

Centre for Criminal
Justice Studies

SCHOOL OF LAW



UNIVERSITY OF LEEDS

Criminal Justice Review 2006/7

Nineteenth Annual Report





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CRIMINAL JUSTICE REVIEW 2006/7

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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 post-graduate 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.

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INTRODUCTION

It gives me great pleasure to introduce this review of the work of the Centre for Criminal Justice Studies (CCJS) covering the period from 1st October 2006 to 30th September 2007. It has been another significant year in the continued growth, development, productivity and international expansion of the CCJS. As the pages in this review testify, it has been a further year of considerable activity and achievements by staff and students alike.

One of the major developments in the past year has been the appointment of new Professorial positions. Supported by University investment connected with the Law School's Development Plan, we were able to advertise the first ever Chair directly linked to the expansion of the CCJS. As part of the School and Centre's internationalising agenda, the Chair appointment was targeted at the growing field of International and Comparative Criminal Justice. The post was specifically designed to: build capacity in research student supervision; underpin the launch of a new MA programme in International and Comparative Criminal Justice; expand the international research profile and networks of the centre; and attract additional research income. In the event, given the interest in the post, the quality of the candidates that applied and the University's backing, we have been able to make two appointments. Professor James Dignan was appointed to a Chair in Comparative Criminology and Criminal Justice, joining us in June 2007 from a Chair at the University of Sheffield where he had spent much of his academic career. Jim has a considerable international research profile in the fields of comparative penal policies, restorative justice and victims of crime. We were also able to make a fractional appointment of a Chair in International Criminal Justice to Professor Mark Findlay. Mark, who took up his new appointment in April 2007, is also Director of the Institute for Criminology at the University of Sydney and has researched extensively in the areas of global governance of crime and international criminal justice and trial processes. In practice, the fractional appointment means that Mark will visit Leeds twice a year (for about a month per visit) contributing to our taught masters programme, PhD supervision and research developments. His appointment has also helped to formalise developing links with the University of Sydney Law School, which fortuitously is a World University Network partner. Both Jim and Mark will contribute significantly to the teaching on the new MA International and Comparative Criminal Justice which we launched in 2007/8, recruiting our first students and which continues the expansion of our portfolio of taught masters programmes. Jim has also taken over the administrative responsibility as Tutor for Research Postgraduate Students across the Law School and will play a key role in leading the Centre's drive to expand PhD recruitment and ESRC recognition. Both Jim and Mark bring with them extensive international research networks. In order to expand these, and the Centre's established international links, we have secured World University Network funding to host a three-day symposium on 'International and Comparative Criminal Justice' in late June 2008, placing the University of Leeds at the hub of research developments in this important area of developing research and policy focus.

Importantly, our appointments have not only been at the senior level. I am particularly pleased that we have been able to fill two important funded PhD positions. The CCJS scholarship was awarded to Joanna Large and the new ESRC CASE studentship was awarded to Anna Barker. This is the first ESRC CASE studentship that the CCJS has secured since being recognised as an outlet for such awards and the first bid submitted. The studentship is a joint venture with Safer Leeds (our local crime and disorder reduction partnership) and focuses on initiatives to address perceptions of insecurity and fear of crime in Intensive Neighbourhood Management areas across the city of Leeds. It is especially gratifying that both candidates were already working within the CCJS – Joanna as a

researcher for Professor Wall on his COUTURE project (having completed her MA in Criminology at Leeds) and Anna having completed the MA Criminological Research (with distinction). They both beat off significant external competition for these nationally advertised posts. Reflecting other successful research grant applications, we have also been able to appoint key research staff to new projects during the last year, including Kara Jarrold, Peter Traynor and Eleana Kazantzoglou (the latter two both reappointments).

This year's CCJS Annual Lecture was a great success. It was delivered by Professor Rod Morgan who resigned as Chair of the Youth Justice Board of England and Wales shortly before visiting us, providing him with the opportunity to reflect upon recent developments and future prospects for youth justice in his own inimitably stimulating and challenging way. We also hosted a number of major events throughout the year, including a two-day international colloquium in June 2007 as part of the European Commission funded CRIMPREV project. Our seminar programme, now run by Philip Hadfield who took over from Stuart Lister in the summer of 2007, continues to be a well attended and valued part of the Centre's life and research environment. We have an ongoing programme of future events, including the Hamlyn Trust lecture to be given by Professor Nicola Lacey (London School of Economics) on 27th November 2007.

This year we finalised the documentation for the Research Assessment Exercise (2008). The Centre for Criminal Justice Studies and its staff comprise central components of the Law School's submission, contributing strongly to the overall profile of the Law School's publications, research income and research studentships.

During the past year we also said good-bye to a number of staff. After completing a year-long teaching fellowship at Leeds we are pleased for Vicky Conway that she secured a lectureship at Limerick University in Ireland. Professor David Ormerod has also left us moving to Queen Mary's College, London. Christopher Carney and Sam Barrett both moved on to research positions in other parts of the University, on completion of their research contracts in the CCJS.

I am delighted to record that Philip Hadfield was awarded the Hart Early-Career Book Prize for 2007 for his book *Bar Wars* which has rightly secured considerable recognition and excellent reviews. Congratulations also go to Anthea Hucklesby on securing a significant research grant from the (new) Ministry of Justice, to Louise Ellison for her ESRC grant and to David Wall for getting through his term of office as Head of the Law School with his sanity intact. Finally, I am very pleased to announce the birth of Annabel May, in October 2007 to our colleague Sam Lewis. Our congratulations to the entire family! We look forward to Sam's return from maternity leave in 2008.

Looking to the future, the year 2008 will mark the twenty-first anniversary of the CCJS, since its establishment in 1987. We intend to mark this 'coming of age' in a number of ways, including a conference on 'Ten Years of the Crime and Disorder Act' in May 2008, the World University Network international symposium in June 2008 and a special Annual Lecture. In addition, we will host two meetings of the ESRC research seminar series on 'Governing through Anti-Social Behaviour' which Leeds is managing and a further meeting of the European Commission funded CRIMPREV project in September 2008. Undoubtedly, 2007/8 will be as exciting and vibrant an academic year as was 2006/7.

Adam Crawford
Director, November 2007

RESEARCH PROJECTS

POLICING

'Street Policing of Problem Drug Users'

Funded by the Joseph Rowntree Foundation **Stuart Lister, Sam Barrett, Peter Traynor, Emma Wincup** and Toby Seddon (University of Manchester) were commissioned to study the visible street policing of 'problem' drug users. This two-year study explores the relationships between police officers and drug users in three policing divisions within England and Wales. It aims to provide insights into the way that 'problem' drug users experience policing 'on the streets', as well as understand the response of police to this group. Whilst the focus of the research is primarily on the role of the public police, the activities of a range of other policing agencies will also be investigated. The research will shed light on the priority afforded to this group by policing personnel when they routinely encounter them in public settings. In so doing, it will consider the range of options available to policing personnel when dealing with 'problem' drug users in order to understand how police seek to regulate their conduct. The implications of these actions will be considered for the police, the drug user, the community, and more broadly, the criminal justice system.

The overarching aims of this research are to:

- advance understanding of the nature, processes and outcomes of the day-to-day 'street' policing of heroin and cocaine users
- explore the balance between harm reduction and law enforcement within these policing activities
- situate the 'street' policing of this group in the broader organisational context of the concurrent demands, priorities, strategic options and costs confronting the police service.

This is a multi-site, multi-method study combining quantitative and qualitative research methods. Data will be collected through mixed methods including interviews with police officers, problem drug users and other policing, community safety and drug treatment agency personnel; observations conducted with police officers on patrol; and accessing police records on the processing of 'problem' drug users. The final report will be published in early 2008 and the findings will be initially presented to the Association of Chief Police Officers' Annual Drugs Conference in November 2007.

'An Evaluation of the Use and Impact of Dispersal Orders'

The Joseph Rowntree Foundation commissioned a project to evaluate the use and impact of dispersal powers under the Anti-Social Behaviour Act 2003. Professor **Adam Crawford** led the research team supported by **Stuart Lister** and research officer, **Christopher Carney**. The research collected both national data on the use of dispersal order powers and evaluated their use in a number of case study sites in Yorkshire and London. The research aimed to:

- understand the extent to which dispersal orders help address the problems which give rise to their implementation;
- provide an understanding of the processes involved in implementing dispersal orders and identify good practice;
- assess the impact of the use of dispersal orders and their effectiveness in reducing crime and ASB;
- explore the role and use of dispersal orders in regulating ASB in the context of, and in relation to, other ASB-related preventative and law enforcement interventions.

It was intended that the findings should inform policy debate and practice developments.

Conducted over a 12 month period from April 2006, the research gathered data from three main sources:

1. *National overview:* Interviews were conducted with practitioners from 13 police forces across the UK, as well as national policy-makers.
2. *Two city-based studies in Sheffield and Leeds:* To consider the development of strategies over time, the distribution of orders across a city and longer-term impacts, interviews were conducted with police, local authority staff and others involved in the implementation of dispersal order.
3. *Two case study sites in Yorkshire and Outer London:* In each, a 6 month dispersal order was investigated from instigation to completion. Surveys and focus groups were conducted with adult residents and pupils attending a local school, interviews took place with key stakeholders and police, and police enforcement practices were observed.

Key findings from the research were:

- Dispersal orders have been used in a variety of types of location to address diverse social problems, but are most commonly used in relation to groups of young people.
- The process of prior designation, where informed by rigorous evidence and allied with wide-ranging consultation, can help ensure that the exceptional powers available are an appropriate, proportionate and planned response to persistent problems.
- Dispersal orders can provide short-term relief and galvanise local activity, opening a window of opportunity in which to develop holistic and long-term problem-solving responses.
- Police strategies generally gave preference to dialogue and negotiation; enforcement through recourse to formal powers was used sparingly.
- Implementing dispersal orders has significant implications for police resources and can raise false expectations about police priorities.
- Where targeted at groups of youths, dispersal orders can antagonise and alienate young people who frequently feel unfairly stigmatised for being in public places.
- In many localities, dispersal orders generated displacement effects, shifting problems to other places, sometimes merely for the duration of the order.
- Enforced alone, dispersal orders constitute a 'sticking plaster' over local problems of order that affords a degree of localised respite but invariably fails to address the wider causes of perceived anti-social behaviour

The final report was launched at a high-level policy and practitioner seminar held at the London School of Economics 18th October 2007. An article outlining some of the key findings is in the Appendix to this report.

The full report *The Use and Impact of Dispersal Orders: Sticking Plasters and Wake-Up Calls* by Adam Crawford and Stuart Lister is published by The Policy Press (price £14.95, ISBN 978 1 84742 078 7). It is available to buy from www.policypress.org.uk or from Marston Book Services, PO Box 269, Abingdon, Oxon OX14 4YN Tel: 01235 465500, Fax 01235 465556 email direct.orders@marston.co.uk. (Please add £2.75 p&p). The report can also be downloaded for free from www.jrf.org.uk

'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 has agreed to act as auditors of the data. Professor **Walker** is the principal grant holder, the co-ordinator of the auditing process and the primary researcher. The success of our work has encouraged interest from other police forces, and a similar agreement to provide advice was made in late 1995 with the British Transport Police. A number of academic papers have arisen from the research for the police, for example, 'Internal cross-border policing' (1997) 56 *Cambridge Law Journal* 114-146 and details of the PNLD

have been considered in (2005) 169 *Justice of the Peace* 410. The materials are now online at www.pnld.co.uk

CRIME PREVENTION

'The Orientation and Integration of Local and National Alcohol Policy'

This 18-month project is funded by the Alcohol Education Research Council (AERC). The research team comprises Dr **Phil Hadfield** (Principal Investigator), **Stuart Lister** (Co-investigator) and **Peter Traynor** (Research Officer). The project aims to explore: (1) how different local and national actors perceive alcohol policy and seek to influence policy formation; (2) how national policy frameworks, priorities and guidance interact and/or integrate with local policy statements, objectives and practices; (3) what areas of divergence and convergence exist between the trajectory of local and national alcohol policy; (4) what factors inhibit effective policy formation, implementation and partnership, and (5) relations of power between stakeholder groups variously located within and outwith officially sanctioned partnership structures. The study will aim to draw conclusions and recommendations for future policy and practice.

The project combines intensive twin-site case studies of central Leeds and the Wirral with broader exploration of the national dimensions of alcohol policy. 80 qualitative interviews are being conducted with key actors in central and local government, the drinks and leisure industries, policing, health care, treatment services, the legal system, and other professional and non-government organizations, including charities and pressure groups. The team is also conducting on-going analyses of relevant documentary sources, such as legislation, policy statements, official guidelines and agency records across the various domains upon which alcohol policy impinges. The research commenced in May 2007 and a final report will be delivered to the AERC in November 2008.

'Preventing Counterfeiting in the Fashion Industry'

Professor **David Wall** is a partner in the COUTURE project which is exploring vulnerabilities within the fashion market that lead to the counterfeiting of designer ready-to-wear (prêt-a-porter) fashion apparels and accessories. The project is a response to the sixteen fold growth in counterfeited (trademarked) products circulating within the fashion markets in recent years which are impacting upon the legitimate fashion industry's revenues and profits and also stifling future investment and innovation. The project is funded by the EU under the Framework 6 AGIS Programme (€170,000) and is being conducted by a partnership of TRANSCRIME (the Joint Research Centre on Transnational Crime at the Universities of Milan and Trento), the Centre for Criminal Justice Studies, School of Law, University of Leeds, and members of the CNRS (*Centre National de la Recherche Scientifique*) at the Sorbonne in Paris. The project's supporting stakeholders are: Gucci; Chamber of Commerce, Milan and CNPDS (a research centre with extensive experience of research into counterfeiting goods).

'The Role of Legality in Multi-Occupied Residential Settings'

Sarah Blandy has been awarded British Academy funding for a study investigating residents' experiences in six developments which have different legal frameworks, each incorporating shared ownership or shared use of common space. In these types of housing, working norms of conduct must be established by residents and a certain amount of conflict may be expected. The study will explore how residents experience and construct legality, make use of it, explain it, or ignore it, and how different legal frameworks affect the local production of norms of residential behaviour. An

exploratory case study methodology has been adopted, which includes analysis of the legal documents relating to each site and interviews with five residents at each site. The fieldwork for this project ends in February 2008; a brief report will be filed with the British Academy in March 2008 and the results disseminated through journal articles.

‘Governing Through Anti-Social Behaviour’

In July 2007, Professor **Adam Crawford** secured funding from the ESRC to run a research seminar series on Anti-social behaviour policies, practices and research. This seminar series will seek to begin to address the current ‘knowledge gap’ - identified by the Public Accounts Committee in its report in 2007 - foster cross-cutting research networks and exchange of good practice by: (a) bringing together researchers currently engaged in, or who have recently completed, the most contemporary studies of anti-social behaviour and its regulation in a systematic and cross-cutting forum, in order to exchange findings and experiences, as well as emerging ideas, innovations and insights; (b) fostering interdisciplinary knowledge transfer and possible policy transfer both within and between parts of the UK and to draw lessons from European and other international experiences; and (c) facilitating a dialogue and genuine exchange between researchers, practitioners and policy-makers, notably regarding the scope for evidence-based policy in the field of anti-social behaviour. The series will bring together about 30-40 delegates to each of the meetings and is overseen by a steering committee including: Sarah Blandy (University of Leeds); Adam Crawford (University of Leeds); John Flint (Sheffield Hallam University); Gordon Hughes (Cardiff University & British Society of Criminology); Andy Mills (Safer Leeds & National Community Safety Network); Stephen Moore (Anglia Ruskin University); Judy Nixon (Sheffield Hallam University); David Prior (University of Birmingham); and Peter Squires (Brighton University). The seminar series is being administered by Anna Barker in the CCJS at Leeds. The central aims of the seminar series are:

- To map the recent emergence of new modalities of control introduced to address concerns about individual and group behaviour in public places.
- To locate these developments within historic, political and cross-cultural contexts.
- To explore the use and implications of different mechanisms for governing anti-social behaviour, notably in the fields of housing, education, parenting, crime control and urban policing, drawing upon the most contemporary evidence from empirical research and experiences from practice.
- To develop novel interdisciplinary conceptualisation of governance through anti-social behaviour in a variety of settings.

There will be five seminars and a final conference as part of the series. The full programme includes:

1. ‘Anti-social behaviour in housing and residential areas’ Sheffield Hallam University, 15 November 2007.
2. ‘Governing Anti-Social Behaviour through Schooling, Parenting and the Family’, Brighton University, 24 January 2008.
3. ‘Anti-Social Behaviour, Urban Spaces and the Night-time Economy’, University of Leeds, 17 April 2008.
4. ‘Diversity and Anti-Social Behaviour’, University of Birmingham, 5 June 2008
5. ‘Comparative Experiences of Governing Anti-Social Behaviour and Disorder’, University of Leeds 18 September 2008.

The final conference will be held in early 2009. The outcomes of the seminar series and final conference will be disseminated to academic and non-academic audiences via a dedicated web site, a 4 page findings document to be launched at the final conference and a number of edited collections of research papers.

CRIMINAL PROCESSES

‘The Use and Abuse of Psychiatric History Evidence in Rape Trials’

Louise Ellison has recently completed research on a project examining the use of psychiatric history evidence in rape cases. The study reviews the historic association between false allegations of rape and mental illness as experienced by women and argues that modern day attempts to discredit women’s accounts by reference to their psychiatric history are often based on a stereotyped and flawed understanding of psychiatric illness and mental disorder. The study also examines the evidentiary principles that govern the admissibility of psychiatric history evidence and questions whether tighter restrictions are necessary to prevent its misuse in criminal trials.

‘An Evaluation of the Pyramid Resettlement Project’

Anthea Hucklesby and **Emma Wincup** completed their evaluation of the Pyramid resettlement project for prisoners in the North East of England. The project was run jointly by the Depaul Trust and Nacro and funded by the Northern Rock Foundation. The aim of the project was to provide resettlement services to a range of prisoners in order to reduce re-offending. The research was completed in September 2007 when the final report was submitted.

‘An Evaluation of the ROTA Resettlement Project’

Anthea Hucklesby and **Emma Wincup** were commissioned to evaluate the ROTA resettlement project. This project was based in the North East of England and was run by Citizen’s Advice and funded by the Treasury. It aimed to provide debt and legal advice to prisoners in order to increase their chances of being resettled effectively on release. The project also aimed to work with prisoners families. A number of research methods were employed including the collection of administrative data, interviewing prisoners in prison and on release and interviews with key stakeholders and workers. The project ran for a three year period and the final report of the evaluation was submitted in June 2007.

‘An Evaluation of the Effective Bail Scheme’

Anthea Hucklesby has been commissioned by the Ministry of Justice to evaluate the Effective Bail Scheme in Yorkshire and Humbershire. The scheme is funded through Invest to Save and is managed by Nacro. It provides bail support with accommodation when necessary to defendants who would otherwise be remanded in custody. The scheme has been operating since November 2006. The evaluation commenced in June 2007 and is expected to be completed by June 2008. Two researchers, **Eleana Kazantzoglou** and **Kara Jarrold**, are working on the project.

‘The Innocence Project’

Since establishment in 2005, the University of Leeds Innocence Project (UoLIP) has grown and refined its operating procedures. There are now 20 second and third year students working on the project, each for a year. At the commencement of their year, they receive a UoLIP Handbook, which provides them with all the information they need. In addition to their initial training and handbook, there are a series of guest speakers, from: victim’s groups; miscarriages of justice organisations; the Criminal Cases Review Commission; forensic scientists; and police investigators. During their time on the project, each member will become an integral part of an investigation team, at the same time as being responsible for the running of the project with all the administrative work and correspondence completed by the project teams, with oversight from the Director, Dr **Carole McCartney**.

The project does not take the place of legal representation, and at no point is legal advice given. However, students have put together two fact sheets, which can be sent to prisoners when needed, detailing: 1) How to appeal and 2) How to complain about your legal representation. The primary role of the project is simply to assist those who have been convicted of a criminal offence but maintain their innocence, with writing a high-quality application to the Criminal Cases Review Commission (CCRC). The CCRC are the body set-up to re-examine possible miscarriages of justice, and refer cases back to the Court of Appeal, either appealing against conviction or a sentence. The CCRC received 1051 applications in 2006/07 (a total of 10,008 since 1997). Many of these are of very poor quality. Preliminary research has demonstrated that those applications submitted with the assistance of a legal professional, are more likely to later receive referrals. The CCRC is also undergoing budget cuts, which puts pressure on the first stage of the process, the application stage. Their work, and the chances of a substantively fair outcome, would undoubtedly benefit from higher quality applications. The value of student intervention in assisting in writing these applications is therefore clear, and has also been increased by the current crisis in criminal legal assistance. Many prisoners are unable to locate any legal assistance for appeals, forcing many to submit poor quality applications to the CCRC on their own behalf. A lack of specialised criminal solicitors, and the particular demands (both in time and money) of miscarriage of justice cases, means that there are very few solicitors who are able, and prepared, to assist these prisoners. Whilst not alone remedying this situation, the UoLIP has already assisted some solicitors and stimulated some interest among non-criminal lawyers in overseeing this work.

The project has now received over 230 requests for assistance from individuals and sent out 198 questionnaires. Of these, 2 full investigations have been completed, which have led to detailed reports being sent to prisoners. In 2006/07 we took on a further 5 cases, including 2 murders, 2 kidnap/ assaults and one sexual assault case. It is expected that at least three of these will result in an application to the CCRC to be made in 2007/08. Student feedback from the project has been very positive, with many accruing a range of benefits from their time on the project, as well as creating a lot of interest from future employers.

COMPARATIVE AND INTERNATIONAL CRIMINAL JUSTICE

‘Juvenile Justice Systems in Europe: Current Situation, Reform Developments and Good Practices’

Jim Dignan is working as partner to the University of Greifswald, assisting in the organisation of the project and with responsibility for co-authoring the comparative overview chapter. The project is sponsored by the European Commission, Justice and Home Affairs (programme: “AGIS”), coordinated by the Ernst-Moritz-Arndt-University of Greifswald. The project involves 32 European countries are represented on the project. The aim of the research is to collect knowledge about the legal situation and actual reforms or reform proposals and the practice of the juvenile justice agencies as well as the courts (sentencing practice, development of treatment and educational facilities etc.). It also includes the legal situation and practice in residential care institutions and/or youth prisons. A further focus is put on gathering examples of “good practices” in the field of juvenile justice and juvenile institutions. The project involves the collection and interpretation of relevant data by experts in each country, which is then discussed and analysed in a series of conferences before being published. The project commenced in December 2006 and the first conference was held in Greifswald in June 2007. A second conference is being planned for Verona in spring 2008 with a third to follow in Spain later in 2008. It is planned to report on the findings in two books, the first

reporting on national developments with an extensive comparative chapter; the second will concentrate on examples of best practice in the field of juvenile justice.

‘CRIMPREV: Assessing Deviance, Crime and Prevention in Europe’

This European Commission funded Co-ordination Action project operates under the Framework 6 ‘Crime and Criminalisation’ strand. The CCJS is one of the core institutional partners and Professor **Adam Crawford** is steering committee member in this extensive European-wide project. It is coordinated by the leading French criminological institute CESDIP (*Centre de Recherches Sociologiques sur les Institutions et le Droit Pénale*). The project commenced in July 2006 and runs for 3 years. The total budget is €1.1 million and the programme involves some 30 institutions representing 11 European countries. The inaugural meeting to launch the programme was held in Brussels in February 2007 at which Professor Crawford gave one of the plenary presentations. The co-ordination action has five core thematic work packages, four of which members of the CCJS are involved in, including:

- 1) ‘Insecurity and Perceptions of Crime’ – Professor **Crawford** is co-responsible for this workpackage – during 2007 the first three meetings were held in Hamburg (March 2007), in Esslingen (June 2007) and in Ljubljana (October 2007). This work-package comprises a core network of leading European researchers from 14 different European countries.
- 2) ‘Public Policies in Crime Prevention’ – Professor **Crawford** hosted the first meeting of this workpackage in Leeds in June 2007. Both Professor **Crawford** and Professor **Dignan** presented papers during the course of the meeting, which was held over two days and attended by 20 European researchers, from the Scotland, England, Wales, the Netherlands, Germany, France, Italy, Belgium, Slovenia, Hungary and Canada. The theme of the meeting was *Comparative Crime Prevention Policies: Genesis, Influence and Development*. The proceedings from meeting will be published as an edited collection.
- 3) ‘The Informal Economy and Crime’ - Dr **Hadfield** and Dr **Sanders** are both involved in this workpackage which held two meetings in Buxton and Ghent during 2006/7. They both presented papers drawing upon their research at both meetings. The workpackage is coordinated by Professor Joanna Shapland of Sheffield University.
- 4) ‘Youth Crime and Justice – Crime and Criminalisation’ – Dr **Lewis** is involved in this workpackage and attended the first meeting in Brussels.

Leeds will host a second meeting in September 2008 as part of the ‘Insecurity and Perceptions of Crime’, workpackage.

‘International and Comparative Criminal Justice’

In March 2007 Professor **Adam Crawford** secured funding through the World University Network (WUN) to establish an international research network and host an international colloquium entitled: *International and Comparative Criminal Justice & Urban Governance: Policy Convergence, Divergence and New Justice Paradigms*. The aims of the colloquium are to:

- To draw together leading international scholars and critical practitioners working at the interface of questions regarding international and comparative criminal justice;
- To take stock of the implications of internationalisation and policy transfer across three specific areas of interest; (i) international criminal trials and alternative justice resolution; (ii) comparative penology; and (iii) comparative urban governance and international policing.
- To draw thematic comparisons between developments within and between the three areas of interest.
- To explore the extent to which the institution-building and normative developments that have begun to emerge within the international criminal justice arena have been informed by

an enforcement driven and punitive 'culture of control' or more inclusive policies.

- To speculate on the possible future developments in international criminal justice and policy convergence in the context of globalisation where risk and security concerns predominate.
- To discuss developments in theory and methodology to better advance the critical analysis of international and comparative criminal justice.

Three broad themes will inform the network and the deliberations of the conference to be held 26-28 June 2008 in Leeds. These are:

I - International criminal trials and alternative justice resolutions agenda

II - Comparative penology agenda

III - Comparative urban governance and international policing agenda

The three themes will be led by Professors **Findlay**, **Dignan** and **Crawford**, respectively. Approximately 40 invited delegates will participate in the network and meeting.

PUBLICATIONS

Books

Bailey, S, Ching J. and **Taylor, N.** (2007) *The Modern English Legal System* (5th ed.) pp.1300, London: Sweet & Maxwell.

Cavadino, M. and **Dignan, J.** (2007) *The Penal System: An Introduction*, (4th edition) London: Sage Publications, pp. 405.

Crawford, A. and **Lister, S.** (2007) *The Use and Impact of Dispersal Orders: Sticking Plasters and Wake-Up Calls*, Bristol: Policy Press, pp. 77 + xii.

Churchill, H. and **Sanders, T.** (2007) *Getting Your PhD. A Practical Insider's Guide*, London, Sage.

Chapters in Books

Akdeniz, Y. (2007) "Governance of Hate Speech on the Internet," in Organization for Security and Co-operation in Europe (OSCE), *Governing the Internet: Freedom and Regulation in the OSCE Region*, pp 91-118, Vienna,.

Campbell, R. and **Sanders, T.** (2007) 'What's Criminal About Indoor Sex Work?' in Williams, K., Birch, P., Letherby G. and Cain, M. (eds) *Sex as Crime*, Cullompton: Willan.

Crawford, A., (2007) 'Refiguring the Community and Professional in Policing and Criminal Justice: Some Questions of Legitimacy', in Shapland, J. (ed.) *Justice, Community and Civil Society: A Contested Terrain Across Europe*, pp. 125-56, Cullompton: Willan.

Crawford, A., (2007) 'Reassurance Policing: Feeling is Believing', in Henry, A. and Smith, D.J. (eds) *Transformations Of Policing*, pp. 143-168, Aldershot: Ashgate.

Crawford, A., (2007) 'Crime Prevention and Community Safety', in Maguire, M., Morgan, R. and Reiner, R. (eds) *The Oxford Handbook of*

Walker, C. and Broderick, J., (2006) *The Civil Contingencies Act 2004: Risk, Resilience and the Law in the United Kingdom*, pp. 372 + xxxvii, Oxford: Oxford University Press,

Wall, D.S. (2007) *Cybercrime: The transformation of crime in the information age*, Cambridge: Polity. 276+xii.

King, R. and **Wincup, E.**, (eds) (2007) *Doing Research on Crime and Justice*, (2nd edn.) Oxford: Oxford: University Press.

Criminology (4th edition), pp. 866-909, Oxford: Oxford University Press.

Crawford, A. and **Lewis, S.** (2007) 'Évolutions mondiales, orientations nationales et justice locale: Les effets du néo-libéralisme sur la justice des mineurs en Angleterre et au Pays de Galles', in Bailleau, F. and Cartuyvels, Y. (eds) *La Justice Pénale des Mineurs en Europe: Entre Modèle Welfare et Inflexions Néo-libérales*, pp. 23-43, Paris: L'Harmattan.

Dignan, J. (2007) 'The juvenile justice system in England and Wales', in G. Giostra and V. Patané (eds) *European Juvenile Justice Systems*. Milan: Giuffrè Editore.

Dignan, J. (2007) 'Juvenile justice, criminal courts and restorative justice', in G. Johnstone and D. van Ness (eds.) *Handbook of Restorative Justice*, pp. 269-91, Cullompton: Willan Publishing.

Findlay, M. and Henham, R. (2007) 'Integrating Theory and Method in Comparative Contextual Analysis' in M.

McConville *et al.* (eds) *Research Methods for the Arts and Humanities*, pp. 104-32, Edinburgh: University of Edinburgh Press.

Findlay, M. (2007) 'Global Terror as Organised Crime: Reflections on the Australian experience' in K. Ueda (ed.) *The Present State of International Organised Crimes: The world and Japan, Vol. 2*, Human Security and Transnational Organised Crime Series, pp. 35-54, Kyoto: Ritsumei.

Hadfield, P. (2007) 'Young People, Alcohol and Nightlife in British Cities,' in A. Recasens (ed.) *Violence between Young People in Night-Time Leisure Zones: a European Comparative Study*, pp. 173-90, Brussels: VUB press.

Hadfield, P. (2007) 'Ethnography and the Licensing Courts' in R. King and E. Wincup (eds.) *Doing Research on Crime and Justice*, (2nd edition), pp. 473-85, Oxford: Oxford University Press.

Harrison, M. and **Sanders, T.** (2006) 'Vulnerable People and the Development of "Regulatory Therapy"' in Newburn, T., Dearling A. and Somerville, P. (eds) *Supporting Safe Communities*, pp. 155-68, London, Chartered Institute of Housing.

Refereed Articles

Akdeniz, Y., (2007) "Governing Racist Content on the Internet: National and International Responses," *University of New Brunswick Law Journal*, 56, 103-61.

Akdeniz, Y. (2007) "Possession and dispossession: A critical assessment of defences in possession of indecent photographs of children cases," *Criminal Law Review*, 274-88.

Atkinson, R. and **Blandy, S.M.** (2007) 'Panic Rooms: The Rise of Defensive Homeownership', *Housing Studies*, 22(4), 461-77.

King, R. and **Wincup, E.**, 'The Process of Criminological Research', in R. King. and **Wincup, E.** (eds) (2nd edn.) *Doing Research on Crime and Justice*, Oxford: Oxford: University Press. 2007.

Lister, S. (2006) 'Plural Policing, Local Communities and the market in visible patrols', in Dearling, A., Newburn, T. and Somerville, P. (eds) *Supporting Safe Communities*, pp. 95-113, London: Chartered Institute of Housing.

Lister, S. and **Wall, D.S.** (2006) 'Deconstructing Distraction Burglary: an ageist offence', in Wahidin, A. and Cain, M. (eds) *Ageing, Crime and Society*, pp. 107-123, Cullompton: Willan Publishing.

Wincup, E., (2006) 'Addiction and Dependency', in G. Ritzer (eds.) *The Blackwell Encyclopaedia of Sociology*, Malden. MA: Blackwell Publishing Ltd.

Wincup, E., (2006) 'Drugs, Drug Abuse and Drug Policy, in G. Ritzer (eds.) *The Blackwell Encyclopaedia of Sociology*, Malden. MA: Blackwell Publishing.

Campbell, R. and **Sanders, T.** (2007) 'Designing Out Violence, Building in Respect: Violence, Safety and Sex Work Policy', *British Journal of Sociology*, 58(1), 1-18.

Cavadino, M. and **Dignan, J.** (2006) 'Penal Policy and Political Economy', *Criminology and Criminal Justice*, 6(4), 435-456.

Crawford, A., (2007) 'Situating Restorative Youth Justice in Crime Control and Prevention', *Acta Juridica*, 52-72.

Crawford, A., (2006) 'Networked Governance and the Post-Regulatory State?: Steering, Rowing and Anchoring the Provision of Policing and Security', *Theoretical Criminology*, 10(4), 449-79.

Dignan, J., Atkinson, A. Atkinson, H. Howes, M. Johnstone, J. Robinson, G. Shapland J. and Sorsby, A. (2007) 'Staging Restorative Justice Encounters against a Criminal Justice Backdrop: A Dramaturgical Analysis', *Criminology and Criminal Justice*, 7(1), 5-32.

Ellison, L. (2007) 'Promoting Effective Case-building in Rape Cases: a Comparative Perspective' *Criminal Law Review* 691-708.

Ellison, L. (2007) 'Witness preparation and the prosecution of rape', *Legal Studies*, 27, 171-87.

Findlay, M. (2006) 'Justice for the Vulnerable? Debating the Relationship between Aboriginal People and Australian Criminal Justice', *Current Issues in Criminal Justice*, 18(2), 273-76

Findlay, M. (2007) 'Terrorism and Relative Justice', *Crime Law & Social Change*, 47(1), 57-68.

Findlay, M. (2007) 'Misunderstanding Corruption and Community: comparative politics of corruption in the Pacific', *Asian Journal of Criminology* 2, 47-56.

Findlay, M. and McLean C. (2007) 'Emerging International Criminal Justice', *Current Issues in Criminal Justice* 18(3), 457-80.

Hadfield, P. (2007) 'A Hard Act to Follow: Assessing the Consequences of Licensing Reform in England and Wales', *Addiction*, 102, 177-80.

Lewis, S., Maguire, M., Raynor, P., Vanstone, M. and Vennard J. (2007) 'What works in resettlement? Findings from seven Pathfinders for short-term prisoners in England and Wales', *Criminology and Criminal Justice*, 7(1), 33-53.

Sanders, T. (2007) 'The Politics of Sexual Citizenship: Commercial Sex and Disability', *Disability & Society*, 22(5), 439-55.

Sanders, T. (2007) 'Protecting the health and safety of female sex workers: the responsibility of all', *BJOG an International Journal of Obstetrics and Gynaecology*, 114(6), 791-3.

Sanders, T. (2007) 'Becoming An Ex-Sex Worker: Making Transitions out of a Deviant Career', *Feminist Criminology* 2(1), 1-22.

Shapland, J., Atkinson, A., Atkinson, H., Colledge, E., **Dignan, J.**, Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2006), 'Situating restorative justice within criminal justice', *Theoretical Criminology* 10(4), 505-32.

Walker, C., (2006) 'Clamping down on terrorism in the United Kingdom', *Journal of International Criminal Justice*, 4, 1137-51.

Walker, C., (2007) 'Anti-Terrorism Orders Out of Control?', *American Bar Association National Security Law Report* 29, 1-6.

Walker, C., (2007) 'Keeping control of terrorists without losing control of constitutionalism', *Stanford Law Review*, 59, 1395-1463.

Walker, C., (2007) 'The treatment of foreign terror suspects', *Modern Law Review*, 70, 427-57.

Walker, C., (2007) 'The Legal Definition of "Terrorism" in United Kingdom Law and Beyond', *Public Law*, 331-52.

Wall, D.S. (2007) 'Policing Cybercrime: Situating the public police in networks of security in cyberspace', *Police Practice and Research: An International Journal*, 8(2), 183-205.

Wincup, E., (2007) 'Almost a Century of Residential Work with Offenders: Past, Present and Future Roles of Approved Premises', *British Journal of Community Justice*, 5(2), 29-40.

Other articles in journals

Crawford, A. (2007) 'Missed Opportunities for Preventing Crime', *Criminal Justice Matters*, 69, 16-17.

Sanders, T. (2007) 'No Room for a Regulated Market?: The Implications of the 'Coordinated Prostitution Strategy' for the Indoor Sex Industries', *Community Safety Journal* 6(1), 34-44.

Hadfield, P. (2007) 'Party Invitations: New Labour and the (De)-Regulation of Pleasure', *Criminal Justice Matters*, 67, 18-19 and 47.

Book Reviews

Blandy, S. (2007) 'Review of Cowan, D. and McDermont, M. "Regulating Social Housing: Governing Decline"', *Housing Studies*, 22(4).

Walker, C., (2007) 'Review of Gross, E., "The Struggle of Democracy against Terrorism"', *Law and Politics Book Review*, 17, 387-94.

Crawford, A., (2007) 'Review of Burney, E. "Making People Behave: Anti-Social Behaviour, Politics and Policy"', *Journal of Social Policy*, 36(2), 354-6.

Walker, C., (2007) 'Review of van Krieken, P.J. (ed.) "Terrorism and the International Legal Order: with special reference to the UN, the EU and cross-border aspects', *International & Comparative Law Quarterly*, 56, 732-3.

Walker, C., (2006) 'Review of Ramraj, V., "Global Anti-Terrorism Law and Policy"', *Law and Politics Book Review* 16, 457-61.

Research Reports

Crawford, A. and **Lister, S.**, (2007) *The Use and Impact of Dispersal Orders*, JRF Findings, York: JRF, pp. 4.

Hucklesby, A., Eastwood, C., Seddon, T. and Spriggs, A. (2007) *The Evaluation of Restriction on Bail Pilots: Final Report*, RDS On-line report 06/07, London: Home Office.

Findlay, M. (2007) *Law and Justice Sector Business Crime Victimisation Survey in Port Moresby, 2006*, Justice Advisory Group, sponsored by AusAID, Canberra.

Hucklesby, A. and **Wincup, E.**, (2007) *Evaluation of the ROTA Project*, Final Report to Citizens Advice, Legal Services Commission and HM Prison Service.

Hadfield, P. (2007) 'Review of Statement of Licensing Policy', City of Westminster Council.

Hucklesby, A. and **Wincup, E.** (2007) *Evaluation of the Pyramid Project*, Final Report to Depaul Trust and Nacro.

CONFERENCE PRESENTATIONS AND PUBLIC SEMINARS

Akdeniz, Y., *respondent*, 'Positions on the Politics of Porn' Conference, Durham University, 15th March, 2007.

Akdeniz, Y., 'Governance of Hate Speech on the Internet', Expert Meeting on Internet Governance in the OSCE Region, organised by the OSCE Representative on Freedom of the Media and the Forum des droits sur l'internet, Paris, France, 15th December 2006.

Akdeniz, Y., 'Governing Racist Content on the Internet', paper presented, and *invited speaker*, ECRI Expert Seminar on combating racism while respecting freedom of expression, Council of Europe, European Court of Human Rights, Strasbourg, France, 16-17th November 2006.

Akdeniz, Y., *Panelist* at the 'Destructive power of racist and discriminatory speech and expression: exploring the extent and content' panel on 16th November, 2006.

Akdeniz, Y., *Invited panelist* at the Openness Panel, 'The Road to Athens, The Internet Governance Forum: a UK perspective', expert meeting organised by Nominet UK, London, 9th October, 2006.

Blandy, S. 'Home Ownership, Fear and Loathing: from Security to Self-Incarceration' presented at the Isolation conference: 'Disconnection, solitude and seclusion in a connected world', 14-16th December 2006, University of Tasmania, Hobart, Australia

Blandy, S. 'The role and exclusionary impact of law in creating and maintaining spaces of private governance' presented at the Private Urban Governance conference 'Production of urban spaces, Interactions of public and private actors', Sustainability of cities, 5-8th June 2007, University of the Sorbonne, Paris.

Bleasdale, L. 'Metaphors of Threat: British News Media Portrayals of Asylum Seekers and the Implications for Democracy', Language Ideologies and Media Discourse: Texts, Practices, Policies Conference, University of Leeds, September 2007.

Crawford, A., Plenary presentation to CRIMPREV Inaugural Conference 'Assessing Deviance, Crime and Prevention in Europe', Free University of Brussels, 8-10th February 2007.

Crawford, A., 'Comparative Crime Prevention: Some Notes on Policy Travels, Transfer and Translation' presentation to CRIMPREV international symposium 'Comparative Crime Prevention Policies: Genesis, Influence and Development', University of Leeds, 7-8th June 2007.

Crawford, A., 'Perceptions of Crime and Insecurity: Urban Policies in an Era of Hyperactivity and Ambiguity', CRIMPREV workpackage 4 'Perceptions of Crime and Insecurity' first meeting, University of Hamburg, 15-16th March 2007.

Crawford, A., Plenary presentation to 'The Politics of Restorative Justice in South Africa and Beyond' University of Cape Town, 21-22th September 2006.

Dignan, J. 'Royaume Uni - Education and incarceration des jeunes delinquants: une approche "neo-reeducative"', in Nadege Grille (ed.), 'Actes du colloque Mineurs Delinquants: une problematique a dimension europeenne', Agen: ENAP, 15-16th May 2006.

Dignan, J. 'Penal policy and political economy', paper presented at the Crime and Society Foundation seminar: The political economy of crime, harm and criminal justice, SOAS, London, 1st March 2007.

Dignan, J. 'Juvenile Justice Systems in Europe: National Report on England and Wales', report presented at an international conference on Juvenile Justice Systems in Europe: current situation, reform developments and good practices, University of Greifswald, 21–24th June 2007.

Dignan, J. 'Current Reform-Tendencies in Juvenile Criminal Law in Europe: a thematic overview', paper presented at an international conference on Juvenile Justice Systems in Europe: current situation, reform developments and good practices, University of Greifswald, 21–24th June 2007.

Dignan, J. 'Comparing European Penal Policies: Implications for Crime Prevention', presentation to CRIMPREV international symposium 'Comparative Crime Prevention Policies: Genesis, Influence and Development', University of Leeds, 7-8th June 2007.

Ellison, L., 'The Prosecution of Rape: Recent Legal Developments' Division of Forensic Psychology Conference, York, July 2007.

Ellison, L., 'Legal Responses to Domestic Violence: Recent Developments' Invited speaker, Forensic Research Group and BPS North West Conference, Manchester, March 2007.

Findlay, M. 'Governing through Globalised Crime', Government of the Shadows: Global Governance, Para-politics and Organised Crime, Asian Law Centre, Law School, University of Melbourne, 10-12 August 2006

Findlay, M. 'China's Place in international Criminal Justice?' Crime and Justice in Chinese Societies: Global challenges and local responses, Law School and Department of Sociology, Chinese University of Hong Kong, 19-20 March 2007.

Findlay, M. 'Global Terror and Organised Crime: Symbiotic or synonymous?' Organised Crime in Asia: Governance and accountability, National University of Singapore, 28-29 June 2007.

Findlay, M. 'Governing through Globalised Crime', British Society of Criminology Conference, London School of Economics, 18-20 September 2007.

Hadfield, P. 'The Informal Economy and the Night-time Public Realm' EU CRIMPREV meeting on the Informal Economy, Buxton, September 2006.

Hadfield, P. 'Violence between Young People and Control of Night-time Leisure Zones in England' International Seminar about Violence between Young People in Leisure Zones, The Police School of Catalonia, Mollet del Vallès, Barcelona, November 2006.

Hadfield, P. 'The Night-time City: Leisure, Crime and Political Economy', Northumbria University, Geography and Environment Research Seminar Series, November 2006.

Hadfield, P. 'Phat Controllers: Disc Jockeys, Security, and the Construction of Joyful Constraint,' Gender, Work and Organisation Conference, 2007, Alternative Modes of Work stream, Keele University, June 2007.

Hadfield, P. and **Sander, T.,** 'The Road to Crime': Illicit Networks and the Taxi Industry' *EU CRIM PREV Organised Crime Workshop* University of Ghent, July 7th 2007.

Hucklesby, A. 'Compliance and Electronic Monitoring', Electronic Monitoring Conference, November, Kegworth, Leicestershire, 2006.

Hucklesby, A. and **Wincup, E.,** 'A Tale of Two Halves: Comparing the Provision of Services in Two Resettlement Initiatives',

British Society of Criminology Annual Conference, London School of Economics, 17th-19th September 2007.

McCartney, C. 'DNA on Trial' DANA Centre, London, 27th September 2007.

McCartney, C. 'DNA Evidence in the Courtroom', Institute of Criminology, Cambridge University, 24-25th September 2007.

McCartney, C. 'The Forensic Use of Bioinformation: Ethical Issues' Nuffield Council on Bioethics, The Institute of Physics, London, 18th September 2007.

McCartney, C. 'Forensic Science and Miscarriages of Justice', FORREST Annual Conference, Staffordshire University, 5-7th September 2007.

McCartney, C. 'Ethical Uses of Forensic Bioinformation', Nuffield Council on Bioethics Trilateral meeting (UK, France, Germany), London 4th June 2007.

McCartney, C. 'Forensic DNA: Sword, Shield and Sentinel?', Philosophy of Science Symposium, University of Leeds, 3rd May 2007.

McCartney, C. 'Social Entrepreneurship and the University of Leeds Innocence Project' White Rose Enterprise Network, 1st May 2007, Leeds.

McCartney, C. 'Forensic DNA: Law & Science in Harmony?' Café scientifique, 11th December 2006, Leeds.

McCartney, C. 'Forensic DNA in the UK: Progress and Proposals', Innocence Network Conference, Harvard University, March 24th 2006.

Sanders, T., 'Makers and Takers: Ancillary Informal Economies within the UK Brothel

Industry', Gender, Work and Organization, Keele University, June 24th-27th, 2007.

Taylor, N. 'Covert Surveillance and Privacy,' McKay Law Conference, London, January 25th 2007.

Taylor, N. 'Covert Surveillance, Human Rights and Proportionality', Sixth Annual Covert Policing Conference, Belfast 3rd October 2007.

Traynor, P., Wincup, E. and Lister, S., 'Watching you Watching me: Negotiation, Acceptance and Access in Police Research', British Society of Criminology Annual Conference, London School of Economics, 17th-19th September 2007.

Traynor, P., 'Participant Observation in the context of police work', Leeds Social Science Institute, University of Leeds, September 2006.

Walker, C.P., Paper on 'Terrorism: The Legislative Landscape, Key Features & Critical Problems' at the Public Law Group conference, Terrorism: The policy cycle and its scrutiny, IALS, 24 November 2006.

Walker, C.P., Paper on 'Control orders' at Electronic Monitoring Symposium, Loughborough, 30 Nov-1 Dec 2006.

Walker, C.P., Paper on UK laws, policies and practices, State Responses to Terrorism, Radcliffe Institute, Harvard University, 2006

Walker, C.P., 'We won't make a drama out of a crisis': An overview of the Civil Contingencies Act 2004 - paper at conference on Civil Contingencies: Risk & Resilience, London, November 2006.

Walker, C.P., Paper on Control orders, National Security Law section, Association of American Law Schools Annual Conference, Washington DC, 2007.

Walker, C.P., and Broderick, J. 'The Civil Contingencies Act 2004', The Guardian Civil Contingencies Forum, 2007.

Walker, C.P., 'The police and media in emergencies', Police College, Abu Dhabi, 2007.

Walker, C.P., 'The treatment of foreign terror suspects', UiTM School of Law, 2007.

Walker, C.P., 'Know thine enemy as thyself': Discerning friendly neighbour from terrorist foe: Melbourne Law School, 2007.

Walker, C.P., 'United Kingdom Anti-Terrorism Laws: Are they necessary? Are they working?' at Symposium on Law & Liberty in the War on Terror, Sydney, 2007.

Walker, C.P., 'Controlling terrorism by order: paper at school of law', Queensland University of Technology, 2007.

Walker, C.P., "Neighbour terrorism": treating friend as foe under anti-terrorism laws' at the European Society of Criminology conference, Bologna, 2007.

Walker, C.P., 'Constitutionalism and anti-terror legislation', Turkish Economic and Social Studies Foundation conference in 'A Global Challenge: Providing Security and Protecting Human Rights, Istanbul, 2007.

Walker, C.P., 'Responses to the Home Office's Counter-Terrorism Bill', Leeds section of Liberty, University of Leeds, 2007.

CONFERENCE ORGANISATION

As part of the CRIMPREV project **Adam Crawford** organised an International Colloquium on 'Comparative Models of Crime Prevention and Delivery: Their Genesis, Influence and Development, as the first meeting of Workpackage 6 'Public Policies on Crime Prevention', EU Co-ordination Action CRIMPREV, in Beech Grove House, University of Leeds, 7-8 June. The meeting was attended by 24 invited international delegates representing 12 countries.

Anthea Hucklesby organized an 'Electronic Monitoring' conference, in partnership with G4S in November 2006.

KNOWLEDGE TRANSFER

Work for Governments, Statutory Agencies, NGOs, Professional Bodies

Yaman Akdeniz

- Response to the Home Office Consultation Paper on *Possession of Non-Photographic Visual Depictions of Child Sexual Abuse*, June 2007.

Adam Crawford

- Steering Panel member of the Office of Science and Innovation Review of Government Science in the Home Office (2007-8).
- International assessor for the Australian Research Council (ARC) *Centre of Excellence in Policing and Security* under the National Research Priority Area of 'Safeguarding Australia' (2006).
- Commissioning panel member for a joint ESRC/Commission for Racial Equality (CRE) research tender 'Ethnic Minority Young People: Differential treatment in the Youth Justice System' (2006).
- Advisory Group for the Joseph Rowntree Foundation research 'Promoting Young People's Contribution to their Communities' (2005-7).
- Member of the Scientific Committee of the Groupe Européen de Recherches sur les Normativités (GERN), CNRS (since 2001).

Mark Findlay

- New South Wales Police Commissioner's Advisory Council on Culturally Responsive Policing 2006.
- Expert Advisor to the Papua New Guinea Justice Advisory Group Law and Justice Sector Australian Government/Government of PNG (2004-6).

Philip Hadfield

- Chaired a seminar at City Hall, Victoria Street, London for the City of Westminster, entitled '*Late Night London*' (June, 2007)
- Appeared as an Expert Witness to Marylebone Magistrates' Court (July, 2007)

Sam Lewis

- Peer reviewer for the National Probation Research & Information Exchange Research Officer's group.

Carole McCartney

- 'The Regulation of Forensic Science in the UK' submission of expert evidence to a committee of inquiry National Academy of Sciences, Woods Hole, Massachusetts USA, September 2007.
- Project manager for the Nuffield Council on Bioethics project on 'Forensic Uses of Bioinformation: Ethical Issues'.

Clive Walker

- Submission to the Department for Constitutional Affairs, Family Procedure Rules (2006).
- Submission to Department for Constitutional Affairs, Voting Rights for Convicted Prisoners, 2007.
- Submission to Home Office, Draft Code for Examining Officers under the Terrorism Act 2000, 2007.
- Submissions to Lord Carlisle's reviews of terrorism legislation.
- Submission to Home Office, Joint Committee on Human Rights and Home Affairs Committee, Counter-Terrorism Bill consultation (2007).

Media-related work**Yaman Akdeniz**

- Invited contributor, BBC Radio 4, 'Unreliable Evidence' with Clive Anderson, *Law and the Internet*, 23 May, 2007.

Sarah Blandy

- Interviewed for and quoted in article by Paul Vallely, 'Gated Britain', *The Independent Magazine*, 3 February 2007, pp. 30-37.

Adam Crawford

- Interviewed for and quoted in article by Tom Wainwright 27 on Police Community Support Officers in *The Economist* 'Why giving the "plastic police" more powers could make them less effective', 27 September 2007.

Philip Hadfield

- Live Television Interview: *SBS Television*, Australia (*Insight News and Current Affairs*).

Carole McCartney

- The ethics of the National DNA Database, live radio interviews with: BBC Radio 5 Live; BBC Radio Jersey; BBC Radio Peterborough; BBC Radio Newcastle. Also interviewed for and quoted in: Daily Mail; Telegraph; Guardian; The Times; New Scientist; Nature; Solicitors Journal - all September 2007.

- DNA Database, live radio interviews with: BBC Radio Jersey and Colourful Radio. Also interviewed for and quoted in La Press; Police Professional and the Sunday Telegraph, all November 2006.

Teela Sanders:

- Advisor on ITV series 'The Secret Diary of a Call Girl' May 2007
- Advisor on ITV 'Ann Widdecombe' Sex Trade programme, June 2007
- Times Higher Education Supplement 'Criminalising the Punter' June 24th 2007
- The Ipswich Murders: Commentator for BBC News 24, Sky News and Channel 5 News 10th-12th December 2006.

Editorial Work

Yaman Akdeniz

- Advisory Board Member of the *Computers, Law, & Security Report* ;
- Member of the editorial board of the Journal of Information Law and Technology;
- Computer Crime editor, *Encyclopedia of Information Technology*, Sweet & Maxwell.
- Cyber-Crime chapter editor, the *E-Commerce Law and Regulation Encyclopedia*, Sweet & Maxwell.

Adam Crawford

- Editorial Board member of the *British Journal of Criminology*.
- International Advisory Board of the *European Journal of Criminology*
- Editorial Advisory Board of *Criminology and Criminal Justice*
- Editorial Committee of *Déviante et Société*.
- Editorial Board of *Les Cahiers de la Sécurité Intérieure* (until March 2007).

Mark Findlay

- Editor *Current Issues in Criminal Justice*
- Editorial Board *International Journal of Financial Crime*
- Editorial Board *Journal of Pacific Studies*
- Editorial Advisory Board *Howard Journal of Criminal Justice*
- Editorial Advisory Board *International Journal of Comparative Criminology*

Sam Lewis

- Specialist assessor for the *Probation Journal*

Nick Taylor

- Monthly case commentaries for the *Criminal Law Review*.

Emma Wincup

- Editor of the *Journal of Social Policy*
- Editorial Board member *Social Policy and Society*
- Editorial Board member *Qualitative Research*

Clive Walker

- Board of editors of the *Journal of Civil Liberties*
- Board of editors of the *International Journal of Risk Management*

VISITING FELLOWSHIPS

Yaman Akdeniz - Visiting Professor, Department of Legal Studies, Central European University, April 2007.

Mark Findlay - Visiting Professor, Freiburg Max Plank Institute for Foreign & International Criminal Law, May 2007.
Associate Senior Research Fellow, London Institute of Advanced Legal Studies University of London (2005-7).

Sarah Blandy - Visiting Fellowship at the University of Tasmania, August 2007.

Clive Walker - Visiting Scholarship, University of Melbourne June-July 2007.

AWARDS

Philip Hadfield Hart Early-Career Book Prize 2007 for *Bar Wars: Contesting the Night in Contemporary British Cities* (OUP, 2006).

VISITING SCHOLARS

The following visiting scholars spent extended research visits at the Centre for Criminal Justice Studies during the period:

- **Sara Martocchia**, Transcrime, Joint Research Centre on Transnational Crime, Catholic University of Milan and University of Trento, visited to conduct research on 'Developing Mechanisms for Assessing the Risk of Crime due to Legislation and Products in Order to Proof them Against Crime at an EU level', September 2006 – March 2007.
- **Akila Taleb**, University of Lyon III, visited to conduct comparative research on 'The Pre-Trial Guilty Plea: A Comparative Study of the Common Law and the French Criminal Justice System', June – October 2006.
- **Yang Yan**, Deputy Chief of the Economic Crime Investigation Department, Ministry of Public Security of the People's Republic of China visited to study the European and US criminal justice systems and the policing of financial crime in the West. She prepared a report entitled 'The regulation and policing of financial crime', September 2006 – June 2007.

RESEARCH STUDENTS

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

- **Abdul Ghani** 'Governance and the Protection of Individual Privacy in Cyberspace' - Supervisors Clive Walker & Yaman Akdeniz.

The following research students successfully graduated with a Masters by Research during the period of review:

- **Kara Jarrold** 'The Nature and Effectiveness of Resettlement Strategies Operating Inside the Prison' - Supervisors Anthea Hucklesby & Emma Wincup.

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

- **Khulood Al-Bader** 'Domestic Violence: A Comparative Study between Kuwait and England and Wales' - Supervisors Louise Ellison & Sam Lewis.
- **Saadi al Munairi** 'An Evaluation of the Forensic Science Services of Saudi Arabia' - Supervisors Clive Walker & Carole McCartney.
- **Anna Barker** 'Perceptions of Local Insecurity: Increasing Public Reassurance and Confidence through Intensive Neighbourhood Management' - Supervisors Adam Crawford & Stuart Lister.
- **Richard Bean** 'The Role of the In-house Lawyer' - Supervisor David Wall.
- **Jonathan Burnett** 'Implementing Community Cohesion' - Supervisors Adam Crawford & Stuart Lister.
- **Amanda Carswell** 'Internet Content Regulation' - Supervisors David Wall & Yaman Akdeniz.
- **Tae Jin Cheung** 'Proactive Policing in the UK and Korea: A Comparative Study' - Supervisors David Wall & Clive Walker.
- **Kerry Clamp** 'The Receptiveness of Societies in Transition to Restorative Justice' - Supervisors Jim Dignan & Adam Crawford.
- **Stefan Fafinski** 'The Influence of Technological Advances on the Boundaries of the Criminal Law' - Supervisors Clive Walker & David Wall.
- **Wendy Guns** 'Recognising Sexual Violence as a Crime against Humanity in International Law' - Supervisors Amrita Mukherjee & Steven Wheatley.

- **Kathy Hampson (née Salter)** 'Emotional Literacy and Youth Crime' - Supervisors Adam Crawford & Emma Wincup.
- **Lee Johnson** 'Discrimination of Minority Ethnic Prisoners in the Prison Systems in England and Wales' - Supervisors Anthea Hucklesby & Jim Dignan.
- **Joanna Large** 'Criminality and the Counterfeiting of Luxury Fashion Goods' – Supervisors David Wall & Emma Wincup.
- **Genevieve Lennon** 'Policing Risk: Stop and Search under the Terrorism Act 2000' - Supervisors Clive Walker & Nick Taylor.
- **Andy Lloyd** 'Philanthropy, Reform and Contemporary Youth Justice' - Supervisors Adam Crawford & Jim Dignan.
- **Ravinder Mann** 'The Impact of Restorative Justice Interventions upon Victims of a Common Assault Offence' - Supervisors Adam Crawford & Sam Lewis.
- **Kaniz Sattar-Shafiq** 'Islam and the Law against Terrorism' - Supervisor Clive Walker.
- **Ho Hai Truong** 'The Development of a Human Rights Culture in Vietnam' - Supervisors Clive Walker & Steven Wheatley.
- **David Watts** 'The Structure and Funding of Criminal Defence Work in England and Wales' - Supervisors Anthea Hucklesby & Clive Walker.
- **Siu-Takkelin Wong** 'Refining the Concept of "Fairness" in Criminal Law Practice' - Supervisors Nick Taylor & Jim Dignan.
- **Byung Chul Yoo** 'Prison Governors in Korea' - Supervisors Anthea Hucklesby & Clive Walker.

PUBLIC SEMINAR PROGRAMME

Tuesday 3rd October 2006, 5 pm

“Non-Profits Policing in Urban Germany: Neo-Liberal Squad Deployment?”

Volker Eick, Free University of Berlin,

Tuesday 17th October 2006, 5.30 pm

“The Role of a Judge in a Multicultural Society”

Judge Geoffrey Kamil,

Friday 27th October 2006, 1 pm

“Governance Through Globalised Crime”

Professor Mark Findlay, University of Sydney,

Tuesday 7th November 2006, 5 pm

“The Challenges of Reforming Police: International Perspectives”

Professor Philip Stenning, Keele University,

Tuesday 21st November 2006, 5 pm

“Fashioning the Hyper-Vigilant Citizen: Identity Theft and its Victims”

Professor Kevin Haggerty, University of Alberta,

Tuesday 6th February, 5pm

‘The Production of Space in a Prison Environment: The case of Los Lunas, New Mexico’

Prof. David Sibley, University of Leeds

Tuesday 20th February, 5pm

‘(Un)Accountable Authority: Police and State in Argentina and Brazil’

Dr. Mercedes Hinton, London School of Economics

Tuesday 27th February, 5pm

‘Irish Lessons for the “War on Terror”: non-jury trial, military commissions and the normalization of emergency powers’

Dr Fergal Davis, University of Sheffield

Tuesday 13th March, 5pm

‘The Thick Blue Wall: A Study of Police Accountability in the Republic of Ireland’

Vicky Conway, University of Leeds

Tuesday 9th October, 5pm

'What Kind of World are We Building?: The Privatisation of Public Space and the Implications for Anti-Social Behaviour'

Anna Minton, Author & Journalist

Wednesday 31st October, 2-4pm

'The Use and Impact of Dispersal Orders'

Prof Adam Crawford and Stuart Lister, Centre for Criminal Justice Studies, University of Leeds and **Ben Cavanagh** of the Scottish Government

Tuesday 6th November, 5pm

'Early Release: Thinking about the European Dimension'

Dr Nicky Padfield, Institute of Criminology, University of Cambridge

Tuesday 27th November, 5.30p.m

The Hamlyn Lecture 2007

'Penal Populism in Contemporary Democracies: the 'Culture of Control' in Comparative Perspective'

Prof Nicola Lacey, London School of Economics

CCJS WORKING PAPERS

'Whither the Preventive Turn?'

Adam Crawford

Many commentators heralded the key sections of the Crime and Disorder Act 1998 that established crime and disorder reduction partnerships (CDRPs) as representing a landmark shift in the way crime is governed in England and Wales. It appeared to represent a decisive shift towards an holistic preventive paradigm. Garland (2000: 1) described the unfolding 'preventive turn' as reflecting an 'epistemological break' with the past. Others proclaimed it as ushering, and evidencing, a new era of 'networked governance' (Johnston and Shearing 2003). In an earlier article in *Criminal Justice Matters*, I summed up this optimistic mood: 'The Crime and Disorder Act 1998 begins a long-overdue recognition that the levers and causes of crime lie far from the traditional reach of the criminal justice system... [the] new community safety partnerships, in particular, afford the potential to encourage a stronger and more participatory civil society and challenge many of the modernist assumptions about professional expertise, specialisation, state paternalism and monopoly. They also offer a fertile soil in which a more progressive criminal justice policy, which turns away from the "punitive populism" of recent years, could begin to establish itself and flourish' (Crawford 1998: 4). Although, in the article I went on to express scepticism in the capacity to realise these aspirations, nearly ten years on the optimism inferred seems starkly out of place. Furthermore, contemporary Government initiatives, such as the Crime Strategy for 2008-11, have a strange feel of *déjà vu*. The Strategy promises that 'partnership working will be strengthened' and 'Government will be more enabling, and less directive' (Home Office 2007: 5). The questions then are; why have the optimistic voices of high hopes been so severely silenced? And what has happened to derail such aspirations?

One response might be that the initial claims of a rupture with the past were exaggerated. The dominance of state bureaucracies and persistence of penal sanctioning have been obdurate. After the wilderness years of the earlier 1990s during which the Morgan Report findings had been conveniently shelved, maybe this over-interpretation was only to be expected. The leap of faith that a dramatic shift in resources towards prevention demanded never occurred. The enduring sway of 'punitive populism' and politicians' (and the media's) continued desire to 'talk up lawlessness', even against a background of declining aggregate crime rates, did not provide a particularly productive environment in which to embed preventive thinking in the state sector, although it has continued to flourish in the business of private security and insurance.

The intervening years have shown that realising preventive partnerships has proved stubbornly illusive. The 'honeymoon' period of CDRPs was short-lived. Many partnerships were quickly stalled by a reluctance of some agencies to participate, the dominance of a policing agenda, an unwillingness to share information, conflicting interests, priorities and cultural assumptions on the part of some partners, a lack of inter-organisational trust, a desire to protect budgets and a lack of capacity and expertise. Despite s.115 of the 1998 Act giving partners the legal power to exchange information, in practice, partnerships experienced considerable problems in reaching agreements about what data they could legitimately share and on what basis. Along with data protection legislation, the implications of s.115 have been differently interpreted. Consequently, concerns over confidentiality have often stymied partnership working and problematised inter-organisational trust relations. The involvement of private businesses has been patchy, often preferring 'to do their own thing' and the role of the voluntary sector has frequently been

marginalised. Partnerships, dominated as they are by public sector bodies, have often confronted a deep reluctance of businesses to do, what they perceive as appropriately, Government's work.

Government responded to the perceived unwillingness of some agencies to engage with CDRPs simply by expanding the list of organisations under a legal duty to participate. Such has been the political disappointment with community safety partnerships that, in late 2004, Government announced a review of their activities, governance and accountability, acknowledging that: 'a significant number of partnerships struggle to maintain a full contribution from key agencies and even successful ones are not sufficiently visible, nor we think accountable, to the public as they should be' (Home Office 2004: 123). The review prompted two developments. First, Government published a National Community Safety Plan. In it, Government committed itself once again to deliver a more co-ordinated national approach, by requiring Ministers to prioritise community safety policies and consider community safety dimensions of new and existing policies. However, the plan created no new obligations and fell considerably short of either the s.17 duties on local authorities (in the 1998 Act) or the proposals put forward in the Morgan Report for Government to provide 'a community safety impact statement' for all new legislation and major policy initiatives (Morgan 1991). Secondly, Government published a response to the review offering 'more of the same' with regard to central steering of local partnerships, propped up by statutory duties (Home Office 2006a). Impatience at the pace of change has provoked an acceleration of the review cycle with minimal regard for the burdens that partnerships are under to respond to meet new initiatives and central targets. In practice, the focus of many partnerships has been compliance with national performance indicators, notwithstanding the requirement upon them to identify and pursue local priorities.

Under central pressures, the community safety remit of CDRPs narrowed significantly in the late 1990s to a focus on crime reduction as measured against police recorded crime figures. Despite the rhetoric of localism, Government appears to have been unable and unwilling to adopt a more 'hands off' approach. In the politically sensitive arena of crime and disorder, desires to be seen to be responding to immediate problems often encourage a 'hands on' approach to micro-management, a notable example being the Street Crime Initiative. This initiative brought home to senior politicians – notably the then Prime Minister – the lack of joined-up working at the heart of government.

However, the Government's own policy developments have often worked against cross-departmental and inter-organisational priorities by emphasising *intra*-organisational target-setting and narrow departmental goals. The myopic implications of performance measurement have afforded scant regard to the complex process of negotiating shared purposes, particularly where there is no hierarchy of control. This managerialist policy climate has rendered it difficult to encourage partners for whom crime is genuinely a peripheral concern to participate actively in community safety endeavours whilst they are being assessed for their performance in other fields. Perhaps Government's newly stated intention to bring together key partners in a National Crime Reduction Board 'to drive delivery and provide shared ownership' is a partial recognition of the unhelpful break that Government has played on local developments. Whether this will produce the desired effect is unclear, as is the extent to which the splitting of the Home Office and the creation of the new Ministry of Justice will enhance joined-up policies.

Another explanation for the relative lack of progress lies in a much deeper ambivalence about the appropriate tasks and capacities of contemporary government. Nowhere has this been more apparent than in the emphasis on Anti-Social Behaviour (ASB), which now sits alongside crime and disorder as a central preoccupation of all CDRPs. Together with the subsequent Respect programme, the intention now is to 'go broader, deeper and further' than before to 'ensure that the culture of respect extends to everyone - young and old alike' (Home Office 2006b: 7).

Paradoxically, at the moment in history when the 'myth' of the monopolistic sovereign state had become increasingly exposed, the British state appears to have embarked upon nothing less than the attempted transformation of contemporary manners. Since 2002, at least, imposing 'civility through coercion' and chasing the holy grail of 'public reassurance' have become the ambitious (and ambiguous) aims of much policy. More often than not, being seen to be 'doing something' before an anxious electorate has meant reasserting state authority, usually by invoking *more law* and, frequently, more criminal law. The number and range of new powers created in recent years is testimony to the enduring recourse to sovereign command. The politics of crime prevention and community safety over the past decade have been caught up in this maelstrom of 'hyper-activity' in a context of 'hyper-politicisation'. The frantic quest for novel ways of regulating behaviour has been premised upon an incoherent conception of 'state craft' embedded in a clash between ambitious central state interventionism and limited capacities to effect change.

In some senses, ASB has carved out a specific policy domain that CDRPs can call their own and against which they can be judged. ASB has give CDRPs new tasks to fulfil, services to manage and information to collect and collate. As an ill-defined and capacious policy field, blurring traditional distinctions between crime and disorder, ASB has given CDRPs a new lease of life. It has undoubtedly also given them a greater public profile and more direct channels of responsiveness to local concerns, for example through the 'community call for action'. ASB potentially allows CDRPs to return to their preventive origins. But to do so requires a major recasting of an agenda – especially at the level of central Government - that sits awkwardly alongside other programmes, notably the commitments associated with *Every Child Matters*. In its focus on young people and families especially, ASB is a warning of how early intervention, where prevention might have been the defining logic, has all too often been captured by an enforcement approach. Whilst many practitioners up and down the country work actively to resist this logic, the time is ripe for national leadership in rebalancing the scales of administration away from enforcement-led solutions alone and towards a significant investment in prevention.

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'Party Invitations: New Labour and the (De)-Regulation of Pleasure'

Philip Hadfield

2 May 1997: a rejuvenated Labour party wins a landslide victory in the British general election. It's the election night party and the soon-to-be familiar members of the new government do their best rhythmic swaying to adopted theme tune 'Things Can Only Get Better'. These are the days of 'Cool Britannia', 'Britpop' and 'superclubs' the size of aircraft hangars. New Labour's brand is 'box fresh' and gleaming; a party party, courting the youth vote with rock star endorsements and text-messaged manifesto promises to all who "cldn't give a XXXX 4 last ordrs". Looking back on those days, it has become less difficult to divide New Labour's style from its substance. The following paragraphs provide a brief account of key moments across a decade of policies concerning the governance of pleasure, through control of the consumption and supply of drugs, alcohol and gambling:

Drugs

Labour has continued to amend the 1971 Misuse of Drugs Act which dictates the criminalisation and classification of illicit drugs in Britain. Class A, B and C drugs are controlled substances under the Act, with Class As being those considered most harmful and having the most severe penalties attached to their possession and supply. In early 2004, cannabis was reclassified from Class B to Class C, but the power of arrest for possession was retained and the penalty range for supply increased. In parallel, the Association of Chief Police Officers issued forces with new guidance recommending the use of street warnings for most possession offences. Activities such as smoking in a public place and repeat offending were highlighted as 'aggravating factors' which could provoke recourse to arrest and prosecution. Subsequently, the Drugs Act 2005 was used to plug a legal loophole wherein magic mushrooms were only controlled by law if prepared for use. Following the Act, the fungi, in both their 'fresh' and prepared state were categorized as Class A.

Labour maintained the Tory legacy of tough talking on drugs. In 1998, the government launched a 10-year Drug Strategy focusing on education, prevention, enforcement and treatment. Under its *Updated Drugs Strategy 2002*, the Home Office prioritised the targeting of Class As such as cocaine, crack, heroin and ecstasy. However, the degree to which this renewed emphasis has delivered meaningful increases in seizure and prosecution remains open to question. David Blunkett's regime also championed the view that doctors should reconsider the prescription of controlled doses of heroin in their treatment of users, as had been common practice during the 1960s. Advocates of this approach within the police and drugs charities maintained that this was preferable to the use of substitutes such as methadone, as it would reduce drug-related crime and provide more effective long-term benefits for patients. Although a small proportion of doctors were already licensed to prescribe heroin, sections of the medical community sought to resist calls to increase its use, pointing to the risk of creating 'addicts for life.' This view remains influential, with heroin typically prescribed only where patients have failed to respond to methadone (currently, only 0.5% of users in treatment receive prescription heroin).

Alcohol

Tony Blair has governed a period in which the prevalence of heavy sessional drinking has increased to levels unprecedented in recent British history (Plant and Plant 2006). Whilst, the underlying causes of this trend are multi-faceted, government policies on alcohol should undoubtedly be regarded as important contributory factors (Measham 2006). Early indicators of New Labour's approach were provided by the transfer of responsibility for alcohol (and gambling) licensing matters from the Home Office to the Department of Culture, Media and

Sport (DCMS) in 2001. This move symbolised a shift away from the primarily *public* concerns of crime prevention, toward the more *privatised* interests of leisure industry entrepreneurs and shareholders. The shift remains startling when one considers the four statutory objectives of the Licensing Act 2003: 1.) the prevention of crime and disorder; 2.) the enhancement of public safety; 3.) the prevention of public nuisance, and; 4.) the protection of children from harm. As highlighted in the Act's accompanying Guidance, these objectives relate most directly to management of the night-time urban public realm and the activities of those (mostly) young people who occupy it; issues which would appear to fall squarely within the traditional responsibilities of the Home Office. In following the Act's transition from White Paper to statute book, one finds strong evidence to suggest that the DCMS have proved a reliable ally to industry in its attempts to steer alcohol policy away from the stormy seas of supply-side intervention, toward the calmer waters of voluntary self-regulation (Hadfield 2006; Room 2004).

Despite an awareness of Britain's burgeoning drink habit, New Labour used the Licensing Act to increase the availability of alcohol. This was achieved through the extension of licensing hours and removal of the traditional test of 'need', wherein licensing justices could restrain free operation of the market where it was felt that an area was over-supplied with licensed premises. The Act's corresponding silence on issues of public health exposed scant input from the Department of Health, or acknowledgement of broader public policy contexts, as outlined in the Cabinet Office's non-statutory *Alcohol Harm Reduction Strategy for England* (2004): a striking example of policy fragmentation.

Implemented in November 2005, the Act was predicted to cut alcohol-related crime through: discouragement of speed drinking before an 'artificially' fixed (and, by implication, artificially 'early') closing time; reduction of crime-generating pressures on street life previously induced by the rapid emergence of large crowds of intoxicated persons, and enhancement of police powers to close licensed premises and control offending individuals. Independent voices were quick to point out that: a) alcohol-related crime and disorder are complex social phenomena, linked to drinking practices and cultural attitudes that are unlikely to be rapidly transformed by legislation alone, and b) that a sizable body of international evidence has linked increases in the availability of alcohol within an area to increases in a range of social harms, including rates of violence. Even the Home Office appeared unwilling to share the optimism of its departmental colleague, releasing millions of pounds in additional funding for a series of 'Alcohol Misuse Enforcement Campaigns', involving high-profile policing of nightlife areas over the summer and festive periods of 2004 and 2005. 18-months after its implementation, the various impacts of the Act remain opaque. Police forces report that the later closing times require them to rearrange their shift patterns to provide cover throughout the early hours. However, more definitive analyses of the Act's effects on crime remain constrained by an apparent lack of political will and transparency in collation and publication of the necessary evidence (Hadfield 2007). In the Violent Crime Reduction Act 2006, one continues to witness, not only a skewing of alcohol policy toward issues of crime, but also a skewing of crime policy toward the management of drinking; a societal issue in relation to which the police have always had, at best, a tangential grip.

Gambling

With the Gambling Act 2005, the DCMS also introduced a wholesale review of the gaming laws. The number of slot machines in British casinos had long been limited to 20, however, under the Act, new-generation casinos may offer 150 in smaller venues and up to 1,250, in the largest. In early 2007, media focus on the location of the first such 'supercasino' drew attention from the Casino Advisory Panel's simultaneous authorisation of a further 16 new casinos. These moves were followed by a legal challenge from existing casino operators who maintained that de-regulation of the slot machine offer within the new venues would create unfair competitive advantage. With slot machines regarded as crucial profit divers for the casino industry, demands

for a levelling of the regulatory playing field can only gain momentum. For those disconcerted by the proliferation of gambling, herein lies the risk. High-stakes slot machines are especially associated with the onset of problem gambling, as they encourage the player to 'chase' each game for higher stakes (Breen and Zimmerman, 2002). As with alcohol, the 'official' view emanating from the DCMS is that gambling is a popular and largely benign leisure activity with considerable potential for commercial investment, bringing jobs and prosperity to areas badly in need of regeneration. This official discourse affords little credence to the issue of impaired control and the social harms associated with addictive gambling, across the population as a whole, and deprived communities, in particular.

Conclusion

In governing the business of pleasure, New Labour's instincts have been laissez-faire in their dealings with industry, yet far from libertarian in relation to the individual citizen. Those using cannabis in private are less likely to face criminalisation, and the drinker and gambler have more consumption choices available to them. However, these shifts do not constitute an embrace of liberal personal politics, but rather, a corralling of pleasure-seeking within the nexus of commercial exchange (Class A drugs are, of course, exceptional, as their incorporation into the legitimate market remains politically untenable). New Labour's preference has been to work in 'partnership' with the alcohol and gambling industries in promoting enterprise, profit generation and associated tax revenue. In so doing, it has strayed from the path of its socialist forebears. As often noted, the early Labour movement drew greater inspiration from the Protestant ethics of Methodism, than the rallying calls of Marxism. Methodist doctrine promoted an ascetic life of thrift and sobriety through which one might improve one's lot in this world and the next. For much of the 19th and 20th centuries this theology contributed to the uneasy accommodation of 'respectable' working class ambition and employers' desires for economic stability and a dependable workforce.

In 21st century Britain, transformed conditions of cultural and economic life demand a new pleasure ethic in which potentially addictive substances and activities are regarded as little different from any other commodity. Yet, de-regulation of supply is accompanied by the placing of ever greater responsibilities on the consumer. This new stance rejects the so-called 'nanny state', which once prioritised the connections between socio-economic context and vulnerability to harm, in favour of a universal norm, in which rational, autonomous and strong-willed individuals have the capacity to make informed decisions about their own repertoire of pleasure-seeking behaviours. Punitive action is then attached primarily to those individuals judged, through their choices, to lack self-control, rather than to those who exploit such vulnerabilities. That this stance can be associated with a party of the 'left', or even 'centre' of politics, demonstrates how much things have changed since 1997.

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'Evaluating the Impact of Dispersal Orders'

Adam Crawford and Stuart Lister

The Anti-Social Behaviour Act 2003 gives police powers to designate areas as 'dispersal zones', for up to six months, where there is evidence of persistent anti-social behaviour. In designated areas, police can disperse groups of two or more where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed.

According to Home Office estimates, from their introduction in January 2004 until April 2006, over 1,000 areas were authorised as dispersal zones across England and Wales. However, very little is known about the use and impact of dispersal powers, particularly with regard to their consequences for police-community relations. As the House of Commons Public Accounts Committee recently lamented, the 'lack of published data on the effectiveness of different measures to combat anti-social behaviour in different situations or with different groups of people has led to variation in the extent to which local areas use the interventions available to them'. Consequently, decisions are not necessarily based on an objective assessment of what works. As Home Office officials explained to the Committee, Government has explicitly preferred not to fund any detailed evaluations, but instead has restricted oversight to the collection of limited data via police quarterly returns. This contrasts strikingly with the situation in Scotland where only six dispersal order authorisations had been made by April 2006, a figure which has subsequently increased to 14. More importantly, the Scottish legislation (under the Anti-Social Behaviour etc (Scotland) Act 2004, Part 3, s. 24) requires the Scottish Executive to conduct a study into the operation of dispersal powers and lay it before the Scottish Parliament within 3 years of the powers' commencement. The results of the Scottish Executive research are due to be published at the end of this month. In the absence of Government evaluation, the Joseph Rowntree Foundation funded a year-long study of dispersal orders, published this week. This article provides an overview of the key findings.

The research collected data from three primary sources: a national overview of practice; two city-based studies exploring the development of strategies over time; and two case study sites where, in each, a six-month dispersal order was investigated from authorisation to completion. It reveals that dispersal orders have been used in a wide variety of locations to address diverse social problems, including: racially motivated attacks, drug dealing, alcohol-related violence, illegal street trading, street robbery, vandalism, vehicle-related disorder, street begging and prostitution. Dispersal orders are most commonly used in relation to groups of young people and associated anti-social behaviour. The data show considerable variations in the use of dispersal orders both between and within police force areas. Over time, however, dispersal orders appear to have become used in more circumscribed and targeted ways, rather than as a blanket power. A good example of this has been the annual use of short-term, three-week, dispersal orders in parts of Sheffield to address specific problems associated with fireworks misuse around Halloween and Bonfire night.

Unsurprisingly, the Metropolitan Police have implemented more dispersal orders than any other force. Between April 2006 and March 2007, a total of 85 orders came to an end across London. Over a third were authorised within residential areas, but the majority (51%) were located either in shopping areas or city/town centre locations. Nearly two-thirds ran for the maximum duration of 6 months. More than a third were authorised in areas that had been previously designated a dispersal zone, slightly higher than the national average of renewals which is nearer a quarter. One area had been designated on six previous occasions and in a further eight areas designation

had been renewed either 3 or 4 times. Some police and local authority officers explicitly saw renewal as an indication of failure. Others argued that where an order had successfully reduced the incidents of ASB, this might be used as evidence to justify the continuation of the order. This view was frequently provoked by fear that the end of the order would see a return of the initial problem. Conversely, terminating an order before it has run its full course was widely perceived as evidence of success. The data on the number of people dispersed in London were available for almost half the dispersal orders and show a highly variable pattern of use of the powers. Just under 5,000 people were dispersed across 42 areas. However, three orders accounted for more than half of all people dispersed.

Our research highlights the importance of the authorisation process as providing an evidence base upon which subsequent action is founded and as a trigger for wider consultation, with the local authority, other relevant agencies and community groups. Where conducted rigorously, the process of authorisation provides dispersal powers a degree of legitimacy and public accountability and can help ensure that the exceptional powers available are an appropriate, proportionate and planned response to persistent problems. Authorisation affords opportunities to enhance police–community relations and stimulate multi-agency problem-solving, prompting the consideration of wider and longer-term preventive and diversionary strategies. Local authorities and other key organisations have a major role to play in assisting the police in their decision to authorise and a responsibility to ensure that adequate diversionary activities and support structures are in place during and beyond the duration of the order. By providing a short-term and highly visible ‘police solution’, many police felt that dispersal orders risked letting other responsible agencies and community residents ‘off the hook’, whilst failing to address the root causes of local problems.

The research highlights that the rigors attached to the authorisation process are variously interpreted. In some instances, considerable emphasis has been given to the information-base upon which an application is founded. In others, however, the process was accorded less significance and on occasions was viewed less robustly, as ‘boxes to be ticked’, rather than an essential bedrock upon which the efficacy and veracity of designation is based. The research also uncovered examples where police data were insufficient to justify a dispersal order and alternative sources of data were used to supplement the evidence-base. Given the exceptional status of the powers, it is important that ‘evidence’ is restricted to incidents that highlight the *persistence* of anti-social behaviour within the area and the existence of a problem with groups *causing* intimidation, rather than documentation on the perceptions of some local residents and businesses. There is concern that authorisation may be the product of local preferences - on the part of key police and local authority staff - for certain enforcement strategies and the capacity of communities or businesses to mobilise in favour of dispersal order authorisation, which is sometimes perceived as an accessible means of drawing police resources into an area.

As such, the implementation of dispersal orders raises important resource issues for police managers, given the additional visible patrols that they demand. Many initiatives planned to police intensively the first few weeks of the order and subsequently to reduce the amount of patrol hours, but found this difficult to realise given raised public expectations. Senior police officers interviewed considered managing public expectations to be one of the most crucial challenges of dispersal order implementation, both during and beyond the lifespan of the order. A further concern was the possibility of displacement. In many localities, dispersal orders generated displacement effects, shifting problems to neighbouring areas, sometimes merely for the duration of the order.

Most front-line police, notably community support officers, welcomed the flexibility that dispersal powers conferred upon them, particularly at a time when many felt their scope for

discretion was being curtailed in other areas of police-work. The powers provided them with formal authority to do what many considered to be a key aspect of traditional policing, namely engaging with groups of young people, negotiating order and asking them to move elsewhere if their behaviour is causing offence to others. Nonetheless, police frequently described the powers as a tool they kept in their 'back pocket'. Implementation strategies generally gave preference to dialogue and negotiation. Enforcement through recourse to formal powers was used sparingly. In practice, police interpreted and implemented the legislation in a more circumscribed manner than the law might allow, often explicitly emphasising that the powers did not stop people from congregating in public places. Nevertheless, it is a concern that the presence of groups in a dispersal zone, as much as specific behaviour, may be caught by the legislation. This disjuncture between the scope of the law and police practice generated much public confusion. Moreover, different interpretations of the powers leave considerable scope for inconsistent enforcement which in turn can impact negatively upon perceptions of fairness and experiences of procedural justice. Such dangers are particularly acute where police officers are drafted into an area to bolster visible patrols, but who may have limited knowledge about the locality. Furthermore, there were considerable uncertainties about the value and effectiveness of the power to remove youths under 16 to their homes after 9pm, despite legal clarification being provided by the Court of Appeal in June 2006. Consequently, this part of the powers was seldom used.

A key finding of the research is the potential for dispersal orders to antagonise and alienate young people who frequently feel targeted by the powers and unfairly stigmatised for being in public places. Young people generally understood the need for intervention where genuinely anti-social behaviour occurs, not least because they are most likely to be its victims. However, restricting their ability to congregate in public spaces seemed to them eminently unfair and unwarranted. One of the messages that young people interpreted from dispersal orders was that all youths are perceived as problematic regardless of their actual behaviour. Consequently, dispersal orders can bring young people into conflict with the police on the basis of the anxieties that young people congregating in groups may generate among others and assumptions about what they might do. Some young people suggested that dispersal orders introduced an element of 'cat and mouse' gaming, whereby flouting authority became a routine pass-time.

Importantly, where enforced without due sensitivity or clear explanation, dispersal orders can erode relations with youths and provoke defiance in some. Compliance, the research suggests, is more likely to be gained where policing is accompanied by experiences of respect and procedural justice. Given the high levels of victimisation among young people and their frequent presence in public places, it is crucial that police build constructive relations with them. If, by contrast, young people become alienated by the use of the powers then police may lose a valuable source of information. Consequently, the research highlights the importance of engaging with young people, youth organisations and agencies representing young people both before and after the decision to authorise an area for the purposes of dispersal powers.

In two case study areas, in London and Yorkshire, the research found:

- A decline in young people congregating in the dispersal order zones during the authorisation period. Over half of adult residents said that the order had helped reduce the number of young people hanging around.
- Some residents reported feeling more confident about going out in the area.
- Despite the police seeking to make it clear that the dispersal order did not 'ban groups from gathering', much confusion persisted over the criteria for dispersal.
- Few groups were formally dispersed. Police mainly used dispersal powers informally to facilitate dialogue with young people.

- In one case study area, crime decreased by 39% and criminal damage by 42% in comparison with the preceding six months. Reported incidents of anti-social behaviour declined by 45% on the previous year.
- In the other area, crime decreased by 15% during the dispersal order as compared to the preceding six months.
- In one neighbouring 'displacement zone' crime rose by 148% on the previous six months and 83% on the previous year. Displacement was most apparent for criminal damage.
- In one case study site, over half of all young people surveyed said that the dispersal order had a negative impact on their feelings towards the police.
- In both areas, some 61% and 43% of young people said that the dispersal order was unfairly targeted at young people.
- Approximately two-fifths of young people said that the existence of the dispersal order had increased inter-generational conflict in the areas.
- Many young people who said they had been dispersed reported feeling unfairly treated. Half disagreed that the police listened to what they had to say and two-fifths said that the experience left them less confident with the police.
- In both sites police and other key professionals felt that more could have been done during the window of opportunity created by the order to address long-term issues and provide alternative activities for young people.

A central message from the research is that where enforcement alone is the defining attribute of dispersal order implementation, the powers constitute a 'sticking plaster' over local problems of order that affords a degree of localised respite but invariably fails to address the wider causes of perceived anti-social behaviour. Poignantly, police officers offered some of the most critical and reflective insights into the shortcomings of the powers and the challenges they entail. Through practice, police have come to appreciate both the limitations and the unintended consequences of such sweeping and highly discretionary powers. There is a growing realisation among practitioners of the need to retain exceptional powers such as these for focused, short-term and well-evidenced use.

The full report *The Use and Impact of Dispersal Orders: Sticking Plasters and Wake-Up Calls* by Adam Crawford and Stuart Lister is published by The Policy Press (price £14.95, ISBN 978 1 84742 078 7). It is available to buy from www.policypress.org.uk or from Marston Book Services, PO Box 269, Abingdon, Oxon OX14 4YN Tel: 01235 465500, Fax 01235 465556 email direct.orders@marston.co.uk. (Please add £2.75 p&p).

Electronic copies of the full report and summary of key findings can be downloaded for free from <http://www.jrf.org.uk>

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Professor Crawford presents the research findings of the Joseph Rowntree Foundation report on Dispersal Orders, at the publication launch 18th October 2007, London School of Economics.



Responses to, and comments on, the report's findings were given by Sergeant Dylan Belt of the Metropolitan Police (standing), Professor Mike Hough, King's College (to his left, seated); Viv McKie, National Youth Agency (to his left); and journalist Anna Minton (to her left). The event was Chaired by Professor Tim Newburn of the LSE (far right). The event was attended by national policy-makers, practitioners and researchers.

‘Policing Cybercrime’

David S. Wall

Introduction

Hacking, identity theft, internet fraud, hate crime, cyber-terrorism - not to mention the criminal exploitation of a new generation of pornographic vices - are all malicious by-products of networked technologies. Each of these ‘cybercrimes’ exposes internet users to a range of risks that degrade the quality of life online. Not only will these risks continue to increase as more and more of our everyday functions utilize networked technologies, but public concern about them will create even greater demands for police action. Worrying then, is the apparent disparity between the seemingly thousands, even hundreds of thousands, of reported cybercrimes and the low prosecution rates – a common trend across most jurisdictions.

Is this shortfall *prima facie* evidence that localised police forces working within tightly prescribed budgetary constraints simply cannot cope with crimes arising from globalised electronic networks? Network technologies that disadvantage the police by enabling criminals to reach their victims across infinite spans of time and space. Else, is it the case that cybercrimes are being policed by others. Or are there other factors in play? This short article will map out the issues that are shaping the cybercrime debate before looking at the challenges that cybercrimes pose for policing agencies.

What is the problem?

In the age of the media sound-byte, the “ill-equipped police” explanation is appealing – just blame the failings on conservative and traditional thinking. After all, can we realistically expect an organisation designed to counter the dangers of urban migration caused by antique production technology to respond to an entirely new set of virtual policing problems? Yet, how does this argument square with the high levels of concern expressed by the police themselves and also the formation (and highly publicised successes) of recently police technology crime units at national, regional and local levels. So, instead of looking for the simple causal explanation, perhaps we should be looking more critically at what is being understood as cybercrime, before re-examining our expectations of the police role in this field.

Although a topical and newsworthy subject we know little in fact about cybercrime other than from press and television reportage. Despite a common agreement that cybercrimes exist, confusion thrives in the absence of consensus as to what they actually are. Without authoritative knowledge there is no firm platform for a responsive criminal justice (including policing) policy and misunderstandings perpetuate. Particularly confusing is the common tendency to call any offence involving a computer a ‘cybercrime’. As a consequence, public opinion is easily swayed by contradictory messages, which on the one hand depict the internet as a wonderland of personal, commercial and governmental opportunity, while on the other hand, simultaneously demonise it as a place where youngsters are groomed by paedophiles and upstanding citizens robbed of their identity.

What are cybercrimes?

Cybercrimes are criminal acts transformed by networked technologies. If the hallmark of cyberspace is that it is informational, networked and global, then these qualities must also be characteristic of cybercrimes. So, to extract their essence we must think about what happens to them if the Internet were to be removed. Three distinctive types or generations can be discerned. The first are *traditional or ordinary crimes that use computers* – usually to communicate or gather

precursor information that assists in the organisation of a crime. Remove the Internet and the behaviour continues because offenders simply revert to using other forms of available communication or information gathering. The second are the *hybrid cybercrimes*, or 'traditional' crimes for which network technology has created entirely new global opportunities. Take away the Internet and the behaviour continues by other means, but not upon such a global scale. In contrast to the earlier generations, the third generation are *true cybercrimes* and solely the product of the Internet - remove it and they vanish.

This last generation includes spamming, identity theft and variations of intellectual property piracy. One of its defining characteristics is that it utilises malicious software (viruses and worms) to automate victimisation. Offenders are now employing spammers who employ hackers and virus writers to write the scripts to do the spamming which launches the hacking software for them! This is a new world of low-impact multiple victim crimes that creates *de minimis* problems for law enforcement and for the policing of offenders.

By looking at cybercrimes in terms of their mediation by technology, we find that many deviant acts loosely called cybercrimes are actually defined elsewhere in law, rather than specifically in the computer misuse laws. As a consequence, existing professional experience may be applied to law enforcement practice, thus any legal problems arising in regard to the use of the internet will tend to relate more to the implementation of legal procedures than to substantive law. The third generation, however, are solely the product of the internet and often fall outside existing laws and professional experience.

What challenges do cybercrimes pose for policing?

Cybercrimes are quite distinctive in their tendency to be small-impact multiple-victimisations occurring across a global span. Despite the existence of applicable bodies of law backed up by international harmonisation and police co-ordination treaties, these characteristics conspire to impede the traditional investigative process. Simply put, their informational, networked and globalised qualities cause them to fall outside the traditional localised (even national) operational purview of police. They clearly differ from the regular police crime diet, which is one reason that they can evade the criminal justice radar. Cybercrimes, for example, tend to be individually small in impact (*de minimis*) to warrant the expenditure of finite police resources in the public interest. They also tend to fall outside routine police activity and also police culture which means that the police have little general experience in dealing with them as a mainstream crime. There also exists the additional problem of disparities in legal coding across jurisdictions which can frustrate law enforcement.

Another reason that cybercrimes fall outside the criminal justice arena is that they are under-reported. Individuals are often embarrassed to report their victimisation, or their loss may be small. Else the dangers posed are not always immediately evident, are not regarded as serious by victims, or they are genuinely not serious. Where the victims are corporate entities, reporting may expose a commercial weakness, which raises clear conflicts between the private v. public justice interest with regard to cybercrimes. Very often the consequences of victimisation may not be apparent to victims. *Computer integrity* cybercrimes such as hacking or identity theft are often precursors for more serious offending. Information gathered may later be used against the owner, or crackers may use Trojans to control the computers of others. *Computer-related* cybercrimes, such as internet scams, tend to be individually minor in impact, but serious by nature of their sheer volume. *Computer content* crimes, on the other hand, such as pornography mainly tend to be informational, yet extremely personal and/or politically offensive or could subsequently contribute to the incitement of violence or prejudicial actions against others.

What, then, is the role of the police in policing cybercrime?

Clearly, cybercrimes are characteristically not compatible with traditional routine police practice. Despite being in the 21st Century information age, the police still continue to work mainly along the lines of their 170 year old public mandate to regulate the 'dangerous classes'. Hence the (understandable) focus upon policing paedophiles, child pornographers, fraudsters and those - including terrorists - who threaten the infrastructure. However, this is not to say that cyberspace goes un-policed. As Robert Reiner has observed more terrestrially: 'not all policing lies in the police'. Nor is it necessarily the case that police activity is either inefficient or ineffective. Rather the public police role has to be understood within a broader and largely informal architecture of networked internet policing, which not only enforces laws, but also maintains order in very different ways.

Internet users and user groups, for example, maintain online behaviour through moral censure. *Network infrastructure providers* draw upon the terms and conditions of their contracts with clients. They, themselves, are also subject to the terms and conditions laid down in their contracts with the telecommunications providers who host their services. *Corporate security organisations* preserve their corporate interests through contractual terms and conditions; but also use the threat of removal of privileges or the threat of private (or criminal) prosecution. *Non-governmental, non-police organisations*, such as the Internet Watch Foundation, act as gatekeepers by accepting and processing reports of offending then passing them on (mostly related to obscenities), as well as contributing to cybercrime prevention and public awareness. *Governmental non-police organisations* use a combination of rules, charges, fines and the threat of prosecution. Not normally perceived as 'police', they include agencies such as Customs, the Postal Service, and Trading Standards etc. A higher tier of these agencies also oversees and enforces national Internet infrastructure protection policies. *Public police organisations*, as stated earlier, therefore play only a relatively small, but nevertheless significant, role in imposing criminal sanctions upon wrongdoers. Although located within nation states, the public police are joined together in principle by a tier of transnational policing organisations, such as Europol and Interpol.

Conclusion

We are gradually learning more about the impact of networked technologies on criminal behaviour through research findings that are yielding useful data to challenge some of the misinformation. Within the police services, the maturation of the various hi-tech crime units at national and regional levels are establishing a corpus of policing experience in the field. In law, the computer misuse legislation has been revised to assist the policing of cybercrime. But when formulating responsive strategies to cybercrime we need to have realistic expectations of what the police can and cannot do, accepting in the process that not all policing lies in the police, but also in other structures of order. The governance of online behaviour should therefore be designed to assist and strengthen the Internet's natural inclination to police itself, keeping levels of intervention relevant while installing appropriate structures of accountability. This latter point is important because the same networked technologies which empower criminals also provide the police with a highly effective investigative tool that enable police to investigate at a distance by capturing the data trails created by each network transaction. Indeed, much of the debate in past years about equipping a beleaguered and under-equipped police is rapidly being replaced by increased concerns about over-surveillance through the gradual 'hard-wiring of society'. We need to be clear about where we set the balance between the need to maintain order online and the need to enforce law.

References

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‘The Forensic use of Bioinformation: Ethical Issues’

Dr Carole McCartney & Caroline Rogers¹

The UK has the largest forensic DNA database in the world, per head of population, with its four million samples representing six per cent of the population. The police in England, Wales and Northern Ireland are now permitted to take and store permanently a DNA sample from anyone arrested for a recordable offence without the need to obtain consent. Yet the establishment of the National DNA Database and subsequent extensions to police powers were effected without any meaningful public debate.

Undoubtedly, the use of DNA has resulted in many criminals having been caught and convicted. However, despite police claims about the utility of an ever more encompassing database, there is presently little evidence that keeping the DNA of people not charged or convicted increases crime detection rates. For example, Home Office figures state that the DNA of more than 6,000 ‘innocent’ people, retained on the Database since 2003, has been subsequently matched to crime scene samples. The information available does not, however, reveal how many of these matches led to convictions, and while the Database has almost doubled in size since 2003, detection rates involving DNA have not increased overall.

The independent Nuffield Council on Bioethics decided that a critical examination of the ethical issues involved in the use of bioinformation for forensic purposes was needed. In 2006 the Council established a Working Group to carry out a study of the subject chaired by Professor Sir Bob Hepple and including members with expertise in law, genetics, philosophy and social science. Dr Carole McCartney was appointed as the Project Manager. As part of its inquiries, a public consultation was held and the Working Group met with a range of interested stakeholders, including the police and forensic scientists. The consultation responses revealed a wide range of views, from those who wholeheartedly welcomed the expansion of forensic databases, to those who viewed the increase in police powers with deep suspicion.

The Council published its conclusions in a report, *The forensic use of bioinformation: ethical issues*, in September 2007. The report discusses issues surrounding the police use and storage of DNA, the scientific robustness of DNA profiling, the use of bioinformation in court, and the governance of forensic science services in the UK. The report makes a number of recommendations for change to current practice directed at the Home Office, the police service, members of the criminal justice system, forensic science services and other relevant parties. These are summarised below.

Ethical values and human rights

The protection of the public from criminal activities is a primary obligation of the state. It is also necessary to protect certain fundamental ethical values, such as liberty, autonomy, privacy, informed consent and equality. The Working Group broadly endorsed a rights-based approach, which both recognised the importance to human beings of respect for their individual liberty, autonomy and privacy, and the need, in appropriate circumstances, to restrict these rights either in the general interest or to protect the rights of others. The principle of ‘proportionality’ is at the heart of the report. This means that any interference with legally enforceable human rights, such as the right to a fair trial, the right to respect for private and family life, and the right to equal treatment, must be justified by the state, and evidence is needed to show that it is proportionate to the need to fight crime.

¹ Caroline Rogers, Senior Research Officer, Nuffield Council on Bioethics.

Scientific reliability

The science and technology of DNA profiling is increasingly robust and reliable. However, problems can occur with deliberate or accidental contamination of crime scene samples, misinterpretation of mixed samples (those originating from more than one person), and mistaken interpretation of partial profiles. The recommendations regarding the use of DNA in the criminal justice system are designed to reduce the risks of mistaken identification resulting from (relatively rare) cases of flawed science, and the (more frequent) failure of experts to present the scientific evidence in ways that can be properly understood by legal professionals and juries.

The use of DNA in criminal investigation

Collecting DNA

The Government recently consulted on proposals² to expand police powers further, by allowing police to take and store DNA from those arrested for non-recordable offences, which would include, for example, littering and minor traffic offences. It is the Council's view that this is disproportionate to the aims of identifying a person and of confirming whether or not a person was at a crime scene. Suspicion of involvement in a minor offence does not justify the taking of bioinformation without consent.

The Nuffield Council would like to see the police instead put more resources into the collection of DNA from crime scenes. At present, fewer than 20 percent of crime scenes are forensically examined, and only a small proportion of these yield biological material which can be tested for DNA.

Retaining DNA

Following arrest for a recordable offence, the police may permanently store biological samples and DNA profiles on the National DNA Database even if the individual is not subsequently charged or convicted – i.e. they remain 'innocent'. There are personal implications for these individuals, such as an increased chance of becoming involved in a later criminal investigation, anxiety about being associated with a 'criminal' database, and loss of privacy.

As stated above, the number of profiles on the DNA Database has doubled in recent years, yet the number of crimes solved where DNA evidence played a role has stayed more or less the same. Some believe that this is because the people now being added to the database are unlikely to commit crimes, or at least not those for which DNA evidence is relevant.

The Council recommends that the police should only be allowed to keep the DNA of people who are convicted of a crime. The exception would be people charged with serious violent or sexual offences, whose DNA could be kept for up to five years upon request by the police. These changes would bring the law in England, Wales and Northern Ireland into line with that in Scotland.

Volunteers

Biological samples and DNA profiles can only be taken and retained from witnesses, victims and volunteers if they give their consent. However, once consent is given, it cannot be later withdrawn. The Council recommends that volunteers should be able to have their DNA removed from the National DNA Database at any time without having to give a reason. Ideally, volunteers' DNA should not be stored beyond the conclusion of the relevant case.

² Contained in the consultation document *Modernising Police Powers: Review of the Police and Criminal Evidence Act* (March 2007).

Children

There are around 750,000 under-18s on the National DNA Database. The United Nations Convention on the Rights of the Child requires that special attention be given to children in the legal system, including opportunities for rehabilitation. The Council recommends that there should be a presumption in favour of removing DNA taken from children from the Database, if requested, unless there is a good reason, for example, in the case of a very serious offence or there is a serious risk of re-offending.

DNA evidence in court

It is vital that DNA evidence is properly interpreted within the particular circumstances of the case, and not represented as providing definitive evidence of guilt. Previous miscarriages of justice have highlighted the problem of non-disclosure of evidence to the defence. During the pre-trial stages, in order that a defendant has the opportunity to challenge a DNA match or fingerprint, or its interpretation, it is vital that all DNA and fingerprint evidence is disclosed in a timely manner to both the defence and prosecution.

There are serious doubts about the use of statistics in criminal proceedings. The Council found that scientific evidence, and the accompanying statistical data, may not (yet) be properly understood by non-experts involved in criminal proceedings, such as jurors, or even barristers, solicitors and judges. For example, the 'prosecutor's fallacy' has compromised the use of DNA evidence for a fair trial. This fallacy suggests that the rarity of a profile is interchangeable with the probability that the defendant is innocent (for example the rarity of a one in a million match produces the false conclusion that the chance of the defendant being innocent is one in a million).

The Council recommends that legal professionals should acquire a minimum understanding of statistics with regard to DNA evidence. Information should also be made available to jury members about the capabilities and limitations of DNA evidence.

Other uses of the DNA Database

Familial searching

When DNA collected at a crime scene does not match exactly any profile on the Database, it is possible to search for relatives whose DNA would provide a partial match. Many possible relatives may be found, and the process may reveal previously unknown family relationships. The Council recommends that familial searching should not be used unless it is specifically justified in each case.

Ethnic inferencing

When DNA is collected from individuals, the arresting officers allocate them to one of seven broad ethnic groups for statistical purposes. This information has been used in research and now forensic analysts can tell the police the likely ethnic group of a DNA sample collected from a crime scene. The police may use this to narrow their pool of suspects. However, the practice of assigning a 'racial type' to individuals is subjective and inconsistent, and genetic research does not support the idea that humans can be classified into a limited number of 'races'. The Council recommends that 'ethnic inferences' should not be routinely sought, and they should be used with great caution.

A population-wide DNA database?

Some believe that taking the DNA of everyone at birth to build a population-wide forensic database would assist the police whilst also removing problems of discrimination. However, this would be hugely expensive and would have only a small impact on public safety. The intrusion of privacy incurred would therefore be disproportionate to any possible benefits to society. For

these reasons, the Council is not in favour of the establishment of a population-wide forensic DNA database at the current time.

Governance and ethical oversight

The current legislative structure for the collection and retention of forensic bioinformation is piecemeal and patchy. The Council recommends that there should be a statutory basis for the regulation of forensic databases, which should include oversight of research and other access requests.

The Council also suggests that an independent tribunal should be set up to oversee requests by individuals to have their DNA removed from the Database, and that safeguards should be put in place regarding access to the Database by international law enforcement agencies.

Further details about the Nuffield Working Group and the study may be found on the Council's website, www.nuffieldbioethics.org. The report is available to download and is also available in hard copy and on CD.

'Defining terrorism and repressing liberation'

Clive Walker

In *R. v F (Interlocutory Appeal)* ([2007] EWCA Crim 243), the Court of Appeal was faced with a moral dilemma. Should the enforcement of political rules of engagement which apply within the United Kingdom, including a powerful denunciation and punishment of violence, apply elsewhere? Should they apply to a despotic regime with little or no regard for the niceties of political engagement or the human rights of individual exponents? In particular, should the rulers of Libya be protected to the same extent as the rulers of the United Kingdom?

The legal definition of 'terrorism' in section 1 of the Terrorism Act 2000 has provoked controversy ever since its inception. There were lengthy debates in Parliament about its vague terms and whether it unfairly criminalised the contemporary equivalents of the Suffragettes or the South African opponents of the apartheid, categories of political rebels, treated as criminals by their own societies and sometimes by the wider international community, but now hallowed as far-sighted and legitimate rebels (see Walker, C., *The Anti-Terrorism Legislation* (Oxford University Press, Oxford, 2002) chap. 1). Given the tactic of criminalisation which has been pursued in anti-terrorism laws since the time of the Diplock Report in 1972 (Report of the Commission to consider legal procedures to deal with terrorist activities in Northern Ireland (Cmnd.5185, 1972)), it appears anomalous that there should be reliance on a word such as 'terrorism' (there being no offence of terrorism). At the same time, the European Court of Human Rights has concluded that the term is not so far removed from the concept of a criminal offence to strike it down as for reasons of breadth or uncertainty (see *Brogan v UK*, App. nos. 11209, 11234, 11266/84, 11386/85, Ser. A 145-B (1988) para.50. See also *Ireland v UK*, App.no.5310/71, Ser. A 25; (1978) para.196). Turning to justification, laws against terrorism are designed to facilitate disruption and prevention as well as criminalisation, often at an anticipatory stage of the terrorist enterprise, a tactic which seems to conduce towards vaguer than normal legal grounds for intervention by the security agencies. However, even within this rationale, critics of the definition continue to attack its scope, with two lines of opposition now emerging more prominently.

The first concern is its increasing function within criminal offences. One can perhaps understand and accept that security and policing agencies should be tasked in terms wider than a concentration upon crimes. As a result, powers of arrest and surveillance, for example, might be couched in terms of 'terrorism'. But this argument is harder to sustain regarding criminal offences. As mentioned, the post-Diplock approach is to cloak so far as possible the condemnation of the terrorist within the legitimacy of the 'normal' criminal law. In any event, many 'normal' offences – relating to homicides, conspiracy to cause criminal damage, firearms possession and so on - are pertinent to the actions of the terrorist, therefore it hardly seems warranted to go beyond them. Yet, because of the impetus to deal with anticipatory risk, special offences, such as those dealing with the possession of items and information under sections 57 and 58 of the Terrorism Act 2000, have proliferated in number and usage, and all are based around the term 'terrorism'. That catalogue of special crimes has now been augmented by some of the broadest offences ever to be enacted. Thus, the Terrorism Act 2006 has added offences of direct and indirect encouragement of terrorism under section 1 (see Hunt, A., 'Criminal prohibitions on direct and indirect encouragement of terrorism' [2007] *Criminal Law Review* 441), as well as the offence of the preparation of terrorist acts under section 5.

The second mounting concern is the extension of the definition to foreign terrorism. This extension has been a trend in UK anti-terrorism laws since the 1980s, but it has again picked up

pace in recent times. First, by Part II of the Terrorism Act 2000, the power of proscription of terrorist organisations was extended beyond the Irish context, and most of the listed organisations are now non-Irish and relate to Jihadist terrorism. The Terrorism Act 2000 also reformulated the definition of 'terrorism' in section 1(4)(d) expressly to encompass actions directed against foreign governments. Thus, actions under section 1(1) which are 'designed to influence the government' can be caught where "'the government" means the government of the United Kingdom, or a Part of the United Kingdom or of a country other than the United Kingdom.' In addition, there is a growing trend of extra-territoriality in the relevant criminal offences. UN Convention based offences of terrorist bombing and finance were incorporated in the Terrorism Act 2000 (and extended by the Crime (International Co-operation) Act 2003). Then, by the Terrorism Act 2006 section 17, a range of other terrorist-related offences were applied to acts done outside the UK.

Returning to the story of F, who had obtained asylum in the United Kingdom as a refugee from Libya, the defendant was charged with two counts of possession of a document or record containing information of a kind likely to be useful to a person committing or preparing an act of 'terrorism' (contrary to Terrorism Act 2000, section 58(1)(b)). The core of the charge was that F, possessed materials downloaded from a Jihadist website concerning explosives training and a handwritten document which described the setting up of a terrorist cell, overthrowing Colonel Gaddafi and establishing an Islamic state. The trial judge ruled that the definition of 'terrorism' was applicable to governments constituting a dictatorship and not just liberal democracies. The Court of Appeal upheld this interpretation.

Is this interpretation to be welcomed? From the foregoing description, it is evident which way the Parliamentary wind is unambiguously blowing, whether for good or ill. The Court of Appeal picked up on these evident signals as to the correct interpretation of section 1, especially by reference to section 1(4)(d). It concluded, correctly in legal technical terms, that, as a matter of legislative history, while 'Parliament has been and will no doubt continue to be aware of the dangers of over-zealous, unnecessary interference' with political freedoms (para.11), it has decided to restrict those freedoms. There was no statutory basis for excepting from the definition of terrorism governments which were unrepresentative (para.27). Furthermore, it would be odd to except from the label of 'terrorism' (para.29) the plotting of murder abroad, even of a foreign despot like Colonel Gaddafi, when it constituted a serious offence under section 4 of the Offences against the Person Act 1861, section 4 (an offence explicitly designed to deal with troublesome foreign émigrés and so applied recently in cases such as *Abu Hamza: R v Hamza* [2006] EWCA Crim 2918). This preferred interpretation is also consistent with asylum law. In *Secretary of State for the Home Department v Rehman* [2001] UKHL 47, the protection of a foreign government (such as Pakistan) could be a matter of the 'public good' of the UK for the purposes of the application of deportation laws under section 3(5)(b) of the Immigration Act 1971. Rather less convincing was the Court's argument that the defendant's interpretation 'would require the jury to assess whether or not the particular government against which terrorist activity was planned or carried out, fell within the description of a representative or democratic government.' (para.30) Allowing juries to set the bounds of tolerance on political freedoms is a useful democratising device in areas of public order and national security which may mitigate against the harsher edges of the law (see, for example, *R v Ponting* [1985] *Criminal Law Review* 185).

Next, the Court of Appeal did not accept that its line of interpretation was contrary to the championing of democratic mandate in Article 3 of Protocol 1 of the European Convention of Human Rights. On the contrary, a wider definition of terrorism supported the right to life under article 2 (para.29). Here again, the tide of international opinion and law is on the Court's side.

Especially since 9/11, there is a diminishing willingness to protect the 'freedom fighter' who engages in any form of terrorism. For example, UN Security Resolution 1373 of 28 September 2001, expresses the view that 'before granting refugee status, all States should take appropriate measures to ensure that the asylum seekers had not planned, facilitated or participated in terrorist acts. Further, States should ensure that refugee status was not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation were not recognized as grounds for refusing requests for the extradition of alleged terrorists.' Likewise, the Council of Europe, the Convention on the Prevention of Terrorism 2005 (ETS 196) recognises that 'that terrorist offences and the offences set forth in this Convention, by whoever perpetrated, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature'.

The Court of Appeal in *R v F* produced a technically proficient judgment. But there is a lurking doubt. As stated by Sir Igor Judge, 'The call of resistance to tyranny and invasion evokes an echoing response down the ages. We note, as a matter of historical knowledge, that many of those whose violent activities in support of national independence or freedom from oppression, who were once described as terrorists, are now honoured as "freedom fighters".' (para.9) Lord Carlile, the Government's independent reviewer of anti-terrorism legislation, has shared the unease. In his report on The Definition of Terrorism (Cm.7052, 2007; see also the non-committal Government Reply at Cm.7058, 2007), he concluded that extra-territoriality should remain within the definition in accordance with international obligations and that a specific statutory defence of support for a just cause was not practicable. He also rejected more radical changes which would base the definition upon known criminal offences rather than a special definition (see Walker C., 'The Legal Definition of "Terrorism" in United Kingdom Law and Beyond' [2007] *Public Law* 331). Nevertheless, he did recommend that a new statutory obligation should require that the exercise of the discretion to use special counter-terrorism laws in relation to extraterritorial matters should be subject to the approval of the Attorney-General having regard to (a) the nature of the action or the threat of action under investigation, (b) the target of the action or threat, and (c) international legal obligations. This reform could not affect the interpretation of section 1 as such (as noted by the Court of Appeal, para.40). But it would be an antidote to the trend whereby the UK Government seems to value friendship with oil-owning despots much more highly than the political freedom exercised by refugee underdogs.

‘Penal policy in comparative perspective’

James Dignan and Michael Cavadino

Globalisation notwithstanding, the severity of punishment – as measured by the admittedly crude but nevertheless useful measure of rates of imprisonment – and also the methods by which offenders are punished continue to vary considerably in different societies. A recent study of comparative penal policy in twelve different countries (Cavadino and Dignan, 2006a; 2006b) suggests that these variations are not arbitrary but may be related to significant differences in the political economies to which those countries belong. For the purposes of the study the twelve countries were grouped into four families of political economy: neo-conservative (the USA, Australia, England and Wales, New Zealand and South Africa); conservative corporatist (Germany, France, Italy and the Netherlands), social democratic corporatist (Sweden and Finland) and oriental corporatist (Japan).

As can be seen from Table 1, these four ‘family groups’ are strongly differentiated with regard to a range of criteria including their form of economic and welfare state organisation, extent of income and status differentials, degree of protection afforded to social rights, political orientation and degree of social inclusivity. In brief, neo-liberal societies are characterised by their strong support for free market capitalism, a minimalist and residual welfare state, marked disparities of income and wealth, and high levels of social exclusion, a term which encompasses the denial of full *effective* rights of citizenship and participation in civil, political and social life. The general ethos is thus one of individualism rather than communitarianism or collectivism.

Conservative corporatist societies tend to offer their citizens somewhat greater protection against the vagaries of market forces; but the social rights they bestow are both conditional and hierarchical rather than egalitarian since they enshrine and perpetuate traditional class, status and economic divisions between different groups of citizens. The overall philosophy and ethos of conservative corporatism is a *communitarian* one which seeks to *include* and integrate all citizens within the nation, with individuals’ membership of interest groups and other social groupings providing a vital link between the individual and the nation state. Another typical feature of the conservative corporatist state is its strong support for, and reliance upon, other traditional institutions such as churches and the family.

The social democratic version of corporatism is characterised by an egalitarian ethos and its generous system of universal welfare benefits goes furthest in acknowledging unrestricted rights of social citizenship. One of the most distinctive features is the extent to which the state itself has assumed responsibility for discharging welfare functions that in other polities are left to other social organisations (in the case of conservative corporatist societies) or private employers (in the case of Japan) to undertake.

The oriental version of corporatism exemplified by Japan displays a form of authoritarian communitarianism in which individuals are expected to behave in accordance with the informal obligations that stem from the dense network of hierarchical relationships to which they belong. Although status differentials are far more marked than with other types of polities, materially there is much less disparity in terms of wealth and income distribution. To some extent the relatively modest investment in welfare spending by the state has traditionally been offset by the willingness of large scale private employers to adopt a relatively generous form of corporate paternalism with regard to their employees and their families.

TABLE 1: Typology of political economies and their penal tendencies

	Régime types			
Socio-economic & penal indices	Neo-liberalism	Conservative corporatism	Social democratic corporatism	Oriental corporatism
Economic and social policy organization	Free market, minimalist or residual welfare state	Status-related, moderately generous welfare state	Universalistic, generous welfare state	Private sector based 'welfare corporatism'; bureaucratic, paternalistic
Income differentials	Extreme	Pronounced but not extreme	Relatively limited	Very limited
Status differentials	Formally egalitarian	Moderately hierarchical, based on traditional occupational rankings	Broadly egalitarian; only limited occupational status differentials	Markedly hierarchical, based on traditional patriarchal ranking
Citizen-state relations	Individualised, atomised, limited social rights	Conditional & moderate social rights	Relatively unconditional & generous social rights	Quasi-feudal corporatism; strong sense of duty
Political orientation	Right-wing	Centrist	Left-wing	Centre-right
Imprisonment rate	High	Medium	Low	Low
Archetypal examples	United States	Germany	Sweden	Japan
Other examples	England & Wales, Australia, New Zealand, South Africa	France, Italy, Netherlands	Finland	

Interestingly, these ‘family traits’ also appear to be associated with some striking and enduring differences in penal policy terms. Although the study examined a range of policy indicators including youth justice policy, attitudes towards prison privatisation and also comparative rates of imprisonment we concentrate here on this latter aspect. Table 2 sets out the rates of imprisonment for the 12 countries surveyed and suggests a significant association between these different types of political economy and penal severity.

TABLE 2: Political economy and imprisonment rates

	IMPRISONMENT RATE (per 100,00 population) 2005-6
NEO-LIBERAL COUNTRIES	
USA	736
South Africa	335
New Zealand	186
England and Wales	148
Australia	126
CONSERVATIVE CORPORATIST COUNTRIES	
Netherlands	128
Italy	104
Germany	95
France	85
SOCIAL DEMOCRACIES	
Sweden	82
Finland	75
ORIENTAL CORPORATISM	
Japan	62

Source: Walmsley (2007)

At the beginning of the twenty-first century there are almost watertight dividing lines between the different types of political economy as regards imprisonment rates in these countries. With only one exception (the Netherlands), all the neo-liberal countries have higher rates than all the conservative corporatist countries; next come the Nordic social democracies, with the single oriental corporatist country (Japan) having the lowest imprisonment rate of all.

What is also noticeable is a general tendency for *changes* in these countries' punishment levels over time to fit the same pattern. We tend to find that as a society moves in the direction of neo-liberalism, its punishment becomes harsher. The Netherlands, whose imprisonment rate has gone from 17 prisoners per 100,000 population in 1975 to 128 in 2006, is the most dramatic example. Conversely, it is possible that a move in the direction of corporatism or social democracy (not that many countries have experienced strong developments like this recently) might make punishment more lenient or at least mitigate trends towards greater harshness.

How are we to explain such a striking relationship between severity in the recourse to imprisonment and the type of political economy with which a country is associated? We suggest that part of the explanation has to do with the cultural attitudes towards our deviant and marginalised fellow citizens which are *embodied* in the political economy (and as a result, to some extent *embedded* in society, helping to reinforce and reproduce the same cultural attitudes).

Neo-liberal societies tend to exclude both those who fail in the economic marketplace and those who fail to abide by the law – in the latter case by means of imprisonment, or even more radically in some instances by execution, which is in line with their highly *individualistic* social ethos. On the other hand, corporatist societies – and to an even greater extent, social democratic ones – have traditionally had a different culture and a different attitude towards the failing or deviant citizen. Their more communitarian ethos regards the offender not as an isolated culpable individual who must be rejected and excluded from law-abiding society, but as a social being who should still be included in society but who needs rehabilitation and *resocialisation*, which is the responsibility of the community as a whole. Although the Japanese picture is somewhat mixed, its broadly inclusionary approach at least with regard to offenders who are not deemed to be incorrigible reflects a willingness to rely more heavily on informal measures of social control rather than the use of 'exclusionary' penalties. The result, as can be seen from Table 2, is an imprisonment rate which even undercuts those of social democracies such as Sweden and Finland.

To conclude: this article has sought to establish, firstly that differences in penalty are likely to persist despite globalisation, and secondly that one important reason for such differences is strongly linked to differing types of political economy. The good news for penal reformers is that fears of an inevitable drift towards a dystopian 'culture of control' may have been exaggerated (Zedner, 2002). The bad news is that it may be difficult to achieve a more lenient shift in penal policy without attending to other more entrenched aspects of the wider political economy.

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