as they are wanted by Durham Constabulary or they're wanted by North Wales. The European arrest warrant, European stolen vehicles, a number of other alerts and warnings from Europe will be appearing in the same way on our terminals and likewise, the people that we want will appear on similar systems in Europe. That's a massive shift in the course of my career and it has big implications for the way that we work and the UK criminal justice system works with colleagues in Europe. And just on a very practical note, Tim Workman, who's the Bow Street magistrate, who works actually now out of Horseferry Road, happens to be at the moment, the one court in the UK that actually hears cases on Euro arrest warrants. Unsurprisingly, he's a fraction concerned that he may get a little bit swamped as the system switches on, i.e. the European end of extradition and warrants is going to fundamentally change. And that relationship of policing is going to fundamentally change as this goes live.

Then of course in connection with that we have what I think is by any stretch, a very important election, not just for the wider economy but also for policing. The Government White Paper has actually set out some of the landscape from the Government's point of view. I suspect even though there were comments both ways in *The Times* and other newspapers, I suspect that actually most of that is fairly much accepted territory across the political spectrum; i.e. that there needs to be a high degree of accountability from policing. There are different ways of achieving that, but that's almost a given that local policing, whether we call it 'neighbourhood policing' or whether we call it 'local policing', is considered to be the bedrock and all parties want more of local. They have different means of arriving at it, and that the acceptance is that with the money challenges, more things are going to have to be done once. Therefore, the way in which the police service works together in collaborative terms has to change in order to save money. Now that last one is an easy thing to say, it's a damned difficult thing to achieve. And the sums of money that are being talked about there are huge.

In our terms, what we've tried to do to help frame that debate is to create a vision of how you develop the capability of the Police Service long-term. Given the nature of British policing, we are 43 different branches without a head office, or have been. And the NPIA isn't a head office, it maybe a central branch but it's not a head office. What we've tried to do on behalf of the 43 is to kind of give a picture of what the capabilities are that need to be developed over the next decade in order to deliver the priorities that need to be. So the skills, the leadership, the processes and doctrine, the science and information systems, the cost effective approaches, the national operational systems and the international links that need to be developed in order to ensure that whatever the challenges and priorities of policing, that the police service is capable of delivering.

And that's doubly important because some of these shifts are truly dramatic. Only 18 months ago the priorities that we were being asked to deliver, and the 'we' I stress is that if you went to Sweden you would find exactly the same debate. Up until about 18 months ago the Swedes and the Dutch were being asked to deliver increased sanction detections, or the Swedish equivalent.

We were being asked to do that, we were being asked to deliver high volumes of crime reduction. We are now being asked to deliver confidence which is a bundle of a whole range of things and working out what the elements of delivering confidence are is complex. But legitimacy and doing things in a fair way is unquestionably one significant component of that.

We are also being asked, and again like colleagues across the world are being asked, to be more effective against serious organised crime. In that sense, we are therefore being asked to organise ourselves differently. It isn't possible to deliver that within 43 branches, and my colleague, Hugh Orde, has powerfully said that it isn't realistic. There are some national functions that it isn't realistic to deliver more than once. For example, we came to that conclusion about a police national computer back in 1973. So it's not new territory, this.

We have anti-terrorism and that has been an incredibly dominant feature of the last decade or so, and it will be a dominant feature of the decades to come, I feel.

New media-facilitated crimes are another issue. There has been a 600% increase in the amount of data that the police service gathers at scenes of crime in 5 years. A 600% increase in the amount of data; i.e. when you turn up now, it's not just that you find a 20 megabyte hard disk, you're talking about petabytes of data in crime scenes, where peta is bigger than giga. You're talking huge quantities of data, and then you've got the business of disclosing that data. You've got the business of triaging that data. There are massive different new challenges, simply from the nature of the way that crime is changing.

You've got migration-related crimes, which bring the police service into hugely complex territory in respect of diversity. It's always difficult, whether you're in America, whether in the UK, whether you're in Europe, when the police service and immigration cross over in terms of confidence, particularly of newly arrived communities. And new crime types generated all the time, particularly with e-crime and the changes there; we are facing different crimes on a regular basis. It's interesting actually one of the analyses of the recession particularly which I'm just about to publish in the Oxford Journal, *Policing*, was done by someone from the City, it indicated that actually the impact of the recession on organised crime businesses was just as severe as any other business. Therefore, they were going to do exactly what everyone else does in those circumstances, which is to diversify. And, surprisingly I think, we've probably got pretty good evidence of diversification going on.

There are big shifts underlying this in the nature of the profession of policing. There are shifts that are both driven by the profession and our understanding. For example, the changes in the detective are actually being driven by the profession on a recognition, particularly with the miscarriages of justice that came to fruition prior to the 1993 Commission on Criminal Justice. Those changes drove us into a far more professional approach to the investigative process, ranging from the training we do on investigation through to the qualifications we require of detectives. There has been a faster transformation in the professional detectives, I think, than almost any other part of the profession.

The issue of risk and risk aversion, and how the profession overcomes the bureaucracy of risk is both central to Jan Berry's debate, but it's also central to how the service manages to cope with the challenges to come, and how it refocuses risk in a positive sense rather as risk as a means. If you look at some of the most disastrous stories about policing and it's being out of touch, they are about the cops not putting themselves in the line of fire. Not jumping into large ponds full of water and things of that nature. Actually, I wouldn't encourage people to jump into large unknown ponds of water. However, the perception issues are incredibly important about a risk-averse culture in policing. On the other hand, we've also got the business of how you balance risk. I sit on the parole board and I see the ones that go wrong. I review the ones that go wrong. They

usually go wrong because of bad process and poor information, but sometimes they go wrong because people actually don't take the right risks, they take the wrong risks. They take the wrong risks about not judging that somebody should be kept inside for longer. They take the wrong risks about putting somebody who is clearly inappropriate and has a static risk of serious offending into an open prison. And unsurprisingly, that doesn't work.

We've got a hugely different workforce that needs to be developed. We've got everything from crime analysts to new roles of CSI, new in the sense that they've only really matured in the last 10 years. The service itself has to develop the professions within its profession in a different way than it did 20 years ago, and it has to continue development, as I will come on to.

Probably the biggest shift is, we've had a regime over the last twenty-five years or so, since the Circular 114/83, which has been about value for money. We have actually had consistent rises in police funding over the course of that period, we haven't had a year of flat cash or flat cash minus in my service. We are about I think to have at least 3 years ahead of flat cash minus. That is a very significant challenge in a profession that hasn't had to do that. It won't be news to some other parts of the public sector but it's a major shift in policing. And it's a particular shift in an organisation which has 85% of its budget around people and a huge demand for those people to be present.

We also have a variety and changing set of models of what quality improvement and change in policing looks like, and we've had those in various cycles. We had a push on objectives-based policing. We've had a push on models driven by the COMPSTAT culture. We've had a push on dealing with professional standards and changes to that. We've had the central target approach and the new public management. We've had a variety of different approaches. The one we haven't successfully managed to push to the fore, and which we are trying to push to the fore, is much more about professional self-assessment and professional peer review. There's an important change happening underneath the changes that are taking place where colleagues at a senior level are taking responsibility for working alongside other colleagues who are having a really challenging time in forces. That shift towards a peer and self-assessed culture rather than relying on being fed by the centre, I think, is a really important shift and one about the profession beginning to grow up and be more confident about its knowledge about itself.

The changes to the workforce that I keep referring to are also changes to the way in which we improve, develop and lead people. One of those underlying factors that is trying to change and push the idea that as professionals we should take far more ownership of our own development, our own training, our own learning rather than relying on a kind of cradle-to-grave framework which almost forces you through at the pace the organisation wants to go, rather than you taking ownership for that, but also accepting there are some givens in the organisation, which is much more familiar in other parts of the public sector.

Just to summarise, these seem to me to be the themes that are consistent in the debate. Legitimacy and fairness, the very localised nature of confidence. And if you look at the debates around anti-social behaviour, it's a very localised debate. The 'surveillance society' debate about: who owns this? Who is responsible for this? Who is acting on this on my behalf?

One challenge I haven't mentioned up to now is diversity and equality, which is one of those debates that has a tendency to surge with particular crises, but actually is an incredibly important debate, underneath the debate around confidence. And I suppose it's coming to the fore in how the police service handles the demonstrations around the English Defence League, or whatever they call themselves on this particular day and the counter-demonstrations. It's a very delicate one for the police service to hand, and symbolically critical to the messages that the service sends out to communities. If you just look at confidence in terms of the majority, you end up losing the

focus on a much more granular view of society. And then there is immigration, which is a not unconnected debate to the previous one. It's a very important part of the landscape we are seeking to police.

If those are the challenges, and I haven't by any stretch of the imagination, it seems to me, sketched all of them in. But I've tried to focus on the ones that I think, if you look across the generality of the debates that are happening. I've used data here out of our national strategic assessment. I've used data from the Harvard Sessions. I've used data from CEPOL, the European Police College. Those seem to me the ones that tend to stand out. What are the opportunities to respond to them, because they're not simple? These are some of the things I want to run across: science and policing, evidence, leadership and collaboration and partnership.

With *science and policing*, certainly one of the things that's going to be critical is being better at understanding how the future is or could change, and being better prepared for that. We've done quite a bit of work in terms of thinking ahead, a futures portfolio which actually Sir Norman Bettison leads. Trying to think ahead, if these are the challenges, to how do we need to respond? What have we got in the locker that enables us to respond to that? And also can we influence that change as we go forward?

There are some very significant changes in the tools available, one of which I'll develop in a minute, which is predictive policing. But understanding the present, the crime patterns that we are facing, and how they might differ from those before. The knowledge that's out there from criminology and this is a good place to say the fact there is, and has been, an enormous disconnect over time between criminology and policing and criminologists and policing, which occasionally joins in fruitful terms, and that piece of work that Adam referred to about patrolling and the nature of what patrolling looked like is a good example. The Nuffield piece of research (Crawford *et al.* 2005) was an interesting example where the professionals did come together but so often the research questions that are asked of the police are published and are not of interest to policing. An awful lot of the research that I read does not add to my sum of knowledge, but then an awful lot of the questions that I want to ask don't get asked in the right way. And then some of the research gives us insights into the behaviour, both of cops and the public that we're dealing with.

And there are scientific tools and techniques that we can use. We're about to publish a science and technology strategy in the New Year (NPIA 2010). And it is about asking different, very different questions. The questions are different from when we last looked at the science strategy. Now we're asking questions about prediction. We're asking questions about precise intervention. We're asking questions about how we can make the police service work harder and faster and more productively, clearly. But they are very much questions about how science can focus this very precisely.

Then finally, knowing what works and being very precise about what works means, and being, and understanding the meaning of research and being able to provide it to cops in a way that they can access. It is no good expecting frontline cops to spend their time reading the *British Journal of Criminology*. But taking high quality pieces of research and making them accessible. For example we've commissioned a load of meta-analyses from the Campbell Collaboration, of which I'm a steering group member. What we will do is we will turn those into accessible implications for policing and make them available. All the police on-line knowledge area which is an intranet and extranet for the police service where communities of interest in the police service will be able to access the research, the knowledge, and be able to ask the questions that that community needs to understand.

There are interesting developments going on and I think you will find the latest brand 'X', largely because one, William J. Bratton, is not unconnected with this one, and Bill Bratton is brilliant at

doing brands. But also because actually this is something that in professional circles is definitely being talked about. And that is predictive policing, how far can we be predictive and therefore, instead of responding to things that have happened, be able to predict things that do and change our patrol practices, our preventive activities in order to prevent things happening. There are two very different approaches. There's a US approach, largely led by Los Angeles Police and the National Institute of Justice (NIJ), which is looking at data mining and is actually doing a randomised control trial in five police departments. We have now signed an agreement with NIJ, and we are collaborating with them. Indeed we might well see whether we can extend the randomised control trials to a couple of UK police departments as well to see whether we can get some comparative data.

In the UK, we are much more theory based to start off with. And we are trying to apply and have been applying epidemiology techniques about how you map the spread of contagious diseases. In fact almost going back to the original Snow study of how disease spread from a particular water source in London. Just looking at what do those sorts of techniques from health provide? How could they be applied to burglary for example and doing prospective mapping? Interestingly, it is actually slightly more accurate. In fact I think my colleagues would say much more accurate than just looking at the data in current format. In other words, there is something here worth pursuing. With the quality of data we've got now, we got the capability to be able to identify the next locations of burglary rather than the current ones. And if that is the case, then predictive policing is a real prospect and the more sophisticated the data sources we get, and we're moving into next year in October/November the police national database goes live, which is one of the programmes that we are building at the moment. That will give even greater access and be able to look across boundaries between different forces. So the ability to predict on a wider scale, and also to do so potentially on serious crimes, becomes a real prospect.

So we are working on predictive policing, how far could we predict. If we can predict, we can certainly be more cost effective, and we could be more discriminating about the interventions. And that quote that Adam gave from my book - and it is interesting when your book gets quoted back at you - that prediction, that piece from my book, if you can be precise about your interventions, I think you are also being minimal and also with this you are able to explain why your resources are in a particular place as well. Can you predict? The answer is actually if you start drawing on the serious science behind this, you can actually predict with interesting levels of accuracy. What's also of course important is to know what you can't predict and to understand why you can't predict some things, i.e. what's the random factor in this process.

However, there are real constraints on this, and it's important to say this in a context like this - giving a lecture at a university - there is a lack of systematic evaluation of policing innovation. That which we have is all too often case studies. It's not done in a hard enough science version. It isn't often replicated, and more frequently than not, what we get are implementation studies of areas that were pilots, where frankly we provided more attention. We ought to remember all the studies done before the Second World War, which indicated that if you put effort and enthusiasm into a particular area, be surprised if you don't see an effect. If you then go and do a post-implementation review and announce as a success, unsurprisingly when you try and replicate it, you don't get the same level of response. Therefore I think we've got to be far, far more disciplined and where it is appropriate, which it often is, we should do randomised control trials. We should then also look at using ethnography to look underneath that and get a picture of what's going on in the black box. But we definitely need much better research designs, more frequently applied when we're doing experiments. We, as a profession, need to be more insistent with Government when it starts out to do an initiative, that this will be evaluated properly. Otherwise, we move from one not particularly well evaluated idea to another one and we build on sandcastles.

So we need proper and effective and systematic approaches, and we as a profession, need to have that as a core of the way we do things. There is an immense contrast to health, not just in terms of the number of studies but also the acceptance of science and the profession. This is an interesting study that was done by CEPOL, 5 out of 30 countries only across Europe showed a high value to science in the way they pursued policing. In nearly half, it was seen as low level, and I'm just about to publish an article with David Weisburd at Harvard which is called 'Science and Policing', in which we had an absolutely fabulous quote from a very well-known American police chief, who when asked whether he would welcome an evaluation of a major change in his department, he said: 'Well I don't think so, it might tell me it doesn't work'. Well, can you imagine, it's a serious point, can you imagine a surgeon in a hospital saying: 'No I don't want that evaluated, it might tell me that the person might die'. Frankly, no, and it's the wrong culture.

It's still the case, however, that if you follow the knowledge chain through, that actually medicine still isn't brilliant and there has been some quite interesting stuff. There was a study that the BMA or GMC published, the day before yesterday, which was around mis-prescribing. It demonstrated that an awful lot of frontline doctors don't read the research either. That said, at least they had the research there in the first place to indicate what they should have done, and oddly enough, the pharmacists have read the research. So an odd thing about the professions and the para-professions that generally in the medical profession, someone has read the research, or there's a backstop. But anyway, the research is at least there and you can't actually get the intervention out into the medical profession unless these days NICE has actually looked at it, said it's cost-effective and said it's worth having. So there is a difference in terms of the way that health applies knowledge. Certainly, in terms of our approach, it has been unsystematic and needs to be more so.

That leads me into what *leadership* is required. More forward looking and strategic, if we are facing, which we are, the sort of uncertain times that we are, the sort of challenges coming at us from all directions. I don't know about other colleagues in this room but I don't think this last 3 or 4 years has been the most transformative in terms of the type of challenges facing us that I can remember. Maybe that's just me getting old but I don't think so, I think it's genuinely actually that it's been a very significant time of change. So you need to be more forward-looking and strategic. You need to make sure we actually harness the skills, the total skills in the organisation. We need to be more focused on self-assessment of performance as a profession. We need to have a more strategic approach to change, and above all we need a profession that's more focused around knowledge and practice.

The sorts of things that a leader needed 10 years ago have changed quite significantly. While I say performance data, I do not mean the vast COMPSTAT array of data. Talking about the right data to know what is actually going on and what works in your organization; knowledge about threats, risks and the ability to balance those threats and risks and how to do that in a coherent way. I think that balance is probably one of the most important for any police leader, given that the things that really catch you out and lose your reputation with the public is when you're perceived to have not balanced the threat and risk and harm effectively. When you can't explain why it is that you did what you did.

A mandate to act. It seems to me that one of the things that the performance culture of the last decade did was to deprive many people at many levels of the organisation of a sense of having a mandate to act. It constrained rather than enabled. I think one of the benefits, if we can drive the development around confidence, is giving a mandate to act, to do things that develop confidence, provided that again you understand the knowledge of what works. Just plain good leadership and management skills operating in a different way. Getting to the top of the organisation now, the ability to make change and develop change, and to understand really good hard business skills are incredibly important. The organisation manages on that basis, which means a different form of professionalism. We've had a credible debate around whether we should have graduates coming

into the police service or not. I think what the aim has to be is actually that we have a profession which understands the type of standards and is able to deliver the type of standards that a graduate profession would do. We definitely need to have a more accredited profession because the knowledge has become so much more complicated.

We do need to have more effective career pathways and that's beginning to develop, but we still haven't got an organisation which can embrace all the professions within it effectively enough, it seems to me. And we need a more professional and reflective culture which understands evidence and can apply it in practice. And finally, reinforced by this, we have got the substitute for a more effective profession has been a mountain of doctrine, which will go from floor to ceiling in this room with quite some ease. We feel a need to write it all down, rather than to have principles and light tough guidance. And that's all about the balance between threat and risk.

And then, just thinking ahead to *collaborations and partnerships*, I've deliberately avoided doing the local ones on this because actually I think the ones we miss and the ones we tend not to focus on are, for example, some of the European ones. I just picked out an example of the sorts of things we could and should be doing and which will become more important to us. I could have equally chosen UK national ones, but actually mapping out the people we should be working with and the opportunities we should take. And I've mentioned those European ones - Stockholm, Prüm, Schengen, etc - but all the things, all the opportunities we've got to share knowledge, develop knowledge, to help others to develop knowledge and to apply knowledge in the workplace. It seems to me that we need to be more coherent as a profession in the future in doing that.

So in conclusion, there are some very serious challenges facing policing. The burning platform is a great deal less money to do a great deal more. And I think if we as a profession simply apply some of the techniques that we use in the famine years that we have had over the last period of time, we will fail because we will simply cut budgets without thinking about what matters. I don't think we're going to do that but it's a major challenge for us, and a major challenge for the people that govern us as well: to think about what works? To think about what will add to legitimacy and what will detract from it? To think about the balance between risk and harm. To think about how we could actually apply innovation and science. For example, next year we will see the field trials of accelerated DNA, which will generate DNA samples in the field in 45 minutes. How do we apply that in a way which means we do the job better and faster; and we actually deliver better policing? Sharing knowledge both nationally and internationally, but above all that last one. Creating a police leadership that's confident and competent, diverse and which develops professionalism amongst the workforce.

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We'll Have No Trouble Here

Stefan Fafinski

This Working Paper explores the operation of the police power to direct persons who represent a risk of alcohol-related disorder to leave an area. It is part of a broader study into increased interference in the name of crime-control which is currently under scrutiny by the coalition government.

On 15 November 2008, around eighty Stoke City football supporters stopped at the Railway Inn public house in Irlam, Greater Manchester on their way to Old Trafford to watch Stoke play Manchester United in the English Premier League. At 1.15pm, around 14 police vans arrived, some with dog units. A number of officers from Greater Manchester Police entered the premises and told the Stoke supporters that they were not allowed to leave the pub, would not be allowed to go to the match and were to be driven in convoy back to Stoke on buses, regardless of where they actually resided or whether they had their own transport near the pub. Each supporter was then given direction under s 27 of the Violent Crime Reduction Act 2006, required to sign it and then removed back to Stoke. The manager of the pub claimed that the atmosphere in the pub was 'relaxed and calm', that the fans' behaviour was 'impeccable' and that he had 'no reason whatsoever to suspect there may be trouble in and around [his] pub'.²

Section 27 of the Violent Crime Reduction Act 2006 came into force on 22 August 2007.³ It allows a constable in uniform to give a direction to an individual aged 10 or over⁴ requiring him to leave the locality of that place and prohibiting him from returning to that locality for up to 48 hours, if the presence of the individual in the locality is likely to cause or to contribute to the occurrence of alcohol related crime or disorder in that locality and that giving a direction is necessary for removing or reducing the likelihood of such crime or disorder occurring. Directions must be given in writing and specify both the locality to which they relate and the period of prohibition.⁵

There are three key points to note. First, alcohol related crime or disorder must be likely to result from the presence of the individual in question. Second, the s 27 power allows removal from the locality of a place. Third, the direction must be given to a specific and identifiable individual.

Considering the first of these, the term 'likely' suffers from a range of interpretational uncertainty. It has been judicially held to mean more than a bare possibility but less than probable;⁶ more probable than not but with no requirement of foreseeability;⁷ more than 51 per cent probable;⁸ a 'real prospect';⁹ excluding only that which would fairly be described as highly unlikely;¹⁰ or

² J Harrington, 'Cops ejected "impeccable" customers, claims host' *Morning Advertiser* (22 January 2009) <<http://www.morningadvertiser.co.uk/news.ma/article/81794>> accessed 26 October 2010.

³ Violent Crime Reduction Act 2006 (Commencement No 3) Order 2007, art 2.

⁴ Formerly 16; age limit lowered by Policing and Crime Act 2009, s 31(2).

⁵ Violent Crime Reduction Act 2006, s 27(3).

⁶ *Bennington v Peter* [1984] RTR 383 (DC) interpreting the Heavy Goods Vehicle (Drivers' Licences) Regulations 1977 SI 1977/1309, r 4 'any disease or disability likely to cause the driving...of a heavy goods vehicle to be a source of danger to the public'.

⁷ *Bailey v Rolls Royce (1971) Ltd* [1984] ICR 688 (CA) interpreting the Factories Act 1961, s 72(1) 'likely to cause injury'.

⁸ *Taplin v Shippam* [1978] ICR 1068 (EAT) interpreting the Employment Protection Act 1975, s 78(5) 'likely that...the tribunal will find that the complainant was unfairly dismissed'.

⁹ *Re SCL Building Services* (1989) 5 BCC 746 (DC); *Re Primlaks (UK) Ltd* [1989] BCLC 734 (DC) interpreting the Insolvency Act 1986, s 8(1)(b) 'making of an order under this section would be likely to achieve one or more of the purposes'.

¹⁰ *R v Wills* [1990] Crim LR 714 (CA) interpreting the Children and Young Persons Act 1933, s 1 'likely to cause...suffering or injury'.

‘probable’ or ‘more probable than not’ but could mean an event ‘such as might well happen’.¹¹ It follows that the threshold of likeliness in relation to the threat of disorder is both broad and subjective, thus conferring a broad discretion in the exercise of the power on the police.

Similarly, on the second point, there is no definition of ‘locality’ within the 2006 Act. Given that s 27 confers the power on a constable to remove an individual from a locality, it follows that the scope of that removal power will be bounded by the geographical extent of the locality which the individual is required to leave. It is therefore necessary also to consider the meaning of ‘locality’ in order to appreciate the extent to which s 27 permits interference with the liberty of the individual. The dictionary definition of ‘locality’ is unhelpfully imprecise: the *Oxford English Dictionary* defines the term as ‘a place or district, of undefined extent, considered as the site occupied by certain persons or things, or as the scene of certain activities’ (emphasis added). While this definition is at least consistent with a locality being the scene of disorder, the boundaries of that locality are vague. With similar imprecision, the Ordnance Survey, Great Britain’s national mapping agency, issues instructions to its surveyors¹² and draughtsmen,¹³ which refer to ‘locality names’¹⁴ and ‘features in a locality’¹⁵ but concedes that:

At the end of the day, the final definition of such areas were subject to the interpretation of both the surveyors and draughtsmen who placed such features on the map.¹⁶

Although the meaning of ‘locality’ has not been judicially considered in relation to s 27 of the 2006 Act, interpretation in the context of other statutory provision has provided inconsistent results. It has been held to encompass two buildings within a mile of each other;¹⁷ a ‘really substantial’ area but not an ‘extremely restricted’ area;¹⁸ and to be a ‘general area’ rather than a set of defined boundaries on a map.¹⁹ Therefore, there seems to be no clarity as to the meaning of ‘locality’, other than that its definition seems to be somewhat discretionary and arbitrary, unconstrained by cartographic features, yet of a reasonably wide geographic coverage. This leaves police officers in a similar position to Ordnance Survey map-makers, defining localities subject to their own interpretation. This analysis suggests, therefore, that not only is the assessment of the likelihood of disorder subjective, but also the extent to which individuals may be required to be removed in order to quell the risk of such disorder materialising.

Given these interpretational limitations, it is key that the Home Office has published practical advice in relation to the use of s 27 powers.²⁰ It states that the power should be used ‘proportionately, reasonably and with discretion’²¹ with ‘appropriate... judgement... on a case-by-case basis’.²² It offers further guidance on defining the locality in respect of which a direction to leave can be given: examples include the area in or around particular licensed premises, an area including multiple licensed premises, or a town or city centre with a high density of licensed

¹¹ *Smith v Ainger*, The Times June 5 1990 (CA) interpreting the Animals Act 1971, s 2(2) ‘damage...of a kind which the animal...was likely to cause’.

¹² Known as the *Red Book*.

¹³ Known as the *Blue Book*.

¹⁴ Ordnance Survey, *Blue Book* (internal publication) section B59 (b)(xix).

¹⁵ Ordnance Survey, *Red Book* (internal publication) section D21.

¹⁶ Statement by Luke Hampson (Ordnance Survey Customer Service Centre)(Personal email correspondence 27 February 2009).

¹⁷ *Davidson v Richards* [1976] Crim LR 46 (DC) interpreting the House to House Collections Act 1939, s 1(3) ‘acts as a collector in any locality’.

¹⁸ *Metropolitan Property Holdings v Finegold* [1975] 1 WLR 349 (DC) interpreting the Rent Act 1968, s 46(2) ‘dwelling houses in the locality’; in *Palmer v Peabody Trust* [1975] QB 604 (DC) the court held that the definition of locality was a matter for the rent assessment committee.

¹⁹ *R v Peterborough City Council, ex parte Quiethynn* (1987) 85 LGR 249 (CA) interpreting the Local Government (Miscellaneous Provisions) Act 1982, sched 3 para 12(3)(d)(i) ‘the character of the relevant locality’.

²⁰ Home Office, ‘Giving Directions to Individuals to Leave a Locality: Practical Advice’ (22 August 2007).

²¹ *Ibid* 6.

²² *Ibid* 7.

premises.²³ In essence, the guidance seems to be steered towards requiring individuals to leave an undefined area within which alcohol could be obtained and consumed and thereby increasing the potential likelihood of alcohol related disorder.

Finally, the consistent theme running through s 27 is that of the individual as the dominant feature. However, the power was used in relation to a group of around eighty in the Stoke City case. Subsequently, the Assistant Chief Constable of Greater Manchester Police, Justine Curran, stated that:

Use of all policing powers must be balanced and in proportion with the risks that we face. In order to prevent disorder and keep communities safe, s 27 orders were issued on *groups* that we had identified as a risk.²⁴ (emphasis added)

Similarly, Detective Inspector Dick Spooner, the football intelligence officer for Southend commented in relation to Southend United's away trip to Crewe Alexandra in 2008:

We had a group of individuals who were hellbent on having a little bit of disorder. They'd been in the pub all morning and they gave us the run around town. Then the risk group from Crewe appeared and the two groups were making moves to have disorder. The person in charge at Crewe said we would do a s 27 on the *group* so they were put on the train [back to Southend] and never got to the match.²⁵

The point of control of the s 27 direction is the individual, yet these comments suggest that the power has been used as a blanket order against groups of individuals. While there is, of course, nothing in the statute to prevent police issuing multiple directions, it does require them to know that the presence of each and every separate individual in a risk group, regardless of age, gender, or state of intoxication at the time, was likely to cause or contribute to alcohol related crime or disorder. It would perhaps be preferable in such instances to use the powers granted by s 30 of the Anti-social Behaviour Act 2003 to disperse groups when any members of the public have been intimidated, harassed, alarmed or distressed²⁶ by the presence or behaviour of a group in a police area suffering anti-social behaviour as a significant and persistent problem.²⁷

Section 27 suffers not only from manifest uncertainty in the draftsman's language, but also from instances of potentially indiscriminate and excessive use beyond its statutory locus of application to the individual within a locality. Despite arguments from supporters' groups to the contrary,²⁸ following the House of Lords decision in *Austin v Commissioner of Police of the Metropolis*,²⁹ it is unlikely that the detention of supporters prior to their removal would be held to infringe their Convention right to liberty.³⁰ Similarly, whether the blanket use of the s 27 power is an unlawful restriction of the Convention right to peaceful assembly³¹ is yet to be tested, although its purported aim of minimising disorder implies that any gathering falling within its ambit is, by definition, not peaceful. While the s 27 power is aimed to be a pre-emptive tool to minimise the likelihood of alcohol related crime or disorder, it should be remembered that its use does not require the presence of actual disorder, anti-social behaviour or that any other criminal offence has been committed. It should not be used in a blanket or unthinking fashion against any groups, but

²³ Ibid 7-8.

²⁴ J Robinson, 'Taking liberties...' *The Football Supporter* (Kingston upon Thames, December 2008) 9.

²⁵ —, 'Football cops' job is to keep the terraces safe in Southend' *Echo News* (10 November 2008) <<http://www.echo-news.co.uk/news/3829748.print/>> accessed 26 October 2010.

²⁶ See also Public Order Act 1986, s 5.

²⁷ But see also A Crawford and S Lister, 'The use and impact of dispersal orders: Sticking plasters and wake-up calls' (Policy Press, Bristol 2007).

²⁸ J Robinson, 'Taking liberties...' *The Football Supporter* (Kingston upon Thames, December 2008) 10.

²⁹ *Austin v Commissioner of Police of the Metropolis* [2009] UKHL 5.

³⁰ Human Rights Act 1998, sch 1, pt I, art 5(1).

³¹ Ibid, art 11(1).

particularly in relation to football supporters who are already subject to an additional range of powers over and above those imposed on others.

The s 27 power is but one instance of the broadening of powers against anti-social behaviour and disorder that were first introduced by the Crime and Disorder Act 1998 and expanded by the Police Reform Act 2002 and the Serious Organised Crime and Police Act 2005. The police also have powers to give on the spot penalties for disorderly behaviour³² and additional powers in relation to behaviour in licensed premises.³³ The increasing interference of the state in everyday life has been recognised by the coalition government in its proposed Police Reform and Social Responsibility Bill, due to be published later in 2010, with its emphasis on increasing democratic accountability,³⁴ although the government's policy document also promised an overhaul of the Licensing Act to give local authorities and the police 'much stronger powers' to remove licenses from, or refuse to grant licenses to, any premises that are causing problems.³⁵ While a resulting Act may check the rising tide of mechanisms of control available to the police, it will remain to be seen whether any new, or reformed, powers are used in the context in which they were intended. It is, perhaps, telling that the principal Commons debates on the Violent Crime Reduction Bill³⁶ did not mention s 27 in the context of football-related disorder, yet it is in this setting that its use has been most widely reported.

³² Criminal Justice and Police Act 2001, pt 1.

³³ Licensing Act 2003, pt 7.

³⁴ Secretary of State for the Home Department, 'Policing in the 21st Century: Reconnecting police and the people' (Cm 7925, July 2010).

³⁵ HM Government, 'The Coalition: our programme for government' (2010) 13

<http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf> accessed 27 October 2010.

³⁶ Hansard HC vol 435 col 541-627 (20 June 2005); Hansard HC vol 439 col 694-795 (14 November 2005).

The Coalition Government and Penal Policy

Emma Wincup

This article is based in part on a conference presentation given in conjunction with Dr Catherine Appleton (University of Leeds) delivered in June 2010 at a conference organised by the Centre for Criminal Justice Studies at the University of Leeds entitled 'Aligning Research Agendas to the Challenges of Criminal Justice Policy and Practice'. It was published by the Howard League for Penal Reform in the Early Career Academic Network Bulletin in October 2010.

The formation of the Coalition Government on Monday 11th May 2010 followed four days of anxious waiting. Once announced, anxiety about which parties would form the next Government were replaced with apprehension about how the Conservatives and Liberal Democrats would work together in practice and reconcile existing differences on matters as diverse as electoral reform, the role of the European Union and the use of nuclear weapons. Whilst some aspects of the forthcoming social and public policy agenda were predictable; for example, cuts in public spending were seen as inevitability, the direction which criminal justice policy might take was far from certain. A cursory glance of their respective manifestos reveals both shared concerns (for example, drug-related crime) and similar policy measures (for example, rapid deportation of foreign nationals upon their release from prison). At the same time there are significant differences; for example, in relation to the use of imprisonment with the Conservatives favouring the redevelopment of the prison estate and increasing capacity and the Liberal Democrats promising to cancel plans to build new prisons. This short article offers a brief analysis of both the Coalition's actions to date in relation to penal policy. First it outlines the main challenges facing the penal system at the time of the 2010 General Election.

Whichever party assumed power in May 2010, it was evident that they would inherit a penal system beset with problems as an ever-expanding prison population, high rates of reoffending and their associated social and economic costs. Crisis is an over-used word in the field of criminal justice but problems such as overcrowding in prisons, offender managers struggling to cope with ever-increasing caseloads and too few conceited offenders desisting from crime have the potential to lead to events with disturbing consequences. Perhaps unsurprisingly public confidence in the penal system was low. The problems appeared to be recalcitrant: the prison population had almost reached 85,000 by May 2010, despite ongoing falls in crime rates, the introduction of measures which allowed early release from prison and reform of community sentences. Similarly approximately two-fifths of adults who were released from prison or commenced a community order under probation supervision in the first three months of 2008 were reconvicted of an offence within one year despite far-reaching reform of the structures, processes and approaches to managing offenders.

Soon after taking up his post of Secretary of State for Justice, Kenneth Clarke, identified what he believed to be the major challenges he faced: the prison population was too high with prisons acting as costly 'warehouses' rather than effective places of punishment and rehabilitation, particularly for short-sentence prisoners. He dismissed the link between crime rates and the use of imprisonment, noting that the prison population had doubled in less than two decades despite significant decreases in crime. The cause of the rapid expansion in the use of custody, he proposed, was the use of tough rhetoric and the solution, he argued, was 'intelligent sentencing' which reserved imprisonment for those from whom society needs to be protected. His analysis is reminiscent of the thinking which underpinned the 1991 Criminal Justice Act which came into force at time when he was Home Secretary. His analysis of the problems within the current penal system and proposed solutions may have attracted criticism from members of his own party (for

example. Michael Howard), not least because they went against the grain of commitments outlined in the Conservative manifesto. However, they have been well-received in some unexpected quarters. The incoming Labour leader – Ed Miliband – praised his willingness to look for alternatives to short-term prison sentences in his first speech as leader to the Labour Party conference, and made explicit that this was not being ‘soft on crime’.

In the current fiscal climate, it is likely that the direction of penal policy will be driven as much by the need to curb public spending as the pursuit of political ideology. In Kenneth Clarke’s speech to the Centre for Crime and Justice Studies on 30th June 2010 there are repeated references to the acute financial crisis and the need to develop cost-effective solutions, although he is keen to dismiss the view that policy should be determined by the need to reduce public spending. The unprecedented scale of the planned budgets savings run the risk of exacerbating some of the problems facing the penal system and undermining good practice but they also have the potential to force policy-makers to consider more radical changes to the ways in which offenders are managed such as moving away from a reliance on imprisonment. In the same speech, Kenneth Clarke warned about the dangers of ‘salami slicing’ budgets and advocated the need to go back to ‘first principles’: punishing offenders, protecting the public and providing access to justice.

As I write, Kenneth Clarke has just announced at the 2010 Conservative Party conference his plans to introduce a 40-hour working week for prisoners. This policy was included in both the Conservative and Liberal Democrat manifestos, and perhaps somewhat ironically makes use of legislation introduced by Michael Howard in 1996. Whilst critics might accuse Kenneth Clarke of ‘fiddling while Rome burns’ or creating employment opportunities for prisoners at the expense of law-abiding citizens, it does provide evidence of fresh thinking on the use imprisonment through acknowledging both the rights and responsibilities of prisoners. It distances the Coalition government from the tough law-and order- rhetoric typically associated with the Conservative Party but incorporate a sense of authoritarian populism which influenced the law and order policies in the Thatcher years through its emphasis on promoting the individual responsibility of prisoners. Similarly, other policy announcements have a familiar feel, drawing upon the economic neo-liberal principles which were influential in the 1980s. A Social Impact Bond pilot is already underway at Peterborough Prison which aims to promote rehabilitation by funding voluntary sector organisations to work with 3,000 adult male prisoners serving short-sentences. Investors will receive financial payments if there is a demonstrable reduction in reoffending of 7.5%. The ‘payment-by-results’ approach – again included in Conservative manifesto - borrows practice from other areas of social and public policy; for example, the provision of health care and welfare-to-work schemes. Whilst such schemes provide external finance to address social problems, there is a risk that projects might ‘cherry pick’ individuals, prioritising work with those most likely to lead to the desirable outcome for minimum cost.

Five months on and the Coalition’s plans for penal reform inevitably remain in their infancy. Next month, a Green Paper will be published which will open up a public consultation about rehabilitation. In the *Programme for Government* the Coalition made a somewhat grandiose claim to introduce a ‘rehabilitation revolution’ with especial emphasis on the use of the private and voluntary sector to reduce reoffending. The Green Paper will ask for feedback on sentencing reforms, informed by the full review of sentencing due for completion at the end of this month. This should provide a clearer indication of the strategic thinking underpinning the patchwork of policies which have been introduced to date but the Comprehensive Spending Review, expected to take place later this month, will be equally important.

Postscript

In the few weeks since the article was published, there have been significant developments within penal policy. Most significantly, the Comprehensive Spending Review included plans to abandon

increasing capacity within the prison system and a commitment to reducing it by 3,000 by 2015. This contrasts sharply with promises made by the Conservative Party during the General Election campaign to increase the prison population. At this stage plans for curbing the seemingly intractable rise in the prison population are unclear and the Green Paper on rehabilitation and sentencing (due for publication in Autumn 2010) is eagerly awaited.

Principled Criminal Law Reform: Could Macaulay Survive the Age of Governing through Crime³⁷

Mark Findlay

In response to the detailed discussion of histories and characteristics of codification described in the chapters of this book, these thoughts are designed to identify essential challenges to principled law reform. It is conceded that the political imperatives and pragmatic control agendas driving contemporary criminal law and procedure are more influential in constructing future directions for liability and sanction determinations than the integrity of a principled approach to criminal law, codified or otherwise.

The intention of these reflections is to briefly and thematically examine the fate of principled law reform in modern criminal jurisdictions. In so doing, codification, and Macaulay's code for India as an exemplar are reflected against the inconsistent expediency of contemporary criminal law reform. The political utility of the penal sanction in an era of 'governing through crime' is suggested as the reason why criminal law as we know it may be a 'lost cause'.

Why is it that more than 150 years on, Macaulay's criminal code would, if presented today, be nothing less than a model of principled law reform despite its roots in early 19th century legal theory and British imperial concerns? In his chapter Chris Clarkson identifies the state of codification in the contemporary criminal law and process of England and Wales as a 'tale of woe'. Despite a brighter picture being painted by Matthew Goode as to the state of codification in Australian Commonwealth law, the take up rate for the model Criminal Code in vital state and territory legislation is, he admits, sporadic at best. How might we explain the radical aversion to criminal law codification in current common law law-making?

The anti-codification environment cannot be explained through any political reluctance to explore the utility of the penal sanction. Quite the contrary! We live in an age where, up until the cost-benefit critique on government in the wake of global financial collapse, the industries of criminal justice such as surveillance and risk assessment are flourishing under an aggressive political sponsorship and a punitive popular wisdom. Parliaments and their bureaucracies spend more time legislating and institutionalizing the penal sanction, than any other regulatory form at their disposal. Bob Sullivan critiques the burgeoning of a prophylactic criminal law through a radical reliance on strict liability offences and civil sanctions that short-circuit even the most meager remaining protections of criminal justice due process. Protective orders, preventive detention, confiscation of assets and the assertion of victim interests have been manifest through an explosion of patchy micro-reform which has left the criminal law even in code states devoid of consistency and predictable principle. Attacks on the principles which would underlie any codified 'General Part' are a feature of present day 'law and order' legislative activity. Strict and absolute liability rejections of subjective responsibility, omissions and duty founding criminal conduct and constructing causation, and reverse onus provisions for exculpation, are just some of the legislative rush from foundational features of traditional criminal justice. And as Michael Hor notes regarding joint criminal enterprise, activist judicial interpretation has complimented moves away from subjective fault.

Additional impediments against a codification sentiment in contemporary politicized criminal law reform are the rejection of central considerations behind the code project, identified in Neil Morgan's chapter as the jewels in Macaulay's crown. Symmetry, simplicity and consistent subjective standards of liability cannot be found even in the conservative and protectionist

³⁷ J. Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford: Oxford University Press, 2007).

atmosphere of criminal justice law-making. Defences have largely contracted in scope, coverage and application under the oppression of the reasonable person and even in the face of efforts to return their scope through judicial activism. Stanley Yeo reviews the incompatible applications of necessity and duress. The *lawful use of force* through the private defence, of excessive self defence and the protection of house-holder property (Cheah Wui Ling) when looked at against the demise of provocation (Ian Leader-Elliot), and the other restrictive excuses (Gerry Ferguson) tend to confound the search for a consistent calcification of factors effecting liability. Macaulay achieved what centuries of legislative and judicial intervention have unraveled. Why so?

Perhaps the worry for codification advocates exists in the project itself. Macaulay's code is adept, carefully theorized, consistent, liberal in the true sense and, above all else, inviolate. There is also irony here in that concerns about effective and legitimate criminal law helped to make Macaulay's code a legislative priority, a pattern also seen in the enactment of other 19th century British jurisdiction codes that stamped imperial outreach as much as trade or military interests. Its translation into the Indian Penal Code and its more recent colonial derivatives demonstrates the power of political expedience over the beauty of an artful code. Even if Macaulay's intent and construction had survived its first major legislative incarnation, it would have faced the challenges against change. Without systematic re-codification particularly in a changing international rights environment (Cheah Wui Ling; Ian Leader-Elliot), codes are barriers to reform in themselves. Integrity fights dynamism in the same way it is poisoned by tortuous and ill-conceived political expediency.

What are these challenges to change (codified or otherwise) towards a rational criminal law? They include the following, to mention a few:

- The disconnection between what principle endorses and legislators do;
- The often irrational connection between community aspiration, political fear-mongering and legal limits;
- The tensions on the apparatus of the criminal law because of increasing preventive and prophylactic encroachments;
- The monopoly of the state over the penal sanction (through investigation, prosecution and punishment) alienating the parties perpetrating and suffering harm, and who would otherwise have a strong interest on real and predictable, rather than didactic and normative outcomes, resulting from this tether to the state;
- Arcane connections with institutional and process frameworks preceding even Macaulay;
- The unhealthy and de-historicised modern alliance between the criminal law and Austinian sovereignty when in their earlier incarnations the principles on which the criminal law rests were a specific and operational break on state power;
- The contemporary use of the criminal law through a proliferation of regulatory offences and civil penalty options, against the otherwise law-abiding community; and
- The obsession with appellate case law rather than legislative activism as the scholarship of criminal law, thus proliferating the judicial rationalist rather than legislative pragmatist perspective.

The answer to institutional myopia, if not to political capture, lies in both a recognition of the value of codification and a routine and rigorous commitment to re-codification. Perhaps, however, as Bob Sullivan suggests, with the regrettable developments in criminal conduct conceptualizing, fundamental questions need to precede a codification commitment about the modern concept of crime, and what theory, if any, informs the purpose of the criminal law.

It could be said about the current era of governing through crime that the normative informs the substantive and depends on (and directs) the procedural dimensions. In reality, the legislative purpose is in reverse. The necessity to translate political interest into regulatory form turns what

Bentham hoped for a *legislative science* into a technology of short-term governance. To return to the conditions of the *science* the codification project needs to be imagined against the contexts of:

- The nature and significance of harm, pre-determining and constraining fault;
- The manner in which the accused has ‘wronged’ the victim;
- The extent to which the accused acts with knowledge, intent or emotional disturbance to explain his or her responsibility for the ‘wrong’ (both from the perspective of culpability and excuse);
- Appropriateness of the predictive and preventive functions of the law; and
- The need to shake free of confusing and pre-existing legislative technologies (such as attempt, causation, common purpose).

It could be said that codification as a practical tool for justice relies as much on considerations of proof, as it does on semantic debates about justice and form. Having the *General Part* settled around default offences and defences might assist in this recognition. Macaulay’s Benthamite rejection of judicial re-interpretation of principle, puts the challenge back to the codifiers to achieve a dynamic language for the law, which is community sensitive and flexible in facing the demands of modernity, while resilient to expedient modification of core principles. Hence, the need for contemporary codification projects to properly reflect rights and the rule of law when considering the harm and responsibility from serious wrong.

As the era of governing through crime demonstrates in legislative activity, the principles of criminal law are at their most vulnerable when determined as being at odds with the control function of governability. It is one thing for politicians to ignore essential historical reflection about the role of criminal justice in resisting the excesses of the state. However, legislative reformers and some criminal law scholars seem more interested in making sharper the governance application of the criminal law, and ignoring its essence in restricting rather than facilitating state power and authority.

This incapacity to see the criminal law as an active element in ‘separation of powers’ and its critical importance to the rule of law and constitutional legality is evidenced in the flight from subjective responsibility. Criminal laws now commonly prefer probable consequences as defeating actual knowledge, ‘within contemplation’ in place of foresight of certainty, and the strange construct of subjective foreseeability.

In order that the criminal law ensures its fragile commitment to individual liability, all sorts of legislative and judicial travesty have been done to the concept of ‘responsibility’ in practice. Community sentiment is translated through the over-bearing of the mind of the ordinary person, whose ordinariness is anything but settled. Collective sentiment is not understood as organizational cultures or through contribution to the overall criminal enterprise, but mystified through participation and complicity and equated with the principal offender. Degrees of participation and distance from the offence are conflated for an artificial purpose of punitive severity. When the fault element for complicity and the substantive offence differ significantly as to knowledge and intention, the degree of compromise over the fault for complicity is at its most apparent in the face of political will. The law is now so often satisfied with ‘ought to have’ as much as ‘known’. And yet again, the protection of a consistent approach to fault and wrong comes back to proof. If the law’s understandings of a consistent and comprehensive process of proof were trusted in popular culture and politics (not distorted as with the intoxication defence to satisfy moral preference), then the deductive nature of knowledge may be enough to connect it with reason and rationality, without such legislative distortion.

In 2000 Andrew Ashworth published a critique intoning 'Is the criminal law a lost cause?'³⁸ In addressing the explosion of criminal legislation in England and Wales in a climate of inconsistency,³⁹ Ashworth wondered whether criminal offences could anymore be distinguished from other wrongs by reference to content or by procedural and functional distinctions. In an effort to make that case he relied on four interlinked principles which he believed to form the core of the criminal law:

1. Criminal law should only be used to censure persons for substantial wrong-doing;
2. Criminal laws should be enforced respectful of equal treatment and proportionality;
3. Persons accused of substantial wrong-doing ought to be afforded the protections of due process (in minimum form as declared in the European Convention on Human Rights);
4. Maximum sentences and effective sentence levels should be proportionate to the seriousness of the wrong-doing.

With these themes Macaulay and all committed codifiers after him, would no doubt have little with which to disagree. Principled law-making is not just about consistency, compatibility and comprehension. As Leader Elliott suggests in his chapter when examining wrong-doing sufficient for criminalization, it is errant not to recognize human rights foundations, even in the face of cultural idiosyncrasy. Yet, in recognizing the difficulty of the principled approach to distinguishing modern criminal law-making, Ashworth admits that:

Having demonstrated the difficulties in that approach, we move from the descriptive to the normative, in search of features for a model of criminal laws which is more principled, conceptually more coherent, and constitutionally and politically more appropriate. ...

What emerges is nothing so concrete as a formula for determining whether or not certain conduct should be criminalised. Rather, arguments are presented in favour of a more principled development of the criminal law, recognising the essential links between procedure, enforcement and sentence. Without a principled approach of this kind, the criminal law is likely to remain something of a lost cause.⁴⁰

These observations surrounding the challenges facing principled criminal law-making (codified or otherwise) distil down to the dangerous symbiosis of state interest and criminal law in the governing through crime era. Macaulay was no infant when it came to appreciating the politicality of the legislative endeavour. In his letter to Lord Auckland, Governor General of India, covering his submission of the draft Penal Code, Macaulay observed:

We are perfectly aware that law-givers ought not to disregard even the unreasonable prejudices of those for whom they legislate. So sensible are we of the importance of these considerations The power of constructing the law in cases in which there is any real reason to doubt what the law is amounts to the power of making the law. ...[W]e are confident that your Lordship in Council will not grudge anything that may be necessary for the purpose of enabling the people who are placed under your care to know what the law is according to which they are required to live.⁴¹

Criminal law reform should be concerned about the integrity, durability and the effectiveness of the criminal law, enhancing a genuine rule of law rather than facilitating narrow and reactive policing impulses. The challenges of principled law reform would be minimized through a tight code and a routine and rigorous commitment to re-codification in a climate of continual critical reflection concerning the rights and responsibilities of those the law serves.

³⁸ A. Ashworth, 'Is the Criminal Law a Lost Cause?' (2000) 116 *Law Quarterly Review* 225.

³⁹ A. Norrie, *Crime, Reason and History* (2nd Ed.) (London: Butterworths, 2001).

⁴⁰ A. Ashworth, 'Is the Criminal Law a Lost Cause?' (2000) 116 *Law Quarterly Review*, pp.225–226.

⁴¹ T.B. Macaulay, J.M. Macleod, G.W. Anderson and F. Millett, *A Penal Code Prepared by the Indian Law Commissioners* (London: Pelham Richardson, 1838) pp. i, v, viii.

Inside a Terrorist Cell

Clive Walker

At the heart of the policing powers in the Terrorism Act 2000 is arrest without warrant under section 41. Its traditional purpose is to allow for the interrogation of suspects. A second reason is to facilitate forensic testing by explosives analysis, DNA profiling, and the examination of CCTV footage. These objectives are aided by an extraordinarily elongated period of detention. The regime which flows from the holding of terrorist suspects in police stations in England and Wales is the focus of this paper. It was informed by visits to the principal site of detention, Paddington Green Police Station.⁴²

Location

The permissible places of detention are designated under the Terrorism Act 2000, schedule 8. In England and Wales, the designated places comprise primarily any police station or prison. In practice, Paddington Green Police Station in London has long been the prime location, though further facilities exist in the north of England. Persons held for more than 14 days are transferred to high security prisons but will be transferred back for interviewing purposes.⁴³



The cells at Paddington Green are relatively large and well appointed (including a video player). Built to withstand mortar attack, they are almost entirely devoid of natural light but have been refurbished since a decade ago, when 'Her Majesty's Dungeons' would not have been unkind. A striking feature for any incoming detainee is the incorporation of a forensic tent, which is removed after a short time.



⁴² The author thanks Sgt Bob Steele, Metropolitan Police Service. For further details, see Walker, C., *Terrorism and the Law* (Oxford University Press, Oxford, 2011) chap 4.

⁴³ PACE Code H para.14.5.

The regime to ensure the humane and fair treatment of terrorist detainees is set out in PACE Code H in Connection with the Detention, Treatment and Questioning by Police Officers of Persons under Section 41 of, and Schedule 8 to, the TA2000. The regime is largely redolent of PACE, but efforts are react to the longer period of detention by variation in diet, exercise opportunities, and the provision of reading and video materials.

Detention periods

Section 41(3) allows for detention of up to 48 hours. The detention period may then be extended for further judicially-authorized periods which can last up to 28 days from arrest. Most detentions are in fact much shorter, though the use of detention beyond 24 hours still far exceeds the rate under PACE (below 1%) as shown by Table 1:

Table 1: Detention periods in Britain 2001/2-2008/9⁴⁴

Period	%
Detention less than 24 hours	46
Detention between 24 and 48 hours	19
Detention between 48 hours and 7 days	26
Detention between 7 and 14 days	10
Detention beyond 14 days	1

Periodic reviews are conducted during the detention period to check on its necessity. The first important waypoint occurs at 48 hours when an application for a ‘warrant of further detention’ is made, usually by a police superintendent or higher rank. The second waypoint in the detention power occurs at seven days. To authorize detention beyond this point, a warrant of further detention must be issued. Applications within 14 days are left to the police, and prosecutors take the lead only after 14 days. This disjunction between police and prosecution caused problems in *Operation Pathway*, which has resulted in recommendations for earlier consultations.⁴⁵

The application is made to ‘a judicial authority’, which means a designated district judge (magistrates’ court). An important feature is that the detainee shall be given an opportunity to make oral or written representations to the judicial authority and shall be entitled to be legally represented at the hearing, if necessary following an adjournment. However, the right to make representations does not necessarily entail a full hearing, since the judicial authority may exclude the detainee or any representative from any part of the hearing.⁴⁶ While the length of detentions (up to 14 days) arising from *Operation Pathway* was upheld in *Sher v Chief Constable of Greater Manchester Police*,⁴⁷ it appears that increasingly close scrutiny is being applied.

The prospect of appearance in person was further reduced by s 75 of the Criminal Justice and Police Act 2001. The judicial authority may direct that the hearing and all representations be effected by communications links and not in the physical presence of the detainee or of any legal representative. Video links are now used in 80% of cases,⁴⁸ even though a video link is not as effective a safeguard for discerning oppression or physical welfare as appearance in person. Within Paddington Green, an area with a video link has been designated to serve as a courtroom (including a ban on photography).

⁴⁴ Source: Home Office Statistical Bulletins. Sample = 1423.

⁴⁵ Lord Carlile, *Operation Pathway* (Home Office, London, 2009).

⁴⁶ See *Re Quigley* [1997] NI 202; *Ward v Police Service for Northern Ireland* [2007] UKHL 50.

⁴⁷ [2010] EWHC 1859 (Admin).

⁴⁸ Joint Committee on Human Rights, *Counter-Terrorism Policy and Human Rights: 28 days, intercept and post-charge questioning* (2006-07 HL 157/HC 394) para 75.

For extensions which take the detention period beyond 14 days, there must be a hearing by 'a senior judge', meaning a judge of the High Court. At this point, the Crown Prosecution Service's Counter-Terrorism Division must become involved.

As well as the judicial authorizations, a police 'review officer' must keep the validity of the detention under constant review. For reviews within the first 24-hour period, the review officer shall be an officer of at least the rank of inspector. After 24 hours, a superintendent or higher rank must act as reviewer. The first police review shall be carried out as soon as is reasonably practicable after the time of the person's arrest and then at intervals of not more than 12 hours. Formal police reviews terminate after a judicial warrant extending detention has been issued. However, it is considered good practice that police 'welfare' checks, usually by a custody officer, should continue.

Lawyers and questioning

The legal right of access to lawyers under the Terrorism Act 2000 comprises not only private consultation but also securing the presence of the lawyer during the interview. Delays to the exercise of these rights may be authorized by a superintendent for up to 48 hours, but, in practice, legal advice is rarely denied.⁴⁹ Problems of access remaining are practical rather than legal. They include the physical unavailability of lawyers. The problem has been eased at Paddington Green by agreeing schedules of interviewing and attendance with the lawyers. Another very occasional problem relates to the exclusion of specified lawyers because of their knowledge of potential evidence in that or a linked case.⁵⁰ Another potential problem is the remaining power to issue a direction under Schedule 8 paragraph 9 that a detained person may consult a solicitor only in the sight and hearing of a 'qualified officer' (an inspector). It is very doubtful whether access to legal advice under these conditions can ever meet the standards of due process set in *Brennan v United Kingdom*,⁵¹ but the power has not been invoked within Paddington Green for a decade or so. Covert surveillance may yet be conducted.⁵²

No special guides have been disclosed on the interview techniques which are profitable against terror suspects, but it is the practice of the police to produce a 'Pre-Interview Briefing Document' as a basis for each session, a device to encourage professionalism and transparency.⁵³

A custody record must be kept for every detainee, but the normal requirement of identification of officers is modified so that only warrant numbers and police stations are revealed.⁵⁴ Risk assessments do not form part of the custody record and should not be shown to detainees or their legal representative.⁵⁵

⁴⁹ Reflecting *(John) Murray v United Kingdom* App no 18731/91, 1996-I.

⁵⁰ See *Malik v Chief Constable of Greater Manchester* [2006] EWHC 2396 (Admin).

⁵¹ App no 39846/98, 2001-X. See Home Office Circular 42/2003.

⁵² But see Regulation of Investigatory Powers (Extension of Authorisation Provisions: Legal Consultations) Order 2010 SI 2010/461.

⁵³ *Sher v Chief Constable of Greater Manchester Police* [2010] EWHC 1859 (Admin).

⁵⁴ PACE Code H para.2.8.

⁵⁵ PACE Code H para.3.8.



As for records of interviews, the Terrorism Act 2000 (Code of Practice on Audio Recording of Interviews) Order 2001⁵⁶ allows for a code of practice in connection with the audio recording. The Terrorism Act 2000 (Code of Practice on Audio Recording of Interviews) (No 2) Order 2001⁵⁷ demands that any interview shall be recorded in accordance with the audio code. The audio recording of interviews shall be carried out openly, and the interview rooms at Paddington Green contain obvious banks of equipment. The whole of each interview shall be audio recorded, including the taking and reading back of any statement. In this way, there is no provision for 'off-the-record' conversations, though there is no definition of 'interview' and 'public safety interviews' apparently do not count.⁵⁸



The Terrorism Act 2000 (Video Recording of Interviews) Order 2000⁵⁹ provides for interviews only in Northern Ireland to be recorded by video with sound, and then the current Terrorism Act 2000 (Code of Practice on Video Recording of Interviews) (Northern Ireland) Order 2003⁶⁰ allows for a detailed code of practice. There is no requirement for routine video recording of interviews in Britain, though custody areas may be recorded,⁶¹ and the police often favour the video-recording of interviews.

With all these safeguards in place, can British security authorities deal effectively with the 'ticking bomb' scenario and the temptations to apply torture to avert an outrage? Leaving aside the spuriousness of the hypothetical, any dilemma has in practice been answered by 'safety interview' - an off-the-record interview in order to protect life or against serious property damage.⁶²

Family and other contacts

Rights to have a person informed of the detention are granted by the Terrorism Act 2000, which places greater emphasis than normal on the grant of family visits. At Paddington Green, family visits are infrequent, but telephone contacts are daily.

Independent custody visitors may attend under the usual rules. Code H also envisages the possibility of other 'official' visitors, including accredited faith representatives, members of Parliament, and public officials (such security agents) needing to interview the prisoner in the course of their duties. There is no right of access in these cases, and custody officers 'should have

⁵⁶ SI 2001/159.

⁵⁷ SI 2001/189. PACE Code E is not applicable: para 3.2.

⁵⁸ *R v Ibrahim* [2008] EWCA Crim 880.

⁵⁹ SI 2000/3179.

⁶⁰ SI 2003/110.

⁶¹ PACE Code H para 3.11; PACE Code F para 3.2.

⁶² See *R v Ibrahim* [2008] EWCA Crim 880.

particular regard to the possibility of suspects attempting to pass information which may be detrimental to public safety, or to an investigation.⁶³

Under the Coroners and Justice Act 2009, section 117, the remit of the Independent Reviewer of Terrorism Legislation is modified to make explicit that the officer may 'in particular' investigate the treatment of detainees after 48 hours, including by real time observation. Section 117 also places a duty on police authorities under the Police Reform Act 2002, section 51, to ensure that independent custody visitors can access audio and video recordings of police interviews and that copies of their visit reports are submitted to the Independent Reviewer. However, direct contact with the detainee is not required.

Code H requires a medical check at least daily after detention of ninety-six hours.⁶⁴ Doctors should consider not only medical fitness for interview and any signs of injury but also diet and exercise.

Conclusions

Conditions of detention have much improved compared to the regime prevailing before the Terrorism Act 2000. However, the extreme stress and disorientation intentionally inflicted by the detention powers should not be underestimated, nor should the potential for infringement of rights during the initial arrest outside the police station be ignored.⁶⁵ It is also notable that several further reforms, including financial compensation and a more extensive independent inspection system, which were on offer in 2008 when the government was seeking to extend detention to 42 days, have not been implemented. To this list, one might add other safeguards which would aid claims to fairness, including more restrictive rules as to the admissibility of any statements or silences and more detailed rules as to living conditions.

⁶³ PACE Code H para.5G.

⁶⁴ PACE Code H para.9.

⁶⁵ Four officers of the TSG unit at Paddington Green are being prosecuted for excessive force in the arrest of Babar Ahmed: *The Times* 13 August 2010 p.15.

Perceptions of Security and Reassurance at the Neighbourhood-Level

Anna Barker

To enhance the effectiveness of reassurance strategies, this study explored the local factors that influenced perceptions of insecurity and security in two residential areas of Leeds. It also explored the ways diverse social groups interpreted formal initiatives that seek to manage local insecurities and provide security and reassurance.

Key points

- Residents' perceptions of safety were complex and contested by factors of age, gender and ethnicity. This presents challenges for formal agencies seeking to reassure a wide and diverse public.
- A broader range of factors than crime, including other potential harms (e.g. traffic), visible disorder and issues related to liveability and well-being, influenced perceptions of insecurity. Interventions that engaged with this wider set of concerns contributed to a more holistic sense of security.
- The location of formal reassurance strategies did not neatly correspond to where crimes were concentrated or to areas perceived the safest or least safe. The absence of formal reassurance initiatives in places and at times residents felt they were most needed, informed feelings of insecurity.
- A principal factor influencing perceptions of insecurity was that social interaction in public space was unpredictable and potentially volatile, shaped by a lack of trust and cohesion, social tensions and area reputations. Long-term reassurance strategies should focus on promoting positive area reputations and social relations.
- The physical character and environmental appearance of public space were secondary factors in residents' assessments of their safety. Moreover, it was often a combination of the physical character and social use of space that generated perceptions of insecurity and security. Policies encompassing a dual focus are likely to have the greatest impact.
- The policies and practices of formal agencies had the capacity to reassure residents, engender insecurity and contribute to area reputations. Hence, agencies need to think clearly about people's interpretations of security, how they communicate reassurance and interact with different publics.
- There were concerns about formal initiatives that focused on the symptoms of persistent and recurrent problems without addressing their wider causes. Hence, problem-solving approaches, tackling the underlying matters indicative of residents' demands for more security, are likely to engender greater reassurance and sustainability of improvements in the longer-term.
- Formal strategies were perceived to be most effective and reassuring when they were targeted and facilitated: (i) informal social control and positive relationships between residents; (ii) residents' ability to control their experience of place; (iii) reductions in particular crimes that mattered locally; (iv) 'liveability' and well-being and (v) resident input in their design.
- Informal security networks, bonds and familiarity between individuals and social groups, accompaniment by others and places with high levels of 'natural' surveillance enhanced perceptions of security. These factors also influenced the extent to which residents felt able to deal with disorder informally and, in turn, the level of demand for formal intervention and reassurance.
- Generally, residents did not want to intervene directly in local crime and disorder problems. However, strong and supportive links with agencies and formal mechanisms stimulated resident engagement in local projects and actions that helped to facilitate neighbourhood order.

Background

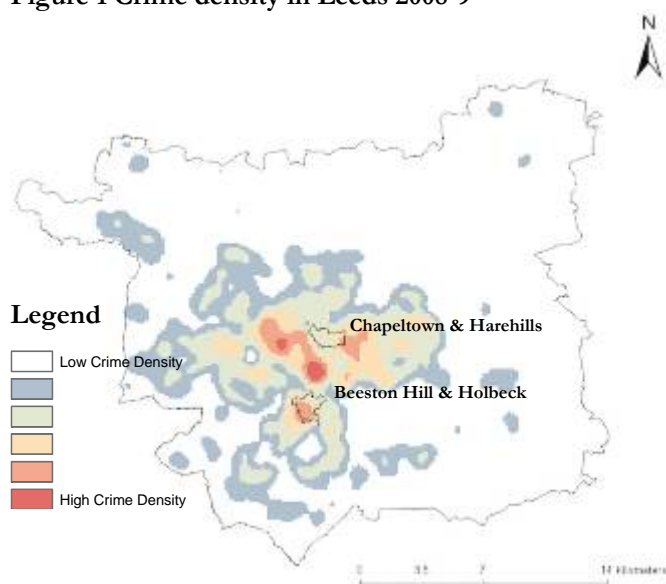
Public reassurance, reducing insecurities and increasing confidence are prominent concerns of policy. In this context, Crime and Disorder Reduction Partnerships aim to enhance and manage both objective and subjective security so that citizens are both safer and feel safer.

This research selected two residential areas of Leeds as case studies (i) Beeston Hill & Holbeck and (ii) Chapeltown & Harehills. They shared the following contextual factors:

- High crime and anti-social behaviour (ASB)
- Multiple deprivations
- Ethnic diversity
- Intensive neighbourhood management

Over four years, from April 2006, significant targeted resources funded a programme of Intensive Neighbourhood Management in these areas. Tackling high levels of crime (Figure 1) and ASB, improving the look and feel of the environment and providing reassurance to residents, were central aims of the programme.

Figure 1 Crime density in Leeds 2008-9



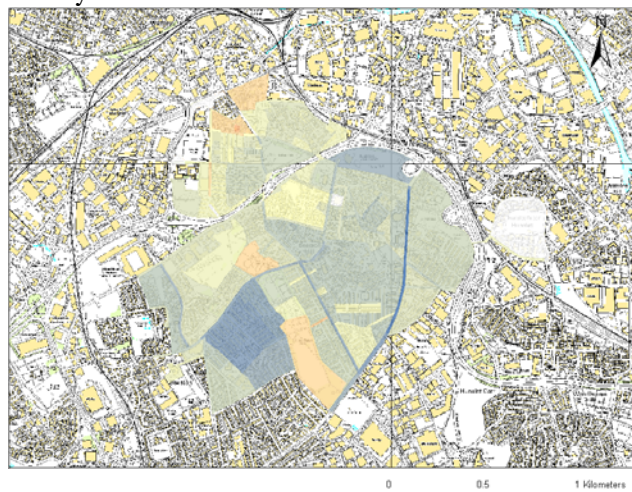
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Temporal and spatial factors

Perceptions of safety varied considerably by time of day and there was important geographical support for the broad but consistent survey finding that people feel less safe in their neighbourhoods after dark than during the daytime (see, for example, Figure 2). Discussions indicated that residents derived the greatest value from formal reassurance strategies, such as foot patrols, at this time.

However, this research shows that perceptions of safety were much more complex and fluid, varying by age, gender and ethnicity and changing across time and space, even at micro-levels such as along roads and within parks.

**Figure 2 Perceived safety in Beeston Hill & Holbeck
A: Daytime**

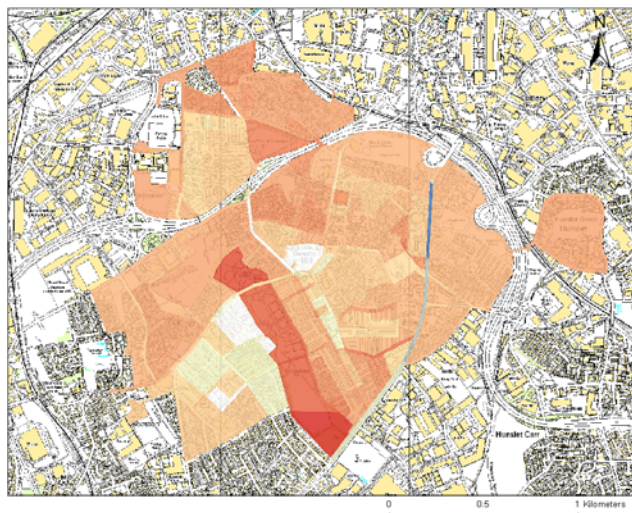


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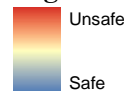


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B: After dark



Legend



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Physical and social factors

Despite this fluidity and complexity, there was a collective dimension to perceptions of safety in particular types of spaces. Residents assessed the safety of these spaces on both their physical character and social uses, which varied by time of day.

Types of spaces perceived the safest, such as main roads, correlated with high levels of ‘natural’ surveillance. Hence, reassurance connected with people’s everyday routine activities as well as with formal policies and practices. Residents often advocated the more mixed use of space to maximise surveillance. Types of spaces perceived the most unsafe, often green spaces (e.g. parks) and enclosed spaces (e.g. ginnels), correlated with a range of visible disorders, fewer people around, social tensions and sense of ownership.

Clean and attractive spaces were not necessarily safe spaces. Both residents and local professionals felt that formal strategies, which attempted to create the appearance of order without addressing social factors, were inherently limited in affecting perceptions of safety.

The look of the area is not necessarily going to make it actually safer, it is just making it feel safer...If you are confronted by a load of kids, you know, wanting to give you trouble, it doesn't really matter how clean the place is. (White male resident)

Trust and predictability

Close bonds between relatives, friends and neighbours that residents knew well, increased involvement in informal security networks that were a key factor in enhanced perceptions of security. More broadly, local social relations were characterised by a lack of trust and predictability in the orderliness of social exchange. This was a principal factor influencing perceptions of insecurity in public space and, in turn, avoidance of certain parts of the neighbourhoods. Social tensions between generations and ethnic groups, a lack of interaction and negative interactions, stereotypes and area reputations largely informed the nature of local social relations.

However, casual interactions and everyday familiarity in certain places, over time, served to increase predictability that ‘others’ could be trusted to be neither harmful nor disorderly. Resident concern expressed that the closure of local facilities, including supermarkets and day centres, where different social groups mixed and became familiar, reduced these forms of interaction.

We've lost seeing local people buying their goods and they become familiar. And then you might see them on the street and it just makes that difference, seeing people. You know they're not a threat, they've been buying their groceries at the same place you have. (Long-standing resident, White male)

While group discussions generally highlighted a desire to bridge social divides, they also discussed the difficulties of achieving this and many felt that stimulation was required from authorities and youth centres.

The degree to which residents were familiar and got along with each other had important implications for the extent to which they felt able to deal with disorder informally. In turn, this influenced the level of demand for formal intervention in disorder and reassurance. The following extract captured this point well:

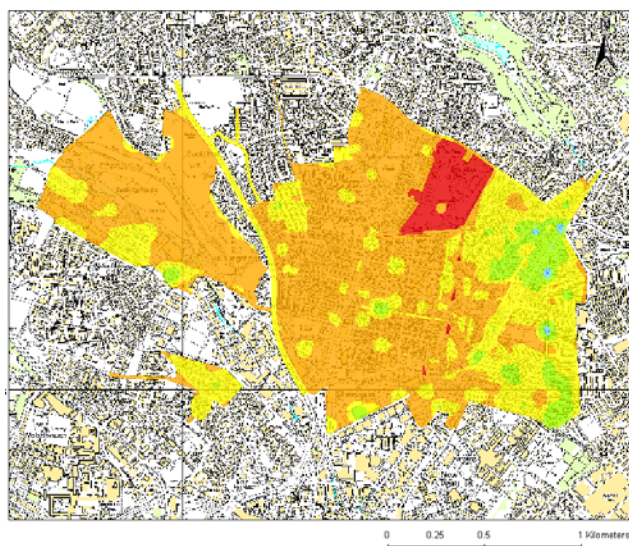
P1: When children get into an argument then it escalates to a fight, if they are Bangladeshi, we are able to solve it amongst ourselves, but when it's a Black minority involved it's difficult to resolve due to their attitude and behaviour.

P2: They are very disrespectful but, if we knew them from our street or from the community, we might intervene. (Asian female residents)








Perceptions, crime and reassurance

Perceptions of safety did not neatly correspond to the distribution of actual crime, especially after dark when insecurities increased (see, for example, Figure 3).

Figure 3 Actual crime and perceived safety after dark in Chapeltown & Harehills



Legend

	Dark-light blue: perceived safer in comparison with higher actual crime.
	
	
	Green: broad correspondence
	
	Red-yellow: perceived less safe in comparison with lower actual crime
	

Focus group discussions highlighted that crime was one of a broader range of potential harms that generated feelings of insecurity. Moreover, people contested the safety of the same spaces according to different harms, some of which narrowly related to crime while others linked to broader community safety concerns:

Roundhay Road is safe and unsafe. It's unsafe because of car accidents and stuff but safe because it's the busiest road. (Asian male resident)

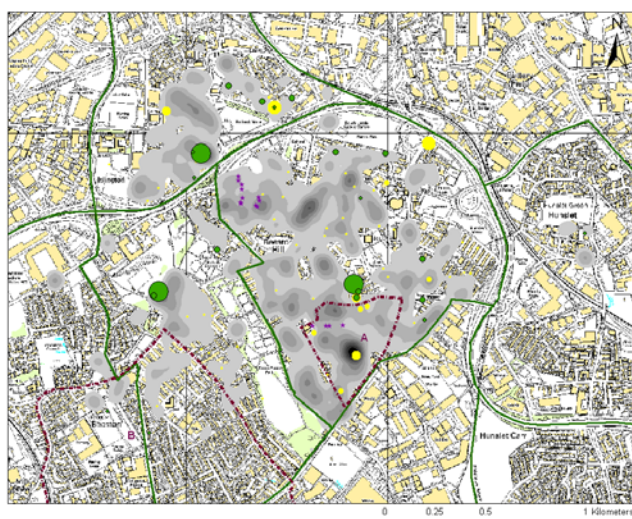
Furthermore, crime was not always a decisive factor in shaping perceptions of insecurity. A common example of this, given by young people, was drug dealing. They felt that it had become an ordinary and unremarkable sight with limited consequences for personal safety:

P1: It's not like we would be "oh my god there's drug dealers" because it's nothing new for us.

P2: They keep it their business. That's why I think none of us worry and what makes this area quite safe. (Asian female residents)

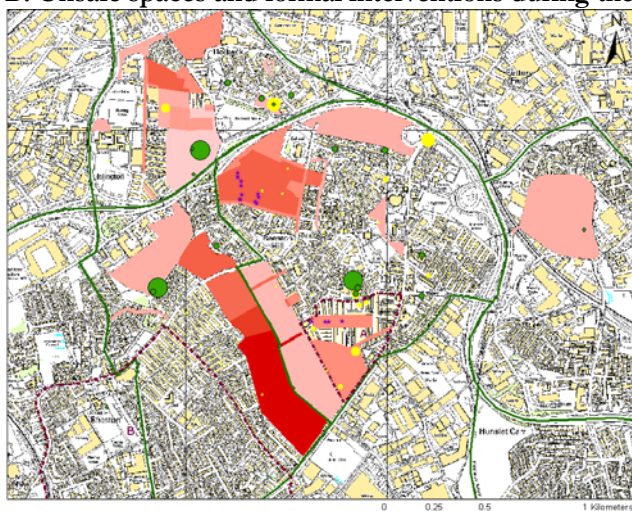
There was not always a correspondence between the location of formal interventions (e.g. CCTV, dispersal zones, alley gates and environmental clean ups) and (i) places of highest crime and anti-social behaviour and (ii) places perceived as particularly safe or unsafe during the daytime and after dark. See, for example, Figure 4. The perceived absence of formal initiatives and guardianship of public space at times and in places where residents felt they were most needed to 'hold the line' against disorder, informed insecurities. There were multiple and differential demands by residents as to the placement and kinds of formal interventions desired for their greatest reassurance. This raises the important issue of managing expectations. While neighbourhood management addresses matters of public concern and unease more deeply, there remains a significant question as to the 'finer point' at which local subjectivities ought to, or could feasibly, be managed.

Figure 4 Perceptions of safety, Crime and Reassurance in Beeston Hill & Holbeck
A: Distribution of crime and formal interventions



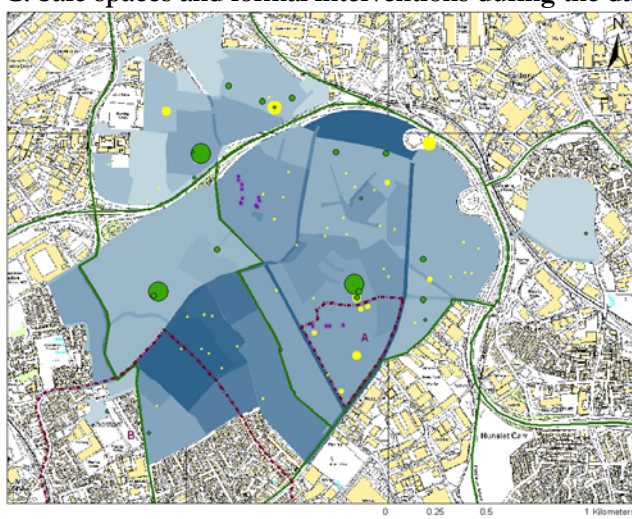
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B: Unsafe spaces and formal interventions during the daytime



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C: Safe spaces and formal interventions during the daytime



Legend

Needles Collected

Graffiti Removed

- | | |
|-------------|------------|
| • 1 - 6 | • 1 - 12 |
| • 7 - 45 | • 13 - 36 |
| • 46 - 90 | • 37 - 59 |
| • 91 - 180 | • 60 - 100 |
| • 181 - 360 | |
| • 361 - 623 | |

- Police Beats
- DispersalZone
- Alley Gates

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Improvements in neighbourhood conditions and reduced crime risks did not always lead to enhanced perceptions of security for the older residents, as past experience and knowledge of victimisations continued to influence their assessments of potential security threats.

Older generations are still scared. They are still afraid because they have had bad experiences in the past. Probably nothing will happen but still they are scared... Although conditions have changed, people's mental attitude to safety is still there. You know, something might happen, it's a scary place. (Long-standing resident, Asian male)

These issues present difficulties for measuring the success of agencies' work through perception targets.

Paradoxes of reassurance

This research found that visible signs and symbols of security could be a problematic way of communicating reassurance, especially in the context of high crime and disorder. Residents interpreted these signs ambivalently; they had the capacity to both reassure and to engender insecurity. For example, residents interpreted police presence as a sign of both safety and danger:

P1: Potternewton Park is not safe.

P2: Because there are always police there.

P3: I think you will feel safe if there were loads of police there.

P1: Yeah but you don't know why they are there.

P2: They are there because something has happened.

P3: They might just be there to make it safe but you don't know. It might be that something is wrong.

P1: Like someone has been murdered and they are looking for him in the park.

P2: I don't think, "oh they are just there". I think, what is happening to make them there? (Asian female residents)

The policing of young people drinking or using drugs was felt by some older residents to be a 'buffer' rather than dealing with the underlying social problems. As such, the provision of more security did not have the intended reassurance effect:

Young people have a drinking problem, a drug problem... I think everybody recognises that, but nobody is coming to solve this problem. Although we can see lots of patrol, actually it's not stopping it. Nobody looks at the root causes, of why it is happening. (Long-standing resident, Asian male)

Residents also held contradictory perceptions about certain other types of visible security.

While many residents perceived metal grilles on their doors and windows as a necessary protection against the threat of crime, this type of security was widely seen to have a detrimental effect on public reassurance. The visibility of metal grilles reminded people of their vulnerabilities and, especially in the context of high crime, contributed to communicating a fragile and insecure social order.

P1: People put them on their house but it makes them look worse than what it really is.

P2: It makes the area look unsafe.

P1: When people see them, they think there is more crime. (Black female residents)

In this way, the pursuit of security may serve to reproduce insecurities.

This study found that the two different styles of alley gates had different implications for the feel of social space and perceptions of security. Balmoral-style gates, described as having a 'prison-like' feel, had the capacity to be 'intimidating' and to engender insecurity. The newer style gates were aesthetically pleasing but still had their basis around security.

Alley gates had a reassuring effect on residents despite formal reviews indicating their limited capacity to affect objective risk of acquisitive crimes. Residents felt that gates enhanced their perceptions of security by improving liveability and well-being and reducing particular crimes and

disorders that mattered to them (e.g. drug dealing, joy riding and nuisance noise). By increasing control and ownership of back streets, residents suggested that the gates stimulated protective neighbouring and positive relationships. These aspects of alleygating produced a positive communication effect amongst residents of the areas.

However, implemented under a crime reduction agenda, there was a danger that gating became associated with 'bad streets' despite the improvements they fostered. Furthermore, many residents expressed concern about what visible security hardware signified about their area and identified implications for neighbourhood stigmatisation:

Everybody thinks robbers come from Beeston; they must think this is a bad area, that's why bars and gates are needed. (Asian male resident)

These paradoxes of reassurance show that the mechanisms agencies use to provide security and communicate reassurance are equally important in shaping perceptions as 'how much' security they provide. On an informal level, while young people derived reassurance and a sense of safety from being together, this engendered insecurity for other residents.

I feel safer when I am with most of my friends. Some people say that is anti-social behaviour and it is bad, but some people feel safer in groups. (Asian male resident)

Tensions in police reassurance

The quality of police interactions with different publics influenced residents' confidence in, and reassurance by, the police. Central to this was a tension between the lack of assurance experienced by those who were the subject of police attention perceived to be unwarranted, and the reassurance value of the police for their 'customers':

I think that the normal law abiding citizen, they see a PCSO walking down the street in uniform, then that is police, that's security, that counts as some sort of comfort if you like. (Long-standing resident, White male)

Young people, particularly those of Black and Asian ethnicity, identified widespread concerns about police attitudes, adversarial contacts and perceptions of unfair treatment. One of the persistent criticisms by the young people related to the way police used their powers of stop and search. While some young people felt that the police were 'just doing their job', many others expressed that the police 'stop you for no reason' or search you 'to make it look like they've done better work'. In addition, many young people highlighted that the police unfairly and regularly questioned their everyday use of public space:

Police are called all the time... even if we're not doing anything. (Asian male resident)

Some young people felt less able to access the police for protection, which had implications for their confidence and reassurance:

P1: When you ring the police, they do not trust kids.

P2: That lowers confidence in young people believing they can help... and they are not as willing to call the police when there are other major problems. (Asian male residents)

Moreover, the widespread mocking of PCSOs as 'wannabe coppers', contributed to a general perception among residents that they had insufficient powers and limited capacity to act authoritatively in controlling those who were visibly engaging in crime and anti-social behaviour. This had implications for their reassurance value, especially where residents did not perceive their presence as a legitimate form of control:

Police people should be there just for a presence, as a deterrent. But unfortunately, I've seen people misbehaving while the community police were there and once actually they just walked past. (Asian male resident)

Resident engagement

Many of the examples of residents building capacity have had some formal facilitation, support and stimulus in a variety of ways, financial and otherwise, by those involved in neighbourhood management. Generally, while residents did not want to intervene directly in local crime and disorder problems, strong and supportive links with agencies and formal mechanisms stimulated their engagement in local projects and actions that helped to facilitate neighbourhood order. For example, some residents identified Neighbourhood Improvement Plans, a key strategy of the INM programme, as a stimulus for engagement:

We had a meeting that involved lots of different agencies and put together a neighbourhood improvement plan. To me, that was great because if anything was wrong, all parts of the council came and it was written down and sorted out. Things like that should carry on. (White male resident)

Policy and practice implications

The study findings improve understanding of the ways policy and practice can enhance perceptions of security through more effective local reassurance and engagement strategies. Residents' interpretations of local reassurance strategies were complex, conditional and contested. Future strategies are required to be more sensitive if they are to reassure different publics and limit perverse effects. In the current period of greater financial constraints and spending cuts, policy attention should focus on improving the mechanisms agencies use to provide security and communicate reassurance, as these were just as important in shaping perceptions as issues of quantity.

Agencies should seek to build upon local reassurance strategies well received by residents. Alleygating measures contributed to a more holistic sense of security, involvement and ownership by residents themselves while counterbalancing formal initiatives focused directly on crime and disorder reduction. Continuation of proactive management at the local level, involving greater joint working with agencies well placed to deal with liveability issues, would give more focused attention to the broader range of factors that informed perceptions of insecurity. High crime and deprived areas need additional support to deepen residents' sense of place and their experience of local social order. These are important for resident's well-being and could enhance latent social interactions, intricate networks of social support and affect the way they interpret wider social change and developments.

In addition, formal environmental interventions that embedded security more seamlessly into the fabric of the neighbourhoods had less potential to engender feelings of insecurity. The newer style alley gates were an example of improved good practice. Some residents suggested that agencies should promote the use of 'extra protective' front doors rather than security grilles, which were problematic for public reassurance. Authorities' stimulation of resident involvement in the design of formal interventions and 'architectures of reassurance' may reduce the likelihood of perverse effects and assist the long-term sustaining of improvements.

This study showed that residents' ambivalent interpretations of police presence were problematic for reassurance. Greater clarification about local policing activities, information and feedback systems would help to address this. This study also identified challenges for the police relating to their contact and interactions with young people in general, and young people from different ethnic groups, in particular. The challenge for police is to provide reassurance whilst being perceived as a fair and legitimate form of control. Attention should focus on the ways in which

adversarial contacts may be reduced, positive encounters promoted and skills in officers' interactions with young people developed.

To address a principal factor shaping perceptions of insecurity, authorities should seek to develop the kinds of non-threatening casual contacts and familiarity between social groups that residents identified as helping to engender greater feelings of trust, predictability and security. In addition, greater focus might be given to supporting and promoting a range of local institutions, projects, events, forums and neighbourhood networks that draw out respect, empathy and mutual ground across generations and ethnic groups, countering negative stereotypes and building positive area reputations.

Formal agencies' ability to stimulate positive local social relations could greatly facilitate the informal aspects of maintaining order and security and reduce demand for formal intervention in disorder. Social measures, for example, a free childcare service alongside events and education courses, were a good way of incentivising resident involvement in their neighbourhoods, which may well have beneficial impacts for social connectivity, capacity building and perceptions of security. There were also a number of examples where formal agencies and mechanisms had a motivating effect on residents to work together, which have benefits for neighbourhood security and order. For longer-term sustainability, formal agencies could strengthen their dissemination of the benefits of resident involvement.

There was a collective dimension to perceptions of insecurity in particular types of spaces and times of day. Proactive effort by agencies to understand and manage these is likely to engender widespread reassurance. A reassurance strategy with too strong a focus on improving the look of the environment without adequate focus on social factors and use of space are likely to produce only modest results with little impact on long-term reassurance. Problem-solving approaches that engage with the underlying issues and wider causes of insecurity are likely to reduce formal demand for reassurance and help to create the conditions whereby individuals and neighbourhoods are better able to manage and regulate themselves. Evaluative mechanisms (e.g. Gating Order reviews) were clearly valuable in establishing the specific conditions and operational issues by which initiatives could be made a more effective crime reduction tool and reassurance initiative.

About the study

Anna Barker, a research student in the Centre for Criminal Justice Studies at the University of Leeds, conducted this research in collaboration with Safer Leeds. The Economic and Social Research Council and the Leeds Crime and Disorder Reduction Partnership (ESRC CASE Award ES/F032870/1) funded the research.

The main findings of this research were based on data from twenty-two focus group interviews with 121 residents of various ethnic and age groupings, broadly reflecting the local composition of the study areas, and ten one-to-one interviews with long-standing residents. These were conducted between January 2009 and February 2010. Participants were aged 12-19 and over 35 and were of White, Asian and Black ethnicity. In groups, residents charted their perceptions of safety on detailed 1:10,000 scale Ordnance Survey maps, which were subsequently analysed using Geographical Information Systems with assistance from the School of Geography. Data supplied by the research partners on the patterning of recorded crime, anti-social behaviour and formal reassurance initiatives enhanced this analysis. Interviews with local professionals, observation of key neighbourhood management meetings, secondary analysis of official data and field visits gave a deeper understanding of the case study contexts.



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