



Centre for Criminal Justice Studies, University of Leeds

## **CRIMINAL JUSTICE REVIEW**

**2003 - 2004**

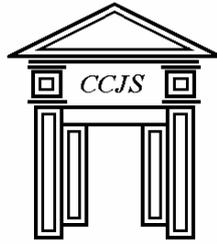
**(Sixteenth Annual Report)**

<http://www.law.leeds.ac.uk/crimjust/>

The Centre for Criminal Justice Studies (CCJS) was established in 1987 for the pursuit of research and study into all aspects of criminal justice systems. It is governed by an executive committee and its work is supported by an advisory group composed of academics, practitioners and policy makers in relevant fields of experience. The CCJS Constitution and Membership are set out in *Appendix 1*.

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## **Information about the Centre for Criminal Justice Studies**

The Centre for Criminal Justice Studies was established in 1987 at the University of Leeds to pursue research into criminal justice systems and criminological issues. It has since become recognised as one of the leading centres of its genre with a growing international profile. In support of its goals, the Centre fosters an active and flourishing multi-disciplinary academic environment for teaching and research. It has a wide research capacity covering all aspects of criminal justice and criminology, with a particular strength in policing. Some of its more recently commissioned projects - funded by the ESRC, AHRB, Home Office, Nuffield Foundation, Leverhulme Trust and various Police forces - are at the cutting edge and include the following research issues: "plural policing", "community police", "policing cyberspace", "terrorism and commercial targets", "criminal celebrities and celebrity criminals", "cybercrime", "pre-trial processes", "bail hostels", and "criminal justice élites". The Centre's work is supported by upwards of twenty senior advisors who are drawn from principal positions within the police, judiciary, probation service, prisons and the courts. The Centre runs both undergraduate and postgraduate teaching programmes, has a vibrant postgraduate research community and an active public seminar programme. It attained a 5A rating in the 2001 Research Assessment Exercise.

Further information, plus downloadable copies of the annual reports are available from the Centre's WWW site at <http://www.law.leeds.ac.uk/crimjust/>

In July 2005 the Centre will host the annual conference of the British Society of Criminology.

Contact: Professor David S. Wall, Director, Centre for Criminal Justice Studies, School of Law, University of Leeds, Leeds LST 9JT. Tel: 0113 343 5033 – email [d.s.wall@leeds.ac.uk](mailto:d.s.wall@leeds.ac.uk)

### **The contributors to this report are:**

Dr Yaman Akdeniz  
Ann Blair  
Jonathan Burnett  
Andrew Campbell  
Professor Adam Crawford  
Dr Louise Ellison  
Dr Anthea Hucklesby  
Dr Sam Lewis  
Stuart Lister  
Professor Juliet Lodge

Carole McCartney  
Professor David Ormerod  
Ruth Penfold  
Andrew Roberts  
Dr Teela Sanders  
Dr Toby Seddon  
Nick Taylor  
Ben Fitzpatrick  
Professor Clive Walker  
Professor David Wall

# 1. INTRODUCTION

With great pleasure I present this review of the work, activities and achievements of the Centre for Criminal Justice Studies and its members for the period 1st October 2003 to 30th September 2004. During this period the Centre for Criminal Justice Studies has not only continued to grow in size, but it has also sustained a high level of quality in its research outputs and teaching delivery. The achievements listed within this report provide evidence of that quality and also its recognition from the broader academic community as a leading international centre of excellence in criminal justice, criminal law and criminological studies.

During the past year members of the Centre have been awarded a range of substantial research awards. Dr Anthea Hucklesby has been won contracts of approximately £250,000 from various funding bodies to conduct projects into various aspects of the criminal justice process. Professor Adam Crawford was awarded two year Leverhulme Research Fellowship and I was awarded an AHRB Research Fellowship in January 2004.

In addition to the Centre's teaching successes, the undergraduate teaching programme has once again proved to be very popular with students and it is one of the University's most popular degree schemes in terms of applications per place offered. Similarly, the postgraduate programme has continued to thrive, with increasing international numbers on the LLM in Criminal Justice and Criminal Law.

The successes in research income and teaching numbers have led to the appointment of more academic and research staff and a further expansion of the Centre's research and teaching capacity. The new appointments reflect the multi-disciplinary that is the distinctive characteristic of criminal justice and criminological research and teaching at Leeds.

In 2003-4 we warmly welcomed nine new colleagues and a tenth will join our senior staff in January 2005. Dr Sam Lewis was appointed as Lecturer in Criminology and Criminal Justice. Formerly at the University of Wales Swansea, Sam teaches Youth Crime and Justice, Criminology, Research Methods and has research interests in Probation studies. She will provide teaching cover for Prof. Adam Crawford during his two year Leverhulme Research Fellowship.

Stuart Lister, formerly the Centre's Senior Research Fellow has been appointed Lecturer in Criminal Justice. Stuart is also a Graduate of the Centre for Criminal Justice Studies. He takes over the post vacated by Dr Dave Whyte who has moved on to the University of Stirling. Stuart teaches modules in Crime Prevention, Policing and also Victimology and conducts research into Policing. Dr Emma Wincup, currently at the University of Kent, will take up post as a Senior Lecturer in Criminal Justice in January 2005. Emma teaches Criminology and Research Methods and researches drug use and probation practice.

We also welcomed seven new researchers into the centre. My colleagues and I were particularly pleased this year to obtain for the Centre a prestigious five-year University Research Fellowship. The fellow is Dr Toby Seddon, formerly of NACRO (the national crime reduction charity), who will develop the Centre's research into Drugs and Crime. Toby is also conducting a research project on Restriction of Bail with Dr Anthea Hucklesby. Another prestigious award for the Centre was Carole McCartney's ESRC post-doctoral fellowship. Formerly a PhD student supervised by Professors Clive Walker and David Ormerod, Carole will continue her research programme into 'Forensic Identities: Issues and Prospects'.

The other five researchers have been appointed to work on the new research projects run by Dr Anthea Hucklesby and colleagues (listed more fully in the research projects section of this report). Emily Colledge becomes the researcher on the Connect Resettlement Project (with Dr Hucklesby and Dr Emma Wincup). Liz Fletcher is the project researcher on the Evaluation of the Northern Rock (ex-prisoner) Resettlement Initiative (again with Dr Hucklesby and Dr Emma Wincup). Daniel Swain is the project researcher on Dr Hucklesby's Electronic Monitoring Compliance project for Securicor. Finally, Angela Spriggs and Catherine Eastwood are the researchers on the Home Office 'Restrictions on Bail' project (Dr Hucklesby and Dr Toby Seddon).

During the past year CCJS members have given many high profile presentations and speeches at key international events in places as far flung as North and South America and China, but the conference papers

section also shows an increase in participation in prestigious academic events within the European Union. The standing of Centre members is further demonstrated by their expert knowledge transfer and involvement in a wide range of 'third arm' activities. A selection of these activities can be found in the relevant section. Of special note are the large numbers of advisory positions and prestigious editorial positions that colleagues hold. Professor Clive Walker, for example, was appointed as a special adviser to the Joint Committee of Parliament of the Civil Contingencies Bill. The Centre member's standing and reputation was also reflected in the large amount of national and international media interest that they and their exciting research outputs generated during the past year.

Of the latter, the Contracted Community Policing project captured the national media's imagination during October 2003 and the Extended Police Family project report, also by Adam Crawford and Stuart Lister, during April 2004. More recently, their Extended Police family report has gained much national media coverage. All this, is in addition to other members of the centre being invited to participate in national radio and television programmes to talk about aspects of their research and expertise. A final mention goes to the ever-enduring CCJS public seminar series (now organised by Stuart Lister) which was highly successful in 2003/4 and continues to attract good attendance.

For those who wish to find out more about the work of the Centre and its staff, a selection of research findings, short articles and working papers can be found in the working papers section of this report, which I invite you to read along with information about our research projects, publications, teaching programmes and public seminars.

Finally, my term of office as Director of the CCJS ends in February 2005 when I take over as Head of the University of Leeds School of Law. During my tenure as Director, the Centre has thrived as an international centre of excellence, expanding greatly in terms of its teaching and research capacity. I am very grateful to my colleagues here for making these four and a half years both surprisingly easy and also rewarding. I am also pleased to be handing over the directorship to Professor Adam Crawford, the current deputy director, who has made a considerable contribution to the building of the centre during the past decade. There is no doubt in my mind that Adam will do a great job in taking the centre further forward during his period of office.

Professor David S. Wall,  
Director, Centre for Criminal Justice Studies,  
School of Law, University of Leeds,  
Leeds.  
LS2 9JT. UK.  
Tel: 0113 343 5023 Email: d.s.wall@leeds.ac.uk

## 2. RESEARCH PROJECTS

This section describes the various research projects which are currently being conducted by members of the CCJS. They are organised alphabetically by topic.

### POLICING, REGULATION AND GOVERNANCE

#### **An Evaluation of Leeds Warden Schemes**

The Leeds Community Safety Partnership and Leeds City Council have commissioned Adam Crawford and colleagues to conduct an Evaluation of Leeds Warden Schemes. The research began in April 2004 and will be concluded at the end of 2005. Sarah Blackburn has been employed as the researcher on this project. The study focuses upon the work and public reception of neighbourhood and street wardens in five case study areas across Leeds. The evaluation will result in a report to be submitted by the end of 2004 to the Community Safety Partnership highlighting lessons and good practice.

#### **An Evaluation of Police Community Support Officers**

A team of researchers led by Adam Crawford undertook an evaluation of the first year of deployment of Police Community Support Officers in Leeds and Bradford City Centres. The research was commissioned by West Yorkshire Police. In July 2004 a report outlining the findings of the research was published. The report draws upon an extensive evaluation of Community Support Officers, their role and impact on community safety. It draws lessons from the West Yorkshire experience and suggests important recommendations concerning their future deployment. The Police Reform Act 2002 introduces a new breed of patrolling officer known as a Police Community Support Officer (CSO). There are currently about 4,000 CSOs patrolling the streets of England and Wales. Operating under the formal direction and control of the chief officer, CSOs are designed to provide additional capacity to combat low level disorder and afford public reassurance. In West Yorkshire CSOs were first introduced in March 2003. This report evaluates the first year of their deployment in Leeds and Bradford city centres. It draws upon extensive interviews and surveys of CSOs and members of the public, interviews with police officers and other key workers operating in the two city centres, as well as crime data to analyse the impact of CSOs on community safety. The government's announcement in the 2004 Spending Review to expand dramatically the number of CSOs by a further 20,000 by 2008, make this a timely and important report. The report will be of special interest to police managers and researchers, as well as all those interested in community safety and the changing face of modern policing.

The full report, *Patrolling with a Purpose: An Evaluation of Police Community Support Officers in Leeds and Bradford City Centres* by Adam Crawford, Sarah Blackburn, Stuart Lister and Peter Shepherd, is published by the Centre for Criminal Justice Studies, University of Leeds (ISBN 0-9511032-4-5, price £14.95). It is available from CCJS Press, School of Law, University of Leeds, Leeds LS2 9JT, Tel: 0113 3435033, Fax 0113 3435056 (please add £2.00 p&p per order). A press release highlighting key findings is available at: [http://reporter.leeds.ac.uk/press\\_releases/](http://reporter.leeds.ac.uk/press_releases/)

#### **Contracted Community Policing in New Earswick**

An evaluation of a community policing initiative in New Earswick, York, funded by the Joseph Rowntree Foundation was published in October 2003. The three year study conducted by a team led by Adam Crawford evaluated the experimental initiative by Joseph Rowntree Housing Trust to buy additional community policing from North Yorkshire Police. The data collected combined police recorded crime figures, incident logs, together with extensive interviews of key residents and stakeholders within and outside the village, activities of the designated officers and observational data. 'Baseline' and 'repeat' surveys were conducted, both of which elicited robust responses from approximately half of all households in the village. The report highlights broader lessons for those considering novel ways to address residents' perceptions of security and sense of safety. The evaluation recorded how the experiment ran into difficulties from the outset:

The evaluation recorded how the experiment ran into difficulties from the outset:

- The time that JRHT purchased for policing New Earswick was additional to any operational policing on the estate, but the designated officer remained largely accountable to the police alone. Emergencies and more pressing crime incidents elsewhere tended to draw the officer away from community policing duties. Sick leave, holidays and training further reduced the time spent in the village.
- Hopes of employing a single, community police officer who could get to know residents were disappointed. Three different officers held the post in the two years before the contract was terminated almost a year early.
- There was a lack of clarity about the role of 'community policing' and the activities that the designated officer would undertake. This gave individual officers wide discretion over the way they interpreted their role and how they used the additional time.

- The project created high expectations among residents about the level of policing and its impact on crime. There was constant tension between what residents expected from police and what the extra 24 hours a week could realistically achieve.

Findings are available at: <http://www.jrf.org.uk/knowledge/findings/socialpolicy/pdf/023.pdf> - The full report, *Great Expectations: Contracted Community Policing in New Earswick* by Adam Crawford, Stuart Lister and David Wall, is published by the Joseph Rowntree Foundation (ISBN 1 85935 147 6, price £13.95). Contact JRF: <http://www.jrf.org.uk/>

### **(The) Contractual Governance of Deviant Behaviour**

Adam Crawford has been awarded a Leverhulme Trust Major Research Fellowship for 2 years commencing in October 2004. This will relieve him of his teaching and administrative commitments at the University of Leeds over the Fellowship period. This will allow him to explore the manner in which deviant conduct and disorderly behaviour are governed by new forms of contractual instruments in diverse fields of social life. The research will examine forms of regulation and policing through contracts in housing, education, leisure and lifestyle opportunities, private security and criminal justice. The research will explore the manner in which anti-social conduct and disorderly behaviour are governed by new forms of contractual instruments in diverse fields of social life. It will explore modes of regulation and policing through contracts in housing, education, leisure, private security and criminal justice. It will draw together empirical research findings and theorize the connections between these developments to understand the genesis and implications of contemporary 'contractual governance'. It will analyse the manner in which contractual forms of controlling anti-social behaviour depart from traditional conceptions of security and justice and embody novel notions of crime and deviance. The Leverhulme research has an explicit comparative dimension to identify and analyse analogous developments in other jurisdictions and explore the connections between modes of governing and differences in legal and political cultures. As part of the research, Adam Crawford has been awarded a visiting fellowship at Pennsylvania State University in March-April 2005 (funded by a World University Network, Global Exchange programme award) and a visiting fellowship at the Research School of Social Sciences at Australian National University for 3 months October-December 2005.

### **Plural Policing Study**

The Nuffield Foundation have funded a three year research study on 'Plural Policing and the Growing Market for a Visible Patrolling Presence' led by Adam Crawford with Stuart Lister, Sarah Blackburn and Jonathan Burnett. It began in July 2002. The research aims to map and analyse the fundamental changes to policing provision, providing an overview of significant developments and initiatives in the provision of reassurance policing within England and Wales and more broadly across different European countries; studying the implementation of plural policing partnerships or networks in a number of case study areas; analysing the dynamic relations and interplay between different plural policing providers within specified contexts; and conceptualising the nature and implications of plural policing relations within specified contexts. It is anticipated that the research findings will have implications for our understanding of the changing nature of the 'extended police family', its regulation and the role of the police therein. The study will seek to meet its aims through both macro and micro studies:

- a survey of selected developments in a number of European countries;
- an overview of national developments in England and Wales; and
- six in-depth local studies of areas involving the interplay between different plural policing initiatives.

In each local study area we are examining different types of purchaser/provider arrangements for a visible patrolling presence, providing an understanding of their aims, implementation and community safety impacts. Of particular concern will be the extent to which the various forms of plural policing connect with and impact upon public policing as a common good, and the potential that each has for harnessing public and private institutions in furthering public safety.

The national fieldwork was completed in the summer of 2004 and the dissemination of the findings will commence with a one-day conference at Church House in London on 28<sup>th</sup> October 2004. The comparative fieldwork will continue into 2005. A report on the national findings and their implications for domestic policy will be published early in 2005 by the Policy Press (ISBN 1-86134-671-9; Price £14.95) and the full research will be written up as a monograph for Oxford University Press.

### **Visible Patrols in Residential Areas**

A study of additional visible security patrols in residential areas funded by the Joseph Rowntree Foundation was published in March 2004. Adam Crawford and Stuart Lister of conducted a study of initiatives that seek to provide public reassurance through visible patrols in residential areas. Over an 18 month period the study analysed the nature and growth of the extended policing family in Yorkshire and Humberside. The study entailed a national survey of private security firms and regional surveys of local housing authorities and police forces. Data was gathered from a selection of different initiatives within the region. These were visited, documentation collected and interviews conducted with key stakeholders involved in the implementation and management of the schemes. Interviews were also conducted with key national contributors to policy and practice debates, including senior police officers, regulatory officials and representatives from the security industry.

The report charts the growth in additional patrols and the manner in which increasingly police forces and private security firms both regard additional policing as a potentially valuable source of revenue. It outlines the challenges posed to contemporary community safety by the growing market in additional security patrols in residential areas. Key findings from the research that have provoked considerable national media coverage include:

- The division of tasks between the different types of policing patrol tended to be poorly organised. Relations between the providers varied from effective co-operation and co-ordination to indifference, competition and hostility. Some police officers still feel that they alone should provide patrols and that patrolling by others is a hindrance rather than a help.
- Uneven co-ordination and weak accountability mean that new regional regulation arrangements should be introduced to ensure fairer competition between the different providers, as well as more effective policing.
- The research highlights the importance of patrol personnel engaging with local residents, exploiting their knowledge of local crime problems and providing them with a stake in the success of community policing efforts.

The full report, *The Extended Policing Family: Visible Patrols in Residential Areas* by Adam Crawford and Stuart Lister, is published by the Joseph Rowntree Foundation (ISBN 1 85935 187 5, price £15.95). Contact JRF at: [www.jrf.org.uk](http://www.jrf.org.uk)

## CRIMINAL JUSTICE AND INFORMATION TECHNOLOGY/ WHITE COLLAR CRIME

### **Biometrics and smart cards**

Juliet Lodge is heading the UK Ethics Committee on biometrics and smart cards for the eJustice project (funded by the EU under (framework) f6p to facilitate secure e-judicial cooperation). This project, conducted with members of the Jean Monnet European Centre of Excellence, focuses on the European Arrest Warrant, rogatory letters, eRecht and euro-payments system. She is the only social scientist and the only British academic in a team that includes justice ministries, police and law enforcement authorities and courts in Europe.

### **Child Pornography, the Internet and the Law: National and International Responses**

Conducted by Yaman Akdeniz, this project explores the important issue of child pornography law within the context of the Internet. It is anticipated that the research will culminate with an Ashgate monograph. To-date, the most prominent concern of governments, regulators and law enforcement bodies in relation to illegal Internet content has been the widespread availability of child pornography. Regularly the subject of media coverage (for example, Lexis holds 726 media stories as of 14 September, 2001) and debate by national and international regulators, the project looks at UK laws, regulations, and case law specifically in relation to Internet child pornography and draws upon research into Internet child pornography since 1995. Comparative research covering the legal situations in North America (US and Canada) in the same field will also be included within this project as will policy initiatives at a supranational level of governance (such as the EU and COE) and international level (UN). The project will also explore the self-regulatory and co-regulatory proposals for fighting Internet child pornography at national, supranational and international levels.

### **Civil Participation in the development of an Information Society in Turkey**

In 2003 Yaman Akdeniz became a Policy Fellow of the International Policy Fellowships program of the Open Society Institute, Budapest, Hungary. He was awarded \$60,000 by the Soros Foundation to work on a project entitled Civil Society Participation to the policy making process of the Turkish Government in relation to the development of an Information Society in Turkey between February 2003 – March 2004.

### **Cyberscams: Internet related Frauds and Deceptions in the UK**

In 2000, David Wall was funded by a Home Office Innovative Research award to conduct research into internet related scams. The overall objective of this research was to develop knowledge and gain an understanding of the types of frauds and deceptions (confidence tricks, scams etc) that are taking place via the Internet. The intended outcome of the research is to provide a body of knowledge about deceptions which will inform the development of intervention programmes and public awareness campaigns to warn users of the Internet of potential victimisation. This knowledge will also assist with the development of policies to police the offenders and to enforce law. It will also inform the academic debates over new dimensions in theft. The final report was submitted in early 2002 and further research is currently being conducted to contribute towards a monograph that will be completed in early 2005.

### **Electronic Monitoring Compliance**

Anthea Hucklesby has been funded by Securicor to conduct research into compliance in electronic monitoring. Previous research has suggested that how people are treated by the criminal justice process affects compliance. People who are treated justly and with respect are more likely to comply. This study aims to uncover whether or not the way electronic monitoring fieldworkers deal with offenders affects their compliance with electronic monitoring and other sentences. It also aims to study whether or not the training of fieldworker in pro-social modelling affects the way they deal with offenders and therefore offender compliance. Daniel Swain is the project researcher.

### **Evaluation of the New Uses of Electronic Monitoring**

With Keith Bottomley (Univ. Hull) and George Mair (Liverpool John Moores University) Anthea Hucklesby completed research into the New Uses of Electronic Monitoring for the Home Office. The research evaluated two new uses of electronic monitoring namely, as a requirement of a community sentence and as a condition of a release licence. Both powers were introduced by the Criminal Justice and Courts Services Act 2000 and piloted in three probation areas. The research involved the collection of data on those subject to the new powers and comparison groups as well as interviews with offenders, prisoners and criminal justice personnel. The evaluation project was successfully completed during 2003/4 and a report submitted to the Home Office. The report explored a range of implementation issues which had contributed to the low take up of the measures. Further publications are being prepared.

### **Forensic Identification Technologies and 'Justice' in the Risk Society**

Carole McCartney is currently undertaking a research project into the ways by which forensic identification technologies are supporting and encouraging an agenda of criminal process reform based upon a shift away from justice as 'fairness' (procedural justice) to justice as 'truth' (process outcomes reflecting 'substantive' rather than 'legal' truth), leading to a criminal process in which dispositive and adjudicative decision making occurs earlier in the criminal process and the risk of miscarriages of justice is increased. Further, forensic identification databases are being co-opted into surveillance and social control mechanisms with concomitant new 'risks', including the creation of a 'suspect society'. Carole has recently submitted her PhD thesis on the subject and has won an ESRC post-doctoral award to conduct further research in this area.

### **Legal Process and Informatics Project**

This project is developing the area of legal process and informatics. It is a consortium of the Law (Clive Walker and David Wall) and Business Schools and the School of Computing. It seeks to answer the academic questions that the impact of IT upon the legal process are asking, especially with regard to the courts systems and developments in dispute resolution technology. The answers to these questions will inform the continuous strategic investment in IT within the justice process. The project, which incorporates Court21 (<http://www.leeds.ac.uk/law/court21/ct-indx.htm>). The immediate focus of the project is the development of a Law Technology Laboratory which is, in effect, a virtual courtroom. This facility will become the hub of the project's academic research programme, academic teaching programme, research and development capacity and knowledge transfer programme.

### **Police National Legal Database Consortium**

A team from the West Yorkshire Police has established a wide-ranging database of legal information for police officers. The Centre for Criminal Justice Studies acts as auditors of the data, and Clive Walker is the principal grant holder, the co-ordinator 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. Income of over £5000 has been generated. 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.

### **Regulating Closed Circuit Television Systems**

Nick Taylor is currently conducting research into changes in the regulation of Closed Circuit Television Systems. These changes have been brought about by the introduction of internal guidelines and also the Data Protection Act 1998 and Human Rights Act 1998 which have sought to bring about greater transparency in operation and a commitment to the protection of individual privacy. Nick's research involves analysing a number of public, or quasi-public schemes throughout West Yorkshire. It is intended that the results of this research will be available in 2003.

### **(The) Regulation of Deviant Behaviour on the Internet**

David Wall has been awarded an AHRB fellowship (2004) to conduct research into the roles of law and 'policing' as governance in the regulation of deviant behaviour on the Internet. The research continues David's ongoing research into the policing of the internet and this project focuses upon the mechanisms of governance, especially the use of law as a tactic in the policing process. More specifically, this research is exploring the respective roles of law and 'policing' as governance in the regulation of deviant behaviour on the Internet. Systematically combining a range of legal research, original empirical sources with theoretical analysis, it seeks to identify the ways that networked information technology has transformed criminal behaviour and it will outline the challenges that these transformations pose for legal and regulative processes. The research outputs will make a significant contribution towards the production of knowledge about internet related crime and the ways that it is regulated. The output of this research will inform the development of the next stage of the project and also a section of David's book on *Cybercrimes* for Polity Press.

### **Privacy and Security for the Citizen in the Post-September 11 Digital Age**

Since May 2003 David Wall has been working with Michael Levi on a European Commission project which explores the changes in the public discourse over security after September 11 and impact upon the three new technologies that will drive the European information society: identity-related technologies; mobile and location based technology; 'ambient intelligence' technologies in the home or work-place. The first report for the Joint Research Committee's Institute of Prospective Technologies in Seville, ('Crime and Security in the Aftermath of September 11: Security,

Privacy and Law Enforcement issues relating to emerging information communication technologies) contributed to the report entitled *Security and Privacy for the Citizen in the Post-September 11 Digital Age: A Prospective Overview* (EUR 20823 EN - ISBN: 92-894-6133-0). The work concluded with an article entitled 'Technologies, Security and Privacy in the post-9/11 European Information Society' published in the *Journal of Law and Society*.

### **Prevention of Money Laundering**

Andrew Campbell is undertaking research in the area of the prevention of money laundering and the financing of terrorism. He has acted as an Expert Witness for the defence in a money laundering case in the Crown Court by preparing a report on the working of underground banking systems. Further work is being planned in this area of research.

## **CRIME AND COMMUNITY**

### **Distraction Burglary: an evaluation of the Leeds Distraction Burglary Project**

In September 2001, Stuart Lister and David Wall were commissioned to undertake a two year project that evaluated the impact of the Leeds Distraction Burglary Project. Distraction burglary is the specific targeting of elderly people, often through deception, and can have a devastating impact upon the victim. It differs from most other forms of burglary because the offenders seek to engage directly with the victim and exploit their perceived weaknesses. The aim of the research is to examine 'what works' in the efforts to prevent this very specific type of burglary in which the vulnerable are deliberately targeted as victims. The final report has been published by the Home Office and the findings are currently being written up.

### **Sex Work. A Risky Business**

Teela Sanders (School of Sociology and Social Policy) is conducting research into the occupational risks that sex workers experience in their everyday work role and at these risks affect their personal, private relationships. In an attempt to move away from the more conventional research into prostitution which concentrates upon the visible street markets, where issues of drugs and exploitation are rife, she focused on the markets where the majority of sex is bought and sought in Britain: licensed saunas, escort agencies, women working in rented premises or from home. The aim of the study was to investigate what risks the women experienced as a result of working in an illegal, illicit and stigmatised economy. The research has recently concluded and a monograph based upon the findings, *Sex Work. A Risky Business* has been published by Willan Publishing (2004).

### **The end of multiculturalism? From community cohesion to criminalising communities.**

Jonathan Burnett is currently conducting a doctoral research project into the community cohesion agenda and its impact upon multiculturalism. The research follows the events of the summer of 2001 when a number of northern towns and cities bore witness to scenes of rioting, predominantly involving Asian youths, white youths, and the police. These embittered clashes caused considerable amounts of damage and harm, and were described as the most serious riots in Britain since 1985. The events were followed by a flurry of 'official' policy activity, largely driven by the Home Office, which culminated in the emergence of 'community cohesion' as a response to the violence. The community cohesion agenda was based on the premise that a major factor in all of the riots had been lack of contact between white and Asian communities, rendering them both geographical and social strangers in their own cities. Although it received comparatively little attention when it was introduced, the community cohesion agenda has since come to the fore of public debate through its links to the contemporary 'war on terror'. The research explores the extent to which (either by design or impact) the agenda formulated a doctrine in which different ethnic communities would share certain fundamental national and cultural allegiances and homogeneities.

### **Understanding responses to drug-related crime**

Dr Toby Seddon was appointed in August 2004 on a five-year University Research Fellowship. He will be developing a programme of research focusing on the government of drug-using offenders in England and Wales. The strategic aim of the research is to question the 'self-evident' or 'taken-for-granted' nature of contemporary responses to drug-related crime, examining whether they are actually more contested and historically contingent than they might at first appear. The programme will combine both empirical and theoretical work and will include a European comparative component.

## **CRIMINAL JUSTICE PROCESSES (UK and EU)**

### **Bail: Evaluation of the Restriction of Bail Pilots**

Anthea Hucklesby and Toby Seddon have been awarded funding by the Home Office to evaluate the new Restriction on Bail which is being piloted in three sites in England. The aim of the measure is to compel defendants into drug assessment and treatment but making this a condition of their bail. If they refuse, the presumption of bail is reversed. The evaluation will be measuring the impact of the pilot on offending on bail and uptake of drug treatment, as well as looking at process and implementation issues.

### **Bail: Better Bail Decisions**

Anthea Hucklesby was invited in early 2003 to become a member of the English and Welsh taskforce on a project funded by the European Commission and coordinated by the Law Society. The aim of the project was to improve bail decision making across the EU particularly in the light of enlargement, the introduction of the European Arrest Warrant and the possible introduction of a European Reporting Order. The project involved partnerships with Spain and the Czech Republic. Anthea was responsible for producing the country report on the bail process in England and Wales. The project is now complete and a report has been submitted to the European Commission..

### **Evaluation of the Connect Resettlement Project**

Anthea Hucklesby and Emma Wincup are evaluating *Connect* which is a resettlement project in the West of Midlands. Funded by the West Mercia Probation Board this project is a partnership between the main criminal justice agencies in the West Midlands, West Mercia, Staffordshire and Warwickshire. The project's main aims are to improve the employability of ex-prisoners and aid successful resettlement. The research team is evaluating the project by way of administrative data and interviews with ex-prisoners and stakeholders. Emily Colledge is the project researcher.

### **Evaluation of Victim Involvement in Referral Orders**

Together with Tom Burden of the Policy Research Institute at Leeds Metropolitan University, Adam Crawford has been commissioned by Leeds Community Safety Partnership to conduct an evaluation of work of the Restorative Justice Team and Victim Involvement in Referral Orders. The study will follow a cohort of 6 months of all referral order cases handled by the Youth Offending Service, beginning in April 2004. The aim is to evaluate the impact of the work of the Restorative Justice Team on victim participation in youth offender panels and victim satisfaction. The evaluation will result in a report to the Community Safety Partnership highlighting lessons and good practice in early 2005.

### **Evaluation of the Northern Rock (ex-prisoner) Resettlement Initiative**

Anthea Hucklesby and Emma Wincup have been funded by the DePaul Trust and NACRO to evaluate a resettlement project for ex-prisoners which is being set up in the prisons in the North East of England and which aims to reduce re-offending by ex-prisoners. The research, to be conducted 2004-7, will evaluate different methods of resettlement work in order to gauge their effectiveness. Liz Fletcher is the project researcher.

### **Justice and Community in Comparative Context**

Adam Crawford is contributing to a collaborative research project involving contributors from France, Germany, Belgium, the Netherlands, Ireland, Canada and the UK. The focus of the research is upon contemporary criminal justice policies that have coalesced around the relationship between justice and community'. These terms have very different meanings in different cultural and legal contexts which the research intends to explore and theorise. The project is co-ordinated and funded by the *Groupe Européen de Recherche sur les Normativités* (GERN). A series of research seminars are being held throughout 2003/4, in the UK, France and Ireland.

### **Juvenile Justice in Europe**

Adam Crawford is contributing to a collaborative research project involving contributors from various European Union countries including accession states, including representatives of France, Italy, Sweden, Germany, Poland, Greece, Slovenia, Czech Republic, Hungary, Portugal, Spain and England. The project is co-ordinated by the *Groupe Européen de Recherche sur les Normativités* (GERN) and is part-funded by the European Commission. The research consists of a series of research seminars held over 2003/4. The first two 2-day conferences were held in Strasbourg in 2003.

### **Pre-trial visual identification procedures**

Andy Roberts is currently conducting research into the role of pre-trial visual identification procedures in safeguarding suspects against wrongful conviction on the basis of mistaken identification. His research elaborates the theoretical basis of a suspect's procedural right to participate in such procedures and examines the role of rules and discretion in respect of police decisions as to when to conduct procedures and the judiciary decision-making on the admissibility of identification evidence. The research also considers whether those suspects charged with offences at the lower end of the scale of seriousness have a right to the most sophisticated, accurate and expensive identification procedures.

### **The Vulnerable Witness in Court**

Louise Ellison was awarded a Leverhulme Research Fellowship in 2003 to conduct research into 'The Vulnerable Witness in Court: Barriers to Credibility'. This research study aims to provide a systematic, critical analysis of the law of evidence as it relates to the issue of witness credibility in criminal trials. Specifically, it aims to challenge the prevailing orthodoxy regarding the circumstances in which experts may testify on matters reflecting on witness credibility. This has particular relevance for child and adult victims of sexual offences. Drawing upon a substantial body of contemporary psychological and social science research, this study aims to demonstrate the flawed nature of this assumption when applied to the testimony of sexual assault complainants. It is argued that the wider prosecutorial use of social framework evidence in rape cases could help to 'level the playing field' by removing potential sources of error from the evaluation process and enabling the jury to exercise its evaluation in a more informed fashion.

### 3. PUBLICATIONS 2003-2004

This section describes a considerable number of publications by the members of the Centre for Criminal Justice Studies during the period covered by this report. They represent books, chapters of books, research reports articles in academic journals and shorter articles or reviews (Centre for Criminal Justice Studies members are in bold).

#### BOOKS/ MAJOR RESEARCH PUBLICATIONS

**Akdeniz, Y.** (2003) *Internet Governance: Towards the modernization of policy making process in Turkey*, Turkish Informatics Society, Istanbul: Papatya Yayincilik, September 2003 (both in English and Turkish).

Calverley, A., Cole, B., Kaur, G., **Lewis, S.**, Raynor, P., Sadhegi, S., Smith, D., Vanstone, M. and Wardak, A. (2004) *Black and Asian Offenders on Probation*, Home Office Research Study 277, London: Home Office, pp. 80 + x.

Carr H., Waddington M., **Blair, A.** and Baldwin T. (2004) *The Anti-Social Behaviour Act 2003: A Special Bulletin*, Bristol: Jordans.

**Crawford, A. and Lister, S.** (2004) *The Extended Policing Family: Visible Patrols in Residential Areas*, York: JRF, pp.80 + xi.

**Crawford, A., Blackburn, S., Lister, S.** and Shepherd, P. (2004) *Patrolling with a Purpose: An Evaluation of Police Community Support Officers in Leeds and Bradford City Centres*, Leeds: CCJS Press, pp. 89 + xi, 2004.

**Crawford, A., Lister, S. and Wall, D.** (2003) *Great Expectations: Contracted Community Policing in New Earswick*, York: JRF, pp. 50 + x, 2003.

**Lister, S., Wall, D.** and Bryan, J. (2004) *Evaluation of the Leeds Distraction Burglary Initiative*, Home Office Online Report 44/04, London: Home Office, pp. 67 + x. Available at <<http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr4404.pdf>>.

**Sanders, T.** (2004), *Sex Work. A Risky Business*, Cullompton, Willan.

#### CHAPTERS/ PARTS OF BOOKS

**Akdeniz, Y.** (2003) 'CyberCrime', chapter in *E-Commerce Law and Regulation Encyclopedia*, London: Sweet & Maxwell.

**Akdeniz, Y.** (2003) 'Internet Governance, and Freedom in Turkey', pp 29-43 in Organization for Security and Co-Operation in Europe (OSCE), *Spreading the Word on the Internet: 16 answers to 4 questions, Reflections on Freedom of the Media and the Internet*, Vienna, Austria, 2003.

Butler, E, Hill, A., Hodkinson, S., **Hucklesby, A.**, Pearson, Y. and Wilkinson, C. (2003) 'Management of drug-using prisoners in Leicestershire', pp. 131 – 144, in M. Ramsey (ed) (2003) *Prisoners Drug Use and Treatment: seven research studies*, London: Home Office.

**Crawford, A.** (2003) 'In the Hands of the Public?', in Johnstone, G. (ed.) *A Restorative Justice Reader: Texts, Sources, Context*, pp. 312-19, Cullompton: Willan Publishing.

**Crawford, A.** (2003) 'The Pattern of Policing in the UK: Policing Beyond the Police', in Newburn, T. (ed.) *The Handbook of Policing*, pp. 136-68, Cullompton: Willan Publishing.

**Hucklesby, A.** (2004) 'Sentencing and Court Processes', pp. 203-220 in D. Wilson and J. Muncie (eds), *Cavendish Handbook of Criminology*, London: Cavendish.

**Ormerod, D.** (2004) 'Identification in Fraud Cases – Voices', in L. Dobbs and R. Sutton (eds) (2004) *Fraud: Law, Practice and Procedure*, London: Butterworths

**Ormerod, D.** and Sturman, J. (2004) 'Expert Evidence' in L. Alison (ed) (2004) *The Forensic Psychologist's Case Book: Offender Profiling and Criminal Investigation*, Cullompton: Willan (in press)

**Ormerod, D.** and Williams, D.H. (2004) 'The Concept of Fraud' in L. Dobbs and R. Sutton (eds) (2004) *Fraud: Law, Practice and Procedure*, London: Butterworths

Raine, J.W., and **Walker, C.** (2004) Implementing the Human Rights Act into the Courts in England and Wales: Culture Shift or Damp Squib?, pp. 111-135 in Halliday, S., and Schmid, P., *Bringing Rights Home: Socio Legal Perspectives on Human Rights in the National Context*, Oxford: Hart.

**Walker C. and Akdeniz, Y.** (2003) 'The governance of the Internet in Europe with special reference to illegal and harmful conduct', in Wall, D.S. (2003) *Cyberspace Crime*, Aldershot: Ashgate (reprint).

**Walker, C.** (2004) 'Criminal libel' (ch.22) and 'Human rights' (Ch 23), in Rogers, WVHR and Milmo, P. (eds) (2004) *Gatley, Libel and Slander* 10th edn, London: Sweet and Maxwell.

**Walker, C.** (2004) 'Fundamental rights, fair trials and the new audio-visual sector', in Wall, D.S. (2003) *Cyberspace Crime*, Aldershot: Ashgate (reprint).

**Walker, C.** (2004) 'Liability For Acts Of Terrorism: United Kingdom Perspective' in *European Centre For Tort And Insurance Law Liability For Acts Of Terrorism*, Vienna: Springer.

**Walker, C.** (2003) 'Policy options and perspectives: British perspectives', pp. 11-35 in van Leeuwen, M. (ed) (2003) *Confronting Terrorism*, Dordrecht: Kluwer.

**Walker, C.** (2003) 'Reports of Special Adviser' pp. 103-116 in Joint Committee on the Civil Contingencies Bill, Draft Civil Contingencies Bill', 2002-03 HL 184, HC 1074.

#### ACADEMIC JOURNAL ARTICLES

**Burnett, J.** (2004) 'Community, cohesion and the state', *Race and Class*, vol. 45, no. 3, pp. 1-18.

**Crawford, A.** (2004) 'Involving Lay People in Criminal Justice', *Criminology and Public Policy*, vol. 3, no. 4, pp. 101-110.

**Crawford, A. and Lister, S.** (2004) 'The Patchwork Future of Reassurance Policing in England & Wales: Integrated Local Security Quilts or Frayed, Fragmented and Fragile Tangled Webs?', *Policing: An International Journal of Police Strategies & Management*, vol. 27, no. 3, pp. 413-430.

**Crawford, A.** (2003) 'Contractual Governance of Deviant Behaviour', *Journal of Law and Society*, vol. 30, no. 4, pp. 479-505.

**Fitzpatrick, B.** (2003) '*Matudi v The Crown* [2003] EWCA Crim 697', *Journal of Criminal Law*, vol., pp. 195-201

**Fitzpatrick, B.** (2004) 'Strict liability and Article 6(2) of the European Convention on Human Rights: School Non-Attendance Offence: *Barnfather v. London Borough of Islington Education Authority, Secretary of State for Education and Skills* [2003] EWHC 418; [2003] 1 WLR 2318', *Journal of Criminal Law*, vol. 68, pp. 16-24.

Levi, M. and **Wall, D.S.** (2004) 'Technologies, Security and Privacy in the post-9/11 European Information Society', *Journal of Law and Society*, vol. 31, No. 2., pp. 194-220 (ISSN: 0263-323X).

**Lodge, J.** (2003) 'Transparency and EU Governance: Balancing Openness with Security', *Journal of Contemporary European Studies*, vol. 11, pp. 95-117.

**Lodge, J.** (2004) 'EU Homeland security: Citizens or Suspects', *Journal of European Integration*, vol. 26, no. 3 pp. 253-80

**McCartney, C.** (2004) 'Forensic DNA Sampling and the England and Wales National DNA Database: A Sceptical Approach', *Critical Criminology*, vol. 12, no. 2, pp. 157-178.

**Ormerod, D.** (2003) 'ECHR & Exclusion of Evidence: Trial Remedies for Article 8 Breaches' *Criminal Law Review*, pp. 61-81.

**Ormerod, D.** (2003) 'Improving the Disclosure Regime' *Int. Journal of Evidence & Proof*, pp. 102-129

**Ormerod, D.** (2003) 'Police Cells and Unwanted Bugs', *Journal of Criminal Law*, vol. 68, pp. 37-50.

**Ormerod, D.** (2004) 'The Evolution of Exclusionary Discretion', *Criminal Law Review*, October.

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**Roberts, A.** (2003) 'Questions of "Who Was There?" and "Who Did What?": The Application of Code D When a Suspect Disputes Participation But Not Presence', *Criminal Law Review*, pp. 709-716.

**Roberts, A.** (2003) 'The Problem of Mistaken Identification: Some Observations on Process', *International Journal of Evidence and Proof*. vol. 8, pp. 100-119.

**Sanders, T.** (2004) 'A Continuum of Risk? The Management of Health, Physical and Emotional Risks by Female Sex Workers', *Sociology of Health and Illness*, vol. 26, no. 5, pp. 1-18.

**Sanders, T.** (2004) 'Controllable Laughter: Managing Sex Work Through Humour', *Sociology*, vol. 38, no. 2, pp. 273-291.

**Sanders, T.** (2004) 'The Risks of Street Prostitution: Punters, Police and Protesters', *Urban Studies*, vol. 41, no. 8, pp. 1703-1717.

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**Taylor, N.** (2003) 'Assessment of damages for wrongful conviction', *Journal of Criminal Law*, vol. 67, no. 5, pp. 372-377.

**Taylor, N.** (2003) 'Criminal Cases Review Commission: appeal on grounds outside those forming the basis of referral', *Journal of Criminal Law*, vol. 67, no. 4, pp. 279-281.

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**Taylor, N.** (2004) 'Criminal trial: publicity relating to child', *Journal of Criminal Law*, vol. 68, no. 2, pp. 114-117.

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**Taylor, N.** (2004) 'Prison death: requirement to investigate - European Convention on Human Rights, Article 2', *Journal of Criminal Law*, vol. 68, no. 4, pp. 294-300.

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#### SHORT ARTICLES REVIEWS, CASE NOTES AND OTHER PUBLICATIONS

**Akdeniz, Y.** (2003) *An Advocacy Handbook for the Non Governmental Organisations: The Council of Europe's Cyber-Crime Convention 2001*, Leeds: Cyber-Rights & Cyber-Liberties, December.

**Blair, A** (2004) 'The Anti-social Behaviour Act 2003 and Parental Responsibility' *Legal Action*, April, pp. 24-27

**Burnett, J.** (2004) 'The South Asian Crime Unit: Policing by Ethnicity?', *Campaign Against Racism and Facism*, July, <<http://www.carf.demon.co.uk/>>

**Burnett, J. and Whyte, D.** (2004) 'New Labour's new racism', *Red Pepper*, 124, October.

**Crawford, A. and Lister, S.** (2004) 'Patrol with a Purpose', *Police Review*, 6 August, pp. 18-20.

**Fitzpatrick, B.** (2004) 'Reverse Burden and Article 6(2) of the European Convention on Human Rights: Possession of Bladed Article in Public Place: R v Matthews [2003] EWCA Crim 813', *Journal of Criminal Law*, vol. 68, pp. 109-113.

**Fitzpatrick, B.** (2004) 'Compensation for 'miscarriage of justice': Eligibility: R v Secretary of State for the Home Department, ex p. Mullen [2004] UKHL 18', *Journal of Criminal Law*, vol. 68, pp. 382-386.

**Fitzpatrick, B.** (2004) 'Disclosure: abuse of process: R v Smith and others [2004] EWCA Crim 2212', *Journal of Criminal Law*, vol. 68.

**Fitzpatrick, B.** (2004) 'Rape: Retrospectivity of Abolition of Marital Immunity: R v C (Barry) [2004] EWCA Crim 292', *Journal of Criminal Law*, vol. 68, pp. 375-379.

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**Lister, S.** (2004) 'Embracing the police family', *Police Review*, 24<sup>th</sup> July.

**Roberts, A.** (2004) 'Modernising Police Powers', *Archbold News*, vol. 8, pp. 4-5.

**Roberts, A.** (2003) *R v Folan* (2003), *Journal of Criminal Law*, vol. 67, no.5, p. 389.

**Roberts, A.** (2003) *Pop v R* (2003), *Journal of Criminal Law*, vol. 67, no.6, p. 476.

**Roberts, A.** (2003) *Perry v United Kingdom* (2003), *Journal of Criminal Law*, vol. 67, no.6, p. 480.

**Roberts, A.** (2004) *R v O'Brien* (2004), *Journal of Criminal Law*, vol. 68, no.1, p. 27.

**Roberts, A.** (2004) *R v DPP* (2004), *Journal of Criminal Law*, vol. 68, no. 3, p. 183.

**Roberts, A.** (2004) *R v Lambert* (2004), *Journal of Criminal Law*, vol. 68, no. 4, p. 285.

**Roberts, A.** (2004) *R v Donald*, [2004] *Criminal Law Review*, p. 841.

**Roberts, A.** (2004) *R v Gardener*, (2004), *Journal of Criminal Law*, vol. 68, no. 6

**Walker, C.** (2003) 'Cyberspace downunder: book review of Lim, Y.F., *Cyberspace Law*', *Entertainment Law*, vol. 2, pp. 104-106.

**Walker, C.** (2004) 'Review of Ghosh, T., Prelas, M., Viswanath, D. and Loyalka, S., (eds) (2002) *Science and Technology of Terrorism and Counterterrorism*, New York: Marcel Dekker Inc., *International and Comparative Legal Quarterly*, vol. 53, pp. 257-258.

**Wall, D.S.** (2004) 'On the Crime Screen', *New Statesman*, Police Supplement, 17 May, pp. xxiv-xxv.

**Wall, D.S.** (2004) 'Can we can the spam?', *Computers and Law*, vol. 14, No. 6, pp. 14-16.

**Wall, D.S.** (2004) Review of *Dot.Cons: Crime, deviance and identity on the Internet*, edited by Yvonne Jewkes, *Howard Journal of Criminal Justice*, vol. 43, no. 2, pp. 225-227.

#### SHORT RESEARCH REPORTS

Bottomley, A.K., **Hucklesby, A.** and Mair, G. (2003) *The New Uses of Electronic Monitoring: implementation report*, London: Home Office, pp. 27.

**Campbell, A.** (2004) *Operations of Alternative Remittance Systems* (Expert Witness Report prepared for defence solicitors in money laundering case).

**Crawford, A. and Lister, S.** (2004) *A Study of Visible Security Patrols in Residential Areas*, JRF Findings, York: JRF, pp. 4.

**Crawford, A. and Lister, S.** (2003) *An Evaluation of a Contracted Community Policing Experiment*, JRF Findings, York: JRF, pp. 4.

Fraser, P. and **Seddon, T.** (2003) *Drug prevention for vulnerable young people: Issues for planning, evaluation and practice*. Research Briefing 3, London: Nacro.

**Hucklesby, A.** (2003) *Better Bail Decisions: Country Report for England and Wales*, European Commission, pp. 32.

## 4. CONFERENCE AND PUBLIC SEMINAR PRESENTATIONS

Between 1<sup>st</sup> October 2003 and 30<sup>th</sup> September 2004 members of the CCJS gave presentations at many conferences and seminars. They are listed alphabetically by CCJS member.

**Akdeniz, Y.** (2003) A critical assessment of the Council of Europe Cyber-Crime Convention, paper presented at the *21<sup>st</sup> Century Digital Court*, 28 May, 2003, the University of Leeds, Leeds.

**Akdeniz, Y.** (2003) Internet Governance and Freedom in Turkey, *Organisation for Security and Co-Operation in Europe Conference on Freedom of the Media and Internet*, 13-14 June, 2003, Amsterdam, Netherlands. (invited speaker)

**Akdeniz, Y.** (2003) Internet Governance in Turkey: A Multi-layered Approach? *Invited Speaker*, 2003 Inet-TR: Internet in Turkey conference, Istanbul, Turkey, 12 December, 2003. *Panelist*, Problem of Internet SPAM and technical and regulatory challenges panel, 12 December, 2003.

**Akdeniz, Y.** (2004) Modernisation of the Turkish Policy Process and the role of the Regulatory Impact Assessment Exercises, The Prime Ministry, *invited speaker*, Ankara, Turkey, 15 September, 2004.

**Akdeniz, Y.** (2004) *A new beginning? The enactment of the Turkish Right to Information Act*, invited keynote speaker, Press Council annual meeting, 17 April 2004, Istanbul, Turkey.

**Akdeniz, Y.** (2004) *Civil Society Participation to the policy making process of the Turkish Government in relation to the development of an Information Society in Turkey*, invited speaker, OSI Information Policy Programme Annual Meeting, 19 February, 2004, Istanbul, Turkey.

**Akdeniz, Y.** (2004) *CyberCrimes and Abusive Images: Recent Developments, and Future Directions*, invited speaker, 5<sup>th</sup> COPINE Conference: Psychological and Legal Issues of Internet Abuse Images - Conference on future directions, 24-26 May, 2004, Cork, Ireland.

**Akdeniz, Y.** (2004) Guaranteeing Freedom of the Media on the Internet Conference, *invited expert and speaker*, the Organisation for Security and Co-operation in Europe (OSCE), The Representative on Freedom of the Media, Amsterdam, the Netherlands, 27-28 August, 2004. *Who Watches the Watchmen? The role of self-regulation within the context of Internet content regulation speech delivered.*

**Akdeniz, Y.** (2004) *Protection of Privacy and Freedom of Expression in the Digital Communications Environment*, invited speaker, OSI Information Policy Programme Annual Meeting, 21 February, 2004, Istanbul, Turkey.

**Crawford, A.** (2003) The Future of Reassurance Policing, Plenary presentation to *The Future of Policing* Conference, LSE, 10 October 2003. (Plenary)

**Crawford, A.** (2004) Lay Participation in Criminal Justice, *GERN Community and Justice conference, IRESCO*, Paris, 28-30 January 2004. (Plenary)

**Crawford, A.** (2004) Legitimacy, Accountability and Social Order, *The Russell Sage Foundation Working Group conference on International Perspectives*, Hotel du Louvre, Paris, 16-18 January (Plenary)

**Crawford, A.** (2004) Policing Subjectivities, *British Society of Criminology Conference*, Portsmouth University, 6-9 July.

**Crawford, A.** (2004) Reassurance Policing: Seeing is Believing, *Police and People Conference*, Edinburgh University, 13 May. (Plenary)

**Crawford, A.** (2004) The Safety Utopia, *European Society of Criminology*, Amsterdam, 25-28 August.

**Crawford, A. and Lister, S.** (2004) Crawford, A. (2004) The Extended Policing Family, *British Society of Criminology Conference*, Portsmouth University, 6-9 July.

**Fitzpatrick, B.** (2004) Reformulating Sex Offences: Some Fundamental Problems in Criminal Law School of Law, University of Leeds

**Hucklesby, A.** (2004) Lessons on implementing electronic monitoring initiatives, paper presented at *Prisons 2004*, City University, June.

**Hucklesby, A.** (2004) New Uses of Electronic Monitoring: lessons on implementing electronic monitoring initiatives, paper presented at the *British Society of Criminology Conference*, University of Portsmouth, July.

**Lewis, S. and Calverley, A.** (2004) Black and Asian Offenders on probation: Findings from a National Survey, *British Society of Criminology Conference*, Portsmouth, July.

**Lewis, S. and Calverley, A.** (2004) Black and Asian Offenders on Probation, *Home Office Steering Group for the Black and Asian Offender pathfinder projects*

**Lewis, S. and Cole, B.** (2004) Black and Asian Offenders on Probation, *National Association of Asian Probation Staff (NAAPS) annual conference*.

**Lister, S.** (2004) Distraction Burglary: constructing older people as victims of crime, presented to *British Conference of Criminology*, University of Portsmouth, July.

**Lister, S.** (2004) Great Expectations: reassurance policing, nostalgia and the public's quest for order, presented to *A place to Call Home Conference*, Teesside University, July.

**Lister, S.** (2004) Some Reflections on Reducing Distraction Burglary, presented to the *Reducing Burglary Dissemination Conference* (Home Office), York, January 2004.

**Lister, S.** (2004) The extended policing family: additional security patrols in residential areas, presented to *Infolog conference, PCSOs, Wardens and volunteers for Public Reassurance*, June 2004.

**Lister, S.** (2004) Violence in the Night-time Economy: A case of lining up the usual suspects?, presented to the Dublin Institute of Technology, Centre for Social and Educational Research, March 2004.

**Lister, S.L. and Wall, D.S.** (2004) Older people as victims of crime: Deconstructing distraction burglary, *British Society of Criminology Conference, Day Conference on Ageing and Criminal Justice*, London, March 3rd.

**Lodge, J.** (2004) EU Security and Biometric Technologies paper to the EU Commissions Institute of Prospective Technology, Seville.

**McCartney, C.** (2004) Forensic Identification in the Suspect Society: Would the Innocent Please Stand? *Socio-Legal Studies Association Annual Conference*, Glasgow, April.

**McCartney, C.** (2004) Forensic Identification in the Suspect Society: Would the Innocent Please Stand? *British Society of Criminology Annual Conference* Portsmouth, July.

**McCartney, C.** (2004) Forensic Identification in the Suspect Society: The End of Presumptive Innocence? *European Group for the Study of Social Control and Deviance*, Bristol, September.

Nasheri, H. and **Wall, D.S.** (2004), Information Theft, Cybercrime and Enforcement Actions, Panel 12.2 Friday, 14<sup>th</sup> May, *Societies of Criminology 1st Key Issues Conference: What Works In Reducing Crime*, Paris Renaissance Hotel, May 13 – 15.

**Ormerod, D.** (2003) Article 8 & Covert Policing, *The Annual Covert Policing Conference*, Oct. 2003

**Ormerod, D.** (2003) Recent Developments in Criminal Law *Criminal Law Review Annual Conference*, Dec. 2003

**Ormerod, D.** (2004) Directed Surveillance and RIPA Metropolitan Police Service, Feb. 2004

**Ormerod, D.** (2004) Entrapment Just Legal Training, Mar. 2004

**Ormerod, D.** (2004) Rape – the new law Just Legal Training, June 2004

**Ormerod, D.** (2004) The Sexual Offences Act CBA Annual Lecture, May 2004

**Sanders, T.** (2004), Risks and Realities: Some observations from an ethnography of prostitution at Department of Sociology Seminar series, University of York, April 2004.

**Sanders, T.** (2004), The Self-Regulation of Indoor Prostitution Markets: Contesting the Underworld *British Society of Criminology Conference, University of Portsmouth, Criminology, Governance and Regulation* 6<sup>th</sup> – 9<sup>th</sup> July

**Seddon, T.** (2003) Unravelling the part played by drugs in motivating crime and creating victims, invited paper presented at the 2<sup>nd</sup> Annual Community Safety Conference, October 14<sup>th</sup> 2003, London.

**Seddon, T.** (2004) Governing prisoners with mental health problems in late modernity: Evidence for the emergence of a new kaleidoscopic penalty?, paper presented at the Prisons 2004 conference, June 24<sup>th</sup> 2004, London.

**Taylor, N.** (2003) CCTV and the Right to Privacy, Human Rights Research Unit, Leeds, December.

**Taylor, N.** (2003) Understanding Proportionality: The Interpretation of Article 8 and Police Powers, *The RIPA Conference 2003*, London, November.

**Taylor, N.** (2004) Other forms of Identification and their Legal Framework, Identification Conference, Leeds, April.

**Walker, C.** (2003) Biological attack, terrorism and the law, *Conference on Terrorism and Human Rights* (ESRC funded), Centre for the Study of Political Violence and Terrorism, St Andrews.

**Walker, C.** (2004) Contracting out war? Private Military Companies, Law & Regulation, Centre for European Legal Studies, Cambridge University Feb.

**Walker, C.** (2004) Counter-terrorism powers, *Academic Consultation Seminar*, Home Office, May.

**Walker, C.** (2004) Justice in Error, Department of Criminology, University of Ottawa, March.

**Walker, C.** (2004) Miscarriages of justice: the UK experience, Faculty of Law, Queen's University, Kingston Ontario, March.

**Walker, C.** (2004) Terrorism and criminal justice, *Northern Ireland Human Rights Commission*, March.

**Walker, C.** (2004) The war of words on terror at *Hate Speech Symposium*, Leeds, April.

**Walker, C.** (2004) War for Hire? Accountability for private military companies, *International Society for the Reform of the Criminal Law*, 18<sup>th</sup> International Conference, Montreal, August.

**Walker, C.** (2004) What to do with the worst of a very bad lot of terrorists, *Southeastern Association of American Law Schools*, Kiawah Is., South Carolina, August.

**Walker, C.** (2004) Prisoners of war all the time, *SLS Annual Conference*, University of Sheffield, September.

**Wall, D.S.** (2003), Spams, the White Noise of Cyberspace: Small Impact Multiple Victimisations,

Plenary Session, *Annual Conference of the Society for Policing Cyberspace (RCMP)*, Executive Plaza Hotel, Richmond, Vancouver, Canada, 3rd November.

**Wall, D.S.** (2004), Participant in Working Session - Law on the Screen: Exploring Digital Communication and Persuasion, *Digital Cops in Virtual Environment Conference*, Yale Law School, March 26-28.

**Wall, D.S.** (2004), The Internet as a conduit for criminal activity, *The Criminal Justice System and the Internet*, University of Massachusetts, Department of Criminal Justice, Lowell, March 29<sup>th</sup>.

**Wall, D.S.** (2004), Responding to Spam as a Cybercrime: digital realism and the deminimis problem, Panel 8.1, Friday, 14<sup>th</sup> May, *Societies of Criminology 1st Key Issues Conference: What Works In Reducing Crime*, Paris Renaissance Hotel, May 13 – 15.

**Wall, D.S.** (2004), Reasserting Consensual Policing, *Chinese Public Security University*, Beijing, Peoples Republic of China 16<sup>th</sup> June.

**Wall, D.S.** (2004), The Challenges of Policing Cybercrimes, *Workshop on Cybersecurity*, Ministry of Public Security, Beijing, Peoples Republic of China 17<sup>th</sup> June.

**Wall, D.S.** (2004), Problems in the production of criminological knowledge, *ESRC/BSC Postgraduate Conference*, Portsmouth, 4-6<sup>th</sup> July,

**Wall, D.S.** (2004), Dealing with the deminimism problem in the policing of cybercrime, *British Society of Criminology Conference*, Portsmouth, July 6-9<sup>th</sup>.

**Wall, D.S.** (2004), Digital Realism and the Governance of Cybercrimes, *LEFIS Workshop*, Lessig's Code: lessons for Legal Education from the frontiers of IT Law, Queen's University Belfast. 24<sup>-25<sup>th</sup></sup> July.

## 5. THIRD ARM/ EXPERT KNOWLEDGE TRANSFER

### Expert Knowledge transfer through membership of advisory groups/ boards

Professor Adam Crawford is a member of the Advisory Group for the Joseph Rowntree Foundation research 'Tackling Neighbourhood and Anti-Social Behaviour' (2004). Adam is also a member of the Reference Group for Her Majesty's Inspectorate of Constabulary (HMIC) Thematic Inspection of 'Civilianisation of the Police in England and Wales' (2003-4). This resulted in the publication of the HMIC report *Modernising the Police Service* in July 2004.

Anthea Huckelsby is a member of the Executive Committee and Company Secretary of the British Society of Criminology.

Professor Juliet Lodge (Jean Monnet European Centre of Excellence) is a partner in the Challenge F6p on EU security and liberty working on parameters for the security-transparency-accountability matrix for the EU Observatory on the changing landscape of liberty and security. Her work on EU policy to combat terrorism is published in the German European Law Journal in December 2004. Juliet also co-drafted recommendations for the eJustice team presented to the EU Commission on the Tampere II priorities now on the JAI website.

Nick Taylor is a member of the Advisory Panel of the Royal Courts of Justice CAB Advisory Group for their Home Office funded 'Miscarriage of Justice Project'.

Professor Clive Walker is a special adviser to the Joint Committee of Parliament of the Civil Contingencies Bill (2003).

Professor David Wall is a member of the ESRC Virtual College which formulates research priorities and programmes. He is currently developing a research programme on the Globalisation of Crime and Deviance. David has also been appointed by the Home Office to the audit team of the Internet Watch Foundation.

#### **Expert Knowledge transfer through training related activities**

Akdeniz, Y. Guaranteeing Freedom of the Media on the Internet: Seminar with Experts, *invited expert*, the Organisation for Security and Co-operation in Europe (OSCE), The Representative on Freedom of the Media Project, Vienna, Austria, 30 June, 2004.

Akdeniz, Y. Trainer, 2003 ICT Policy Training Programme (<http://www.stanhopecentre.org/ict/>), Budapest, Hungary, August 2003. The programme was organised by the Stanhope Centre for Communications Policy Research in association with the Markle Foundation and the Open Society Institute.

Akdeniz, Y. Developed and launched Freedom of Information Website in Turkey: Following the enactment of the Turkish Right to Information Act in October 2003. The website (<http://www.bilgilenmehakki.org/>) provides information about policy developments in Turkey in relation to the Right to Information Act and its implementation in Turkey. The website provides information both in Turkish and in English.

Akdeniz, Y. Turkish Informatics Society training programme 'Informatics School for the Press' ('Basin Bilisim Okulu'), October 2003: This was a two week

long training with two hour training sessions involving 32 different topics. I was asked to do a session on Internet governance and policy implications for Turkey for this training programme and about 30 members of the press attended this particular training session.

Fitzpatrick, B, (2003) 'Selected Aspects of the Criminal Justice Act 2003' College of Law, York, July 2004

Fitzpatrick, B, (2004) 'The Sexual Offences Act 2003' College of Law, Birmingham, July 2004

#### **Expert Knowledge transfer through participation in the mass media**

Crawford, A.

- 8 October 2003: Sky News. Plus various national and local radio shows (New Earswick project)
- 9 + 10 October 2003: Various national Newspapers inc. Guardian, Independent, Times. BBC online (New Earswick project)
- 28 April 2004: The Breakfast Programme – BBC1 – Extended Policing Family Report. Plus various national and local radio shows. BBC online.
- 30 May 2004: The Politics Programme – BBC1 – Feature on Neighbourhood Wardens
- 28 July: Police Community Support Officers (PCSO) Report mentioned in national and local press.

Fitzpatrick, B.

- 2004, Provision of storyline advice to screenwriter regarding 'A Touch of Frost'

McCartney, C.

- November 2003. Televised interview on the Privatisation of the Forensic Science Services, 'The Politics Show' BBC 2,.

Sanders, T.

- 30 June 2004. Interview with Radio 4 'Thinking Aloud' with Laurie Taylor.

Wall, D.S.

- 10 Oct 2003. Channel 5 News - Policing
- 27<sup>th</sup> July 2004. Participated in Radio 4 production of 'File on Four', broadcast
- 22<sup>nd</sup> Sept. 2004. participated in Radio 4 production of 'The Commission' on Internet Pornography

Lister, S.

- 5 Jan. 2004. BB1 TV one o'clock news - selling policing services
- 5 June 2004. Channel 5 - round table discussion - bouncers
- 5 March BBC 3 TV evening news - bouncers

#### **Expert Knowledge transfer through conference organisation**

Hucklesby, A. (2004) Was one of the organisers of the ESRC Postgraduate training workshop and also the British Society of Criminology Conference in Portsmouth in July.

McCartney, C. (2004) Launched UK Innocence Network with Dr Michael Naughton, Bristol University, 2nd September, included media interviews with local and national press, television and radio. I also did an interview with Dr Robert Schehr of the US Innocence Network for BBC Radio South-West.

McCartney, C. (2004) Convened Inaugural Innocence Projects Colloquium, with Dr Michael Naughton, Bristol University, 3<sup>rd</sup> September.

Walker, C. (2003) Hate Speech Symposium, April 2003 – With speakers from England and the USA, discussing issues arising from extremist speech and constitutional conflicts plus terrorist-related issues.

Walker, C. (2003) The 21<sup>st</sup> Century Digital Court, May 2003 New communications technologies are having major impacts on litigation and the very nature of the courts. The electronic presentation of evidence, video links with remote witnesses, digital document exchange and court web pages are amongst the important developments which will be discussed in this conference. With speakers from England and the USA, including practitioners, policy-makers and academics, the conference will provide information and insights into the 21st Century Digital Court.

#### **Expert Knowledge transfer through editorship of journals**

Crawford, A.

- Ed. Board of the *British Journal of Criminology*.
- Ed. Adv. Board of *Criminal Justice: An International Journal of Policy and Practice*
- Ed. Committee of *Déviance et Société*
- Ed. Committee of *Les Cahiers de la Sécurité Intérieure*.
- Ed. Adv. Board of *Crime Prevention and Community Safety: An International Journal*.
- Int'l Adv. Board of the *European Journal of Criminology*.

Fitzpatrick, B.

- Criminal Cases Editor, *Journal of Criminal Law*

Ellison, L.

- Ed. Board of the *International Journal of Evidence and Proof*

Ormerod, D.

- Cases editor of the *Criminal Law Review*.
- Ed. board, *International Journal of Evidence and Proof*.

Walker, C.

- Ed. Board, *Entertainment Law Review*
- Ed. Board, *International Journal of Risk Management*
- Ed. Board, *Journal of Civil Liberties*

Wall, D.

- Associate Editor, *International Review of Law, Computers and Technology*
- Ed. Board, *Criminal Justice Matters*
- Ed. Board, *Policing and Society*

#### **Expert Knowledge transfer through participation in NGO and governmental committees**

Akdeniz, Y. Civil Society representative, the World Bank Knowledge Economy Forum III, Budapest, Hungary, 23-26 March, 2004.

Akdeniz, Y. Safer use of the Internet hearing of the Committee on Civil Liberties, Justice and Home Affairs, European Parliament, *invited expert and speaker*, 11 October, 2004.

Lodge, J. (2004) 'Civil Society, Managing Identity and Ambient intelligence' to the EU Commission.

Walker, C. Home Office Draft Code of Pt I chap2 of RIPA (2003)

Walker, C. House of Commons Home Affairs Committee, Anti-Terrorism Act (2003)

Walker, C. Lord Carlile's Review of the Terrorism Act 2000 (2003)

Walker, C. Privy Council Committee on the Anti-Terrorism Act (2003)

Walker, C. Special Adviser to the Joint Committee of Parliament of the Civil Contingencies Bill (2003). See Walker, C., 'Reports of Special Adviser' in Joint Committee on the Civil Contingencies Bill, Draft Civil Contingencies Bill (2002-03 HL 184 HC 1074) pp.103-116

## 6. RESEARCH DEGREES AND TEACHING PROGRAMMES

### Research Postgraduates

*Postgraduate research degree schemes* - The Centre for Criminal Justice Studies invites applications from students wishing to pursue research into all aspects of the criminal justice system. This subject may be taken to include, for example, the judiciary, the prosecution system, the police and policing authorities, the prison and probation services, the courts and the judiciary, criminology and penology, criminal law and terrorism, victims and mediation, cyber/computer crime. Any relevant research topic in these or related areas will be considered. A number of possible areas of research have been considered with our Advisers and can be suggested on request, but applicants are not precluded from devising their own proposals. Comparative studies will be considered. The work of students may be assisted by practitioners in our Advisory Committee or by other contacts in the field. Formal instruction in research methodology is provided as a standard training package, and joint supervisions in interdisciplinary subjects can be arranged.

The relevant degree schemes on offer by research and thesis only are as follows:

*Master of Arts (M.A.)* - one year full-time or two years part-time;

*Master of Philosophy (M.Phil.)* - two years full-time or three years part-time;

*Doctor of Philosophy (Ph.D.)* - three years full-time or four years part-time.

The entrance requirements common to all three schemes are that applicants must normally possess a good honours degree, but those with professional qualifications or substantial professional experience will be considered. The detailed regulations governing the above degree schemes are available on request from the University's Student Office.

The Centre's research postgraduates are located in the Law Graduate Centre where they are provided with access to desk space, a lockable area, a good quality computer with printing facilities and a very convivial and collegial environment in which to conduct their work. The University's (central) Graduate Centre also has further facilities for research postgraduates and provides a range of very useful training courses.

### Taught Postgraduate Courses

The MA in Criminal Justice Studies has run successfully since 1993. A number of variants have since been introduced and in 2002 an LLM in Criminal Justice and Criminal Law was introduced. Further details of the taught postgraduate programme in criminal justice are as follows.

#### **MA in Criminal Justice Studies (180 credits)**

*Objectives* - To enable students to acquire new theoretical perspectives on, and wider knowledge about, criminal justice systems as well as gain a grounding in research methodology and the capacity to undertake research projects.

*Duration* - 12 months full time; 24 months part time. Note that some of the courses offered can be taken as free standing units with later accreditation.

*Entry requirements* - A good honours degree in law, social sciences or related subjects.

*Contents* (to amount to 180 credits):

Compulsory courses include:

Criminal Justice Research Methods and Skills (30 credits)

Criminal Justice Process (30 credits)

Criminal Justice Policies and Perspectives (30 credits)

Dissertation of up to 15,000 words (60 credits)

Optional courses include (students must select 30 credits - other modules may also be available)

Policing I & II (15+15 credits)

Theories of Crime and Punishment (15 credits)

Victims and Victimology (15 credits)

Forensic Process (15 credits)

Corporate Crime (15 Credits)

Transnational Criminal Justice (15 Credits)

Cybercrimes: Computers and Crime in the information age (15/30 Credits)

Negotiated Study (15 or 30 credits)

### **Diploma in Criminal Justice Studies (120 credits)**

*Duration* - 9 months full time, 18 months part time. Note that some of the courses offered can be taken as free standing units and later accreditation can be granted.

*Entry requirements* - A good honours degree in law, social sciences or related subjects. Persons without degrees but with professional qualifications or experience will be considered.

*Contents* - Students select from the courses listed for the MA scheme. There is no dissertation.

### **Certificate in Criminal Justice Studies (60 Credits)**

*Duration* - 9 months part time. Note that some of the courses offered can be taken as free standing units and later accreditation can be granted.

*Entry requirements* - A good honours degree in law, social sciences or related subjects. Persons without degrees but with professional qualifications or experience will be considered.

*Contents* - Students select from the courses listed for the MA scheme.

### **LLM in Criminal Justice and Criminal Law (180 credits)**

The LLM follows the specification for the MA in Criminal Justice Studies except that a good honours degree in Law is normally required. Students also take a 45 credit module in Criminal Law and a 15 credit legal research methods as core subjects in place of Criminal Justice Research Methods and Criminal Justice Policies and Perspectives. These latter subjects may, however, be taken as optional subjects.

The CCJS also provides PG Certificate and MA Courses in the following areas: **Criminal Justice and Policing Studies/ Contemporary Issues in Criminal Justice**

## **Taught Undergraduate Programmes**

### **BA (Hons) Criminal Justice and Criminology**

This new full-time undergraduate programme in Criminal Justice and Criminology offers students the opportunity to specialise in criminal justice studies within the context of a grounding in Law and Social Policy/ Sociology. This scheme adopts a broad understanding of "criminal justice and criminology" that includes the study of both formal and informal processes of regulation and control. Accordingly, "Criminal Justice and Criminology" at Leeds draws upon a number of disciplines, ranging from legal philosophy through political and social sciences to socio-legal studies. It is the interplay between the legal, social and political which gives this scheme a uniquely progressive and flexible profile and special vitality. The BA scheme is an exciting joint inter-disciplinary venture which is built around courses offered by leading academics from two prestigious, research-led, departments of international academic excellence.

The degree has four principle objectives. The first is to familiarise students with the various theories that explain crime, the social reactions to it and also criminal justice. Secondly, the scheme explores the policy debates which emerge as a societal response to crime. Thirdly, students will develop an understanding of the institutional features of, and professions within, the criminal justice processes. Fourthly, and finally, students will come to understand the dynamic processes which shape the outcomes of criminal justice such as cultures and discretion, the impact of social change, and the interaction between criminological research and institutional action.

*Entrance Requirements:* Normally 3 passes at A level, or two passes at A level and 2 AS levels, or equivalent qualifications. The grade requirements are BBB (including General Studies).

*Teaching and assessment:* All the taught modules are delivered by way of a mixture of teaching methods – lectures and seminars. Study visits may also be arranged. Assessment is by examination and written work.

*Potential Career Opportunities:* The scheme offers a grounding for graduates who wish to work in criminal justice related professions. Criminal justice provides a good academic base for those considering careers in the police, the prison service, the private security sector, probation, social work, community care and law, community safety, as well as regulatory fields. It will also provide a base for further academic study. Many of these career options will require further study and qualifications after graduation. The police, for example, have their own induction courses (including the Police Accelerated Promotion Scheme for Graduates), while the Probation Service requires further professional qualifications. Likewise, the legal professions will require further qualifications, though for the first stage (the Common Professional Examinations), the structure of the BA allows a student to put together a package of compulsory/option/elective subjects that provide part exemption.

Further details of the BA (Hons) Criminal Justice and Criminology can be found on the CCJS www site at <<http://www.law.leeds.ac.uk/crimjust/>>

## 7. SEMINAR PROGRAMME FOR – 2003-4/ 2004/5



### CENTRE FOR CRIMINAL JUSTICE STUDIES

*Seminars are usually held in the Moot Court Room at the School of Law, 20 Lyddon Terrace, Leeds (unless stated otherwise). For further information contact Stuart Lister: ☎(0113) 343 5075 (s.c.lister@leeds.ac.uk)*

Tuesday 11 November 2003, 5.00pm

*“Youth Crime in Scotland”*  
**Dr Lesley McAra**, University of Edinburgh

Wednesday 19 November 2003, 1.00pm

*“Police Pathways into Crime”*  
**Prof. Maurice Punch**, London School of Economics

Tuesday 26 November 2003, 5.00pm

*“Rethinking Miscarriages of Justice”*  
**Dr Michael Naughton**, University of Bristol and **Hazel Kierle**, Director, MOJO

Thursday 4 December 2003, 12.00pm

*“Young People, Homelessness and Drug Use”*  
**Dr Emma Wincup**, University of Kent

Tuesday 9 December 2003, 5.00pm

*“Deviant Knowledge”*  
**Dr Reece Walters**, University of Stirling

Tuesday 3<sup>rd</sup> February 2004, 5.00pm

*“Hang 'em High: Understanding Punitive Public Attitudes”*  
**Dr. Shadd Maruna**, University of Cambridge

Tuesday 17<sup>th</sup> February 2004, 5.00pm

*“Asian Youth, Race and Policing”*  
**Dr. Colin Webster**, University of Teeside

Tuesday 24<sup>th</sup> February 2004, 5.00pm

*Policing culture, privatising migration: Blunkett's new race doctrine”*  
**Arun Kundnani**, Institute of Race relations

Tuesday 2<sup>nd</sup> March 2004, 5.00pm

*“The Death Penalty in Japan”*  
**Prof. Satoshi Mishima**, Osaka City University and University of Leeds

Tuesday 16<sup>th</sup> March 2004, 5.00pm

*"Making sense of the senseless - Crime talk, ageing and self identity"*  
**Dr. Tony Kearon**, Keele University

Tuesday 29<sup>th</sup> April 2004, 5.00pm

*"Catastrophe, Risk, Insurance and Terrorism"*  
**Prof. Richard Ericson**, University of Oxford

Tuesday 25<sup>th</sup> May 2004, 5.00pm

*"State Crime and British State Secrecy"*  
**David Shayler**, Formerly MI5 (talks about new book)

Tuesday 2<sup>nd</sup> November, 5pm

*"Drugs, Crime & Deprivation: the case of the 1980s heroin epidemic"*  
**Dr. Toby Seddon**, Centre for Criminal Justice Studies, University of Leeds

Tuesday, 9th November, 5pm

*"Youth, school exclusion and crime"*  
**Dr. Carol Hayden**, University of Portsmouth

Tuesday, 16th November, 5pm

*"The Statutory Charging Scheme in England and Wales: towards a unified prosecution system?"*  
**Ian Brownlee**, South Yorkshire Crown Prosecution Service

Monday 22nd November, 3pm (Note: to be held in Roger Stevens LT 17)

*"England's Green and Pleasant Land'? Examining Racist Victimisation and Notions of Community in the Rural"*  
**Neil Chakraborti**, University of Leicester

Tuesday 23rd November, 5pm

*"The Star Spangled Spammers: Digital Realism and the Governance of Spam as a Cybercrime"*  
**Prof. David Wall**, University of Leeds

Tuesday 30th November, 5pm

*"Penal Populism in New Zealand"*  
**Prof. John Pratt**, Victoria University of Wellington

Wednesday 8th December, 5.30pm\*Book Launch

*"Sex Work: A risky business"*  
**Dr. Teela Sanders**, University of Leeds

## 8. Working Papers BY CCJS MEMBERS

The following papers represent aspects of the work of some of the members of the Centre for Criminal Justice Studies during 2003-2004 (see Contents page for complete listing).

### **Community Support Officers Can Make a Difference: But Proceed with Caution**

**Adam Crawford and Stuart Lister**

The government's latest spending review places police Community Support Officers (CSOs) at the forefront of its plans to combat low level crime and disorder, and provide public reassurance. The proposed increase in the number of CSOs by a further 20,000 by 2008, from about 4,000 currently patrolling the streets of England and Wales, will radically re-shape the face of frontline policing. It will transform the current ratio of CSOs to police officers from approximately 1 in 35 to almost 1 in 6. For the government, increasing police visibility is a relatively simple and cost effective way to demonstrate that it is taking crime and the fear of crime seriously and responding to the ubiquitous public demand for more uniformed officers on the streets. As such, it advances the reassurance policing programme spelt out by the Home Secretary in March this year, which acknowledges that public perceptions of safety are crucial to winning hearts and minds in the fight against crime. To paraphrase David Blunkett at the time: "if the public don't feel it, they won't believe it". CSOs have become the linchpin in convincing the public that they can feel the difference.

A recent evaluation of the first year of deployment of CSOs within the city centres of Leeds and Bradford heralds some good news, suggesting that they can make a difference. Outside of London, West Yorkshire Police (WYP) has recruited the largest number of CSOs and is one of six forces piloting the use of detention powers. The evaluation, undertaken by the University of Leeds, found that CSOs are playing an important role in:

- Working with partner agencies in delivering safer and better quality environments;
- Delivering effective crime prevention advice to members of the public, visitors and businesses;
- Assisting individuals by referring them on to relevant local services and contributing to local problem-solving;
- Engaging with different community groups and police audiences in ways that police officers find it hard to do given the pressures upon them;
- Linking together, and furthering co-operation between, the various members of the "extended policing family"; and
- Facilitating dialogue with hard to reach groups, including homeless persons, drug users and

young people, as well as members of black and minority ethnic communities.

The organisational commitment by WYP to deploy CSOs as dedicated patrol officers ensured that the intensity of patrols was consistently high, with officers in both areas spending more than 80% of their time beyond the police station during the last six months of the evaluation period. Clearly, WYP successfully shielded CSOs from the normal demands of policing that have traditionally served to undermine locally-tied foot patrol. Furthermore, CSOs have demonstrated that they can deliver effective patrols and engage with different communities without the need for the full range of powers vested in police constables.

#### *Representing the Community*

Of the 229 CSOs recruited and deployed across West Yorkshire by 1 March 2004, 34% were women and 7% were from black or minority ethnic groups. This reflects more favourably the composition of the local communities than police officers across the force. Nationally, CSOs have become a valuable success in terms of recruiting women, as well as black and minority ethnic staff into the police service. This recruitment path offers significant benefits to forces seeking better to represent the diverse communities they serve. Yet the service needs to be wary of creating a bifurcated service with predominantly white policemen supported by a body of largely female and black or minority ethnic colleagues in less well paid civilian roles.

Of the initial cohort of 72 recruits, 24 had left by the end of their first year in post. Half of these, however, did so to become constables. Whilst this demonstrates that the CSO role is potentially a useful recruitment ground for police officers, it also indicates that challenges lie ahead in fostering long-term commitments. Recruits will need to be provided with clear career paths and development opportunities if the role is to become more than a transient stepping-stone to the office of constable. Hence, in all likelihood, forces will soon be required to develop CSO supervisors, who will be able to relieve some managerial responsibility from police sergeants.

#### *Impact upon Crime*

Over the first year of deployment, CSOs appear to have contributed to significant reductions in vehicle-related crime by dispensing crime prevention advice, particularly with regard to the dangers of leaving valuable belongings on view in motor vehicles.

- In Leeds city centre theft of vehicles fell 49% and theft from a vehicle 33%, whilst vehicle interference and tampering declined 60%.

- In Bradford city centre theft from a vehicle fell 23% and theft of vehicle 25%, whilst vehicle interference and tampering declined 24%.
- Personal robbery declined 47% in Leeds and 46% in Bradford, which reflects a focus on street crime.

The greatest reductions occurred in “hot spot” areas, suggesting that CSOs were appropriately targeted through intelligence-led deployment. For many types of crime the introduction of CSOs does not appear to have produced a significant displacement effect. However, some geographical displacement for certain types of crime, particularly theft from a vehicle was apparent.

#### *Impact upon Public Reassurance*

The concentrated deployment of CSOs within both city centres produced a detectable reassurance dividend among city centre workers, visitors and residents. A survey of a cross-section of the public using, working and living in the city centres of Leeds and Bradford found:

- More than two-thirds (69%) perceived an increase in the number of officers patrolling the city centres, many of them saying it had increased significantly (29% of the total).
- More than a fifth saw a CSO more than once a day, whilst 40% saw a CSO at least once a day.
- Those members of the public that had encountered a CSO reported high levels of satisfaction with the nature of the contact. Some 96% said the officer(s) had dealt with or responded to their approach or request well.
- A clear majority were able to recognise CSOs (59% overall), despite being deployed for less than a year.
- 82% agreed that the presence of visible patrol personnel makes the city centre a more welcoming place to work, shop or visit.

For many members of the public the confidence and reassurance vested in CSOs is enhanced by their uniform and police identity. Despite their limited powers, CSOs are perceived to be reassuring because members of the public often assume that they have received appropriate vetting and training and can summon rapid support from police officer colleagues.

Nevertheless, a significant degree of public uncertainty and confusion remains regarding the identity, powers, roles and responsibilities. Focus group interviews reveal that members of the public were unclear as to the level of training that CSOs receive and nature of their powers. And yet, these factors were seen as important to providing reassurance. Moreover, the limitations of the role were not clearly understood. As a consequence, members of the public often assume that CSOs can act like sworn police officers. This suggests that false expectations may arise among the public over precisely what CSOs can legitimately do.

The research highlights that patrol is not an end in itself, but rather a means to an end. It is not just the presence of uniformed patrol officers that influences public confidence and fosters reassurance, but also the manner with which they interact with the public. Hence, a key challenge is to ensure that CSOs “patrol with a purpose”, supplementing visible presence with other activities including proactive crime prevention, intelligence gathering and community engagement. We encountered some concerns that CSOs were uncertain what to do beyond walking their beat as a kind of “reassurance beacon”.

#### *Co-ordination of the “Extended Policing Family”*

CSOs offer a key resource through which to operationalise and support the concept of the “extended policing family”, allowing the police to enhance community safety by harnessing the policing efforts of other security personnel. However, it requires the police to learn better to manage, steer and co-ordinate the policing efforts of others. There remains considerably greater scope to work with street and neighbourhood wardens, private security personnel, traffic wardens and parking attendants. To do so, the police service must continue to challenge the view that persists among some officers that they alone should provide visible patrols, rather than seeing the policing efforts of others as a resource to be harnessed in the furtherance of public safety. To this end, CSOs constitute an important link in the chain that binds together the “extended policing family”. They provide a street level linkage between diverse service providers that impact, directly and indirectly, on crime and disorder.

#### *The Future*

The police face a momentous cultural challenge to integrate CSOs into the wider service, not merely as a separate sub-organisation, akin to traffic wardens. There has been a tendency to treat sworn officers and police staff in separate silos as if they were not part of the same organisation. A more integrated approach to police professionalism needs to be developed as the number of CSOs grows. To this end, it is important that the CSO role remains *distinct yet integrated* within the police.

First, in the rush to recruit and meet government set targets, sight may be lost of the important qualities, skills and competencies required of the role. Experiences from the Metropolitan Police and, to a lesser degree, WYP also caution against too rapid or dramatic an expansion in CSO numbers. As CSOs increasingly become the public face of the police, high standards of CSO conduct and disposition in interactions with the public are vital in order to establish and maintain confidence in their work and thus ensure long-term public reassurance.

Secondly, thorough consideration needs to be given to the manner in which CSOs engage with the diverse communities they police rather than merely going out

and patrolling like “mobile scarecrows”. Furthermore, if CSO generated community intelligence is to be used effectively by the police organisation this will require its careful integration into systems of information management and data analysis.

Thirdly, CSO recruitment places significant supervisory and management challenges upon police supervisors. The support infrastructures within the police need to be prepared for the additional burdens that increased numbers of CSOs will bring. Flooding streets with poorly prepared and weakly supported recruits may prove counterproductive.

Finally, the central challenge for the future management of CSOs will be to resist pressures to use them as a generic resource to fill service gaps within the organisation rather than as a strategic tool in the provision of public reassurance, crime prevention and community engagement. Given the government’s massive expansion plans, this may prove difficult.

The full report, *Patrolling with a Purpose: An Evaluation of Police Community Support Officers in Leeds and Bradford City Centres* by Adam Crawford, Sarah Blackburn, Stuart Lister & Peter Shepherd is published by the Centre for Criminal Justice Studies, University of Leeds.

Also available: *The extended policing family: Visible patrols in residential areas* by Adam Crawford and Stuart Lister, is published by the Joseph Rowntree Foundation, price £15.95.

The report can be ordered from CCJS Press, School of Law, University of Leeds, Leeds LS2 9JT, Tel: 0113 3435033, Fax 0113 3435056 (please add £2.00 postage & packaging per order).

Also available: *The extended policing family: Visible patrols in residential areas* by Adam Crawford and Stuart Lister, is published by the Joseph Rowntree Foundation (ISBN 1 85935 187 5, price £15.95).

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## What Works in the Resettlement of Short-Term Prisoners? Findings from Seven Pathfinders and their Implications for the Probation Service.

Sam Lewis<sup>1</sup>

### Introduction

‘Resettlement’ work with prisoners has a long history, which has tended to focus on meeting welfare needs (see Bochel 1976; Jarvis 1972; King 1964), and which has traditionally been undertaken by the Probation Service. Over the past two decades the Probation Service has, for practical and political reasons (see Maguire et al. 2000 for discussion), been forced to concentrate time and resources on its statutory caseload. This has resulted in ‘a continuing decline both in the voluntary after-care caseload and in the priority accorded to this area of work’ (Maguire et al. 1997: 57). NACRO recently observed that ‘many probation areas now do little resettlement work with short term prisoners’ (2000: 1), and the Social Exclusion Unit noted the deleterious effects of short term sentences and the absence of resettlement help on support networks and other protective factors (2002: 121-2).

The report of a review of the sentencing framework led by John Halliday, entitled *Making Punishments Work* (2001), noted ‘the lack of utility in short prison sentences’ that are ‘nevertheless used for large numbers of persistent offenders, with multiple problems and high risks of re-offending’, and suggested that ‘a more effective recipe for failure could hardly be conceived’ (22). The Halliday report advocated the renewed provision of resettlement services for short-term prisoners. The report, however, appeared to replace the traditional notion of resettlement as the provision of welfare-focused services with the idea of resettlement as help with any problem that is related to the risk of offending.

The main aim of the pathfinder projects was to reduce re-offending by short-term prisoners (i.e. those sentenced to imprisonment for less than 12 months). All of the schemes worked to achieve this by addressing welfare needs, often by referring participants to specialist agencies (such as accommodation providers, drug rehabilitation schemes, debt advice services, and bereavement counsellors). Some of the projects *also* endeavoured to address the cognitive deficits that may cause or contribute to crime, in most cases by providing the *F.O.R a Change* cognitive-motivational programme (see below). In other words, the Pathfinders included explicit efforts to move beyond simple ‘welfare’ work, with several

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<sup>1</sup> For the full report see *The resettlement of short-term prisoners: an evaluation of seven Pathfinders*, by Lewis et al. (2003), from which much of the following information is taken. This is an edited version of a paper that originally appeared in *Vista: Perspectives on Probation*, Vol. 8, No.3.

schemes combining action to address welfare needs with work on cognitive deficits. Work was to start on reception to prison, and to continue on a voluntary basis for up to three months after release.

### Evaluating the Projects

The evaluation was designed to determine the effectiveness and the cost-effectiveness<sup>2</sup> of the Pathfinders in addressing the resettlement needs of short-sentence prisoners, and in reducing reconviction. It did this in three ways:

- A process evaluation was undertaken, designed to determine how the projects actually operated. This included 'entry' and 'exit' interviews with project managers and workers, with whom close contact was maintained throughout the study, and the inspection of project leaflets, posters and any other literature produced.
- Work was done to determine the resettlement needs of short-term prisoners. Project participants were tracked using detailed case management records (CMRs), which contained details of their resettlement needs, and the work undertaken to address them. Pre and post-release interviews with offenders, and completed postal questionnaires, afforded the participants' perspective.
- Work was carried out to assess the impact of the projects on resettlement problems and on attitudes related to offending (see below for a discussion of how this was done), which will be supplemented by the findings of a reconviction study in due course.

### The Projects and their Procedures

A total of seven projects were involved in the study. Six projects ran from Spring 2000 to Spring 2002<sup>3</sup>, and each intended to work with 400 prisoners. In April 2001 a seventh project joined the resettlement initiative to produce a larger sample of F.O.R programme participants<sup>4</sup>. This project planned to work with 100 prisoners. The Probation Service ran four of the projects and voluntary sector organisations ran three of them.

As noted above, all of the projects were to address practical welfare needs. Project workers were also trained to use motivational interviewing techniques (see Miller and Rollnick [1991]). In addition, probation-led projects were expected to deliver cognitive-motivational programmes. The F.O.R.

2 Space constraints preclude discussion of the cost-effectiveness evaluation. Full details are available in Chapter 6 of the main report (Lewis et al. 2003).

3 These were based in HMPs Woodhill (run by Oxford / Buckinghamshire Probation Service), Hull (Humberside Probation Service), Low Newton (Durham Probation Service), Birmingham (National Association for the Care and Resettlement of Offenders), Lewes (Crime Reduction Initiatives), and Wandsworth (SOVA).

4 This was at HMP Parc, and was run by South Wales Probation Service.

programme was available to participants at three of the probation-led projects, whilst the fourth offered an individualised modular programme.

All of the projects followed the same basic procedures. The resettlement needs of eligible prisoners were determined, in the majority of cases (850), using the Home Office's Offender Assessment System (OASys: Home Office 1999). This provided the basis for action plans, which focused on priority needs as identified by OASys and agreed with the offender. Pre-release, project staff aimed to address practical resettlement needs whilst also motivating offenders to address their criminogenic needs. At a pre-release review, post-release appointments with project staff and community-based agencies were made or confirmed. Post-release assistance was provided either directly by project workers or volunteer mentors (where available), or by referral to relevant agencies.

### The Project Participants

All of the projects failed to achieve the planned number of participants. The reasons for this included staff shortages, a dearth of eligible prisoners, and the transfer of eligible prisoners. A total of 1,081 prisoners were included in the evaluation.

#### *Participants' characteristics and needs*

The key characteristics of participants may be summarised as follows:

- Participants at six of the seven projects were male. Eighty-nine per cent of the sample (950) was male, whilst the remainder (11 per cent, 131) was female.
- Participants had an average age of 30, although this figure varied considerably between projects.
- Those on the schemes were predominantly white (89 per cent): minority ethnic groups were under-represented in all seven schemes in relation to the host prison population.
- Twenty-three per cent were employed and fifty-three per cent lived in permanent accommodation on reception, with fewer expecting to have jobs (18 per cent) or accommodation (41 per cent) post-release. This reflects the findings of previous studies that drew attention to the negative effects of short-term sentences (e.g. NACRO 2001).

The OASys assessment showed participants as having over six different problems on average, out of the 14 categories listed. The mean number of significant (criminogenic) problems came out at over four per prisoner. The most commonly recorded significant problems were: accommodation (identified in 51 per cent of cases); drugs (50 per cent); thinking skills (46 per cent), and employment (40 per cent).

#### *Participants' Views*

Pre-release interviews were conducted with 139 offenders, drawn reasonably evenly from the seven projects, in order to elicit their views of the schemes. Interviewees were first asked why they had agreed to

take part, and what type of help they had hoped to receive.

The most popular reasons given for joining the Pathfinder were a need for help with: accommodation issues (27 per cent); drug or alcohol problems (15 per cent); staying out of trouble (15 per cent); and education and employment (10 per cent). Interestingly, when interviewees were asked what they had 'got out of' joining the Pathfinder so far the most common responses did not relate to practical problems, but concerned having increased confidence or peace of mind (24 per cent), and having someone to talk to or a volunteer mentor (17 per cent). Help with housing or alcohol / drug problems were the most often mentioned practical problems, mentioned by 15 per cent and 13 per cent of interviewees respectively.

When asked what they had 'got out of' being on the scheme, interviewees from projects where structured cognitive-motivational work was undertaken were significantly<sup>5</sup> more likely to mention the help that they had received with thinking skills, impulsive behaviour, and problem solving, than interviewees from other schemes.

The majority (61 per cent) of interviewees expected to see someone from the Pathfinder team after release. Although the main types of post-release help wanted by those who expected to remain in contact related to practical issues such as employment / education (mentioned by 28 per cent of those who expected to maintain contact), housing (20 per cent), or alcohol / drug problems (12 per cent), interviewees were equally keen to 'have someone to talk to' (28 per cent).

The evaluators planned to conduct a similar number of interviews with offenders post-release. The difficulties in maintaining contact with ex-prisoners are well known, and although attempts were made to interview 149 offenders, just 36 interviews were actually achieved. In addition, a total of 769 postal questionnaires were sent out, producing just 74 responses. It is important to note that the findings from both sources are likely to be biased towards those with settled circumstances post-release, and thus do not represent the views of all ex-prisoners.

Amongst the ex-prisoners who returned questionnaires or were interviewed in the community, the problems faced and with which they mentioned receiving help most frequently related to accommodation, employment or drugs. The interviewees also reported being helped to gain in 'self-confidence' and in 'keeping out of trouble'. It is striking that when asked which aspects of their experiences on the Pathfinder they had found most helpful, over half of the interviewees named 'emotional support' or 'someone to listen or talk to', compared with only five who specified help with accommodation (the next most frequent choice).

<sup>5</sup> P<0.001.

### Measuring the Impact of the Projects

In advance of the reconviction data becoming available, three interim outcome measures were used as proxy indicators of the impact of each project. These were:

- Continuity of service, or the proportion of prisoners who remained in significant contact with the projects post-release.
- Changes in prisoners' crime-prone attitudes and beliefs.
- Changes in levels of prisoners' perceived life problems.

#### *Continuity of service: 'through the prison gate'*

The majority of the 1,081 cases included in the evaluation involved some work with the offender before and / or after release. Sixty cases (6 per cent) resulted in transfers, and 100 (9 per cent) in withdrawals from the project, before any of the action plan was implemented. In other words, 921 offenders participated to some degree beyond the initial planning stage<sup>6</sup>.

Three hundred and ninety-seven (43 per cent) of the 921 Pathfinder 'graduates' had some contact with the projects after release. The project records indicate that, among the 397 contacted, 353 engaged in some form of purposeful work post-release. This figure reduces to 318 (35 per cent of project 'graduates') if one excludes those seen only on the day of release. These 318 ex-prisoners received what might be called the 'alpha' service – i.e. post-release activities involving significant purposeful contact beyond the day of release. Reception of this kind of service was used as the main measure of 'high continuity'.

The 'high continuity' rate ranged from 16 per cent to 42 per cent of participants in male prisons, whilst the highest level of continuity – 47 per cent – was achieved at the women's prison. The following factors emerged as significant determinants of continuity:

Attending a probation-led project: the four probation-led schemes provided significantly<sup>7</sup> higher levels of continuity than those run by voluntary sector agencies. Completing a cognitive-motivational programme: offenders from the three projects offering the F.O.R. programme who had attended F.O.R. were significantly<sup>8</sup> more likely to receive a high continuity of service than offenders from the same schemes who did not do so.

#### *Changes in prisoners' attitudes favourable to offending, and levels of perceived life problems*

<sup>6</sup> Some of the 'withdrawals' might be better described as failures of communication or logistics – e.g. when staff shortages led to prisoners with very short sentences not being visited quickly enough before their release.

<sup>7</sup> P<0.01.

<sup>8</sup> P<0.05.

The effect of the projects on crime-prone attitudes and thinking, and on perceived problems, was assessed through before-and-after use of the CRIME-PICS II questionnaire (Frude et al. 1994). Repeated assessments (on entry to and exit from the pre-release part of the Pathfinder service) were conducted for 454 prisoners. Positive changes in crime-prone attitudes were found in all of the probation-led projects, and in two of the voluntary sector led schemes. The four best results on attitude change came from the probation-led projects. All of the projects succeeded in reducing prisoners' perceived problems. Three of the four best results on problem reduction came from the probation-led schemes.

#### *The Characteristics of Successful Resettlement Schemes*

The full report of the study (Lewis et al. 2003) provides an extended discussion of the characteristics of the more successful projects, which include:

- Supportive and committed prison Governors who can 'champion' the project at all levels, and ensure that it is well integrated into the overall management structure of the prison;
- Strong project managers, and adequate staff, including where possible seconded prison staff;
- Good case management, from the point of assessment through to the post-release stage;
- Access to the necessary facilities;
- Access to existing prison services, such as drug addiction programmes or education and training schemes. The long waiting lists for such services mean that at present most short-sentence prisoners cannot access such facilities;
- A thorough approach to assessment and monitoring through the use of effective and timely assessment procedures that are not overly time-consuming;
- Attention to prisoners' welfare needs *coupled with* work to address thinking, motivation and self-management (for example through the FOR programme);
- Pre-release contact with people and organisations whose help would be needed in post-release resettlement;
- Local negotiation to alleviate obstacles to resettlement, such as the loss of settled accommodation, or the long waiting lists to obtain help with substance addiction, which typically prisoners cannot join until after they have been released.

#### **Implications for the Probation Service**

Her Majesty's Chief Inspector of Probation has suggested that the 'changes likely to come about in 2004-2005 will be of ... crucial importance' in the life of the Probation Service (2004: 189). Some of these changes will result from the implementation of provisions contained in the Criminal Justice Act 2003. These include plans to replace custodial sentences of less than 12 months with a new 'custody plus'

sentence. 'Custody plus' combines a short period in custody with a license period, during which offenders may be subject to requirements akin to a community order, *which the Probation Service will be required to supervise*. Given the concomitant increase in the probation caseload 'during a period in which there is likely to be severe public expenditure restraint', it is vital that the Probation Service assimilates the findings from the Pathfinder research as to 'What Works' in the resettlement of short-term prisoners, if it is to make the best use of scarce resources and 'provide the quality ... of offender interventions which will inspire the confidence of the public and sentencers alike' (HM Chief Inspector of Probation 2004: 195).

The characteristics of the more successful resettlement schemes have already been outlined, above. A guide to *Good Practice in the Resettlement of Short-Term Prisoners* (Vanstone et al., forthcoming) is being produced, based on these findings. This is based on a case management model of the resettlement process

*1. Gaining critical knowledge:* An understanding of the history of prisoner resettlement would enable practitioners to see their work with short-term prisoners as part of a long and valuable tradition (see Bochel 1976; Jarvis 1972; King 1964, or Lewis et al. 2003 for a summary). They should also be aware of research evidence regarding the needs of ex-prisoners and how they are best met.

*2. Starting the resettlement process:* Ideally, resettlement work should begin on entry to prison or as soon as possible thereafter. This will be particularly true for those serving 'custody plus' sentences, where the duration of the custodial phase may allow little time for resettlement provisions to be put in place in preparation for release.

*3. Assessment and engagement:* Welfare needs should be systematically assessed using sound and validated methods. Involving prisoners in a collaborative process promotes engagement and ownership of problems, leading to the formulation of an individual resettlement agreement, specifying the problems to be addressed and the action to be taken (see below). Having involved the prisoner from the outset, steps should be taken to ensure that he or she remains engaged. Pathfinder staff deemed the early response to pressing resettlement needs, and the use of motivational interviewing techniques (Miller and Rollnick 1991), an essential part of this process.

*4. Action planning:* In order to be effective, an action plan should:

- Be a clearly written, collaboratively devised plan that is informed by the prisoner's view, the assessment results, and professional judgement;
- Describe the objectives to be achieved;
- Describe what work is to be undertaken, when, and by whom;

- Be signed by all parties, to underline their understanding of and commitment to the plan;
- Contain a built-in monitoring mechanism;
- Include a date for review.

5. *Developing support:* An action plan will only succeed if the necessary support and service provisions can be arranged. This may require work to be done pre-release to ensure that the necessary services are in place post-release, requiring prison-based resettlement workers to work closely with community-based probation staff and specialist service providers.

6. *Release and post-release:* As noted above, a seamless transition from prison to the community is an essential part of the resettlement process. This is most likely to be achieved when the precise nature of the post-release work has been agreed and arranged pre-release. Post-release strategies could usefully combine practical help and support with continuing motivational work and reinforcement of programme learning.

7. *The Review Stage:* Reviewing the work that has been undertaken is a useful part of the resettlement process. This stage may be used to motivate the offender, and coping strategies learnt as part of a cognitive-behavioural programme may be reiterated. The resettlement worker should check that the individual concerned has a support network in place prior to termination of contact.

### Conclusion

Overall, although some projects worked better than others on the measures available so far, they all succeeded in encouraging prisoners to make more use of resettlement services than they typically would have done under the old 'voluntary after-care' system, and the evidence suggests that they benefited as a result. The lessons from this study are being applied in a new generation of pathfinders, which are also being evaluated in a second phase of this study. As the system moves closer to 'custody plus', there will undoubtedly be new and creative approaches to the problems of resettlement. It is hoped that this research will contribute significantly to the evidence-base for such developments.

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# Tackling Distraction Burglary

Stuart Lister and David Wall

Distraction Burglary is one of the more pernicious crimes to cause public concern during recent years. Its hallmark is the predatory targeting of vulnerable and older people, who are then deceived into letting the burglars into their homes. It is an offence that places victims at considerable personal risk because it sometimes results in violence, most noticeably, when the 'distraction approach' is unsuccessful and offenders simply barge-in to a property. Once the violence starts, it can escalate rapidly, especially if the offender believes that the occupant is keeping a large amount of cash at home. Although distraction burglary comprises only a small proportion of overall burglaries (approximately 4%-8%) its potentially devastating physical, financial and emotional impacts upon elderly victims singles it out for special crime reduction attention.

The Leeds Distraction Burglary Initiative (LDBI) was a two-year, multi-agency project funded under the Home Office's Targeted Policing Initiative. Between April 2001 and April 2003, it implemented a combination of victim-focused, crime prevention and offender-focused, law enforcement strategies. The former is underpinned by the unwitting role of the victim within many distraction burglaries; the latter, by the belief of many police officers that distraction burglary is committed by a relatively low number of prolific, serious criminals. Our recently published evaluation of the project outlines a range of recommendations for reducing distraction burglary, as well as how the police service might seek to improve its response to these offences.

## Cross-border collaboration

Distraction burglars are often highly organised and mobile criminals. Many regularly commit a series of crimes across several police force boundaries, all within a relatively short space of time. Emphasising the need for police cross-border mobility and collaboration, for example, through the development of formal intra- and inter-force systems of co-operation. Travelling offenders are particularly able to exploit the lack of efficient mechanisms for forces to pool resources and intelligence. Operations Litotees and Liberal are both sizeable, inter-force consortium initiatives aimed at combating distraction burglary through joint working, which represent blueprint models of regional police co-operation.<sup>9</sup>

Distraction offenders clearly do not share, nor respect, the same geographical confines as police structures of command. These organisational constraints also apply between divisions as well as forces. As detectives tend to be mainly 'case based', as opposed to 'offence based', they may be unaware of colleagues operating

in neighbouring divisions who are investigating the same type of offence within a crime-series. Moreover, internal force IT systems usually require advanced and prolonged interrogation before enquiring officers become aware of similar offences, with the same modus operandi and potential suspects.

To overcome some of these organisational problems the LDBI funded a specialist detective with a cross-divisional remit. Tasked with conducting all preliminary enquiries at distraction burglary crime scenes within the city, the officer compiled a sizeable evidence base of evidential statements from victims and witnesses, thereby enabling offenders to be more effectively linked to crimes occurring in different divisions within the city. Similarly, the officer developed a wealth of knowledge about offending routines and patterns. This enabled all six of the city's police divisions to apply a more co-ordinated, joined-up approach to distraction burglary investigations. As a result, the force was able to identify, deploy additional resources towards, and ultimately arrest offenders earlier in the crime series than would otherwise have been the case.

The detective also provided an identifiable and accessible point of liaison within the force that facilitated greater internal and external flows of crime intelligence as well as the development of regional networks of police expertise. Hence, the officer served as an organisational conduit, processing and knitting together divergent sources of intelligence from across the region, routinely transferring intelligence reports to colleagues in other police forces. Indicating that the investigative benefits of the role were not confined to the immediate force area.

After being in post for while, the officer began to pursue more proactive, offender-focused lines of enquiry based upon accumulated intelligence. A discrete multi-agency working group was convened, comprising traveller liaison officers from each of the county's local authority districts. This proved to be an important forum for information exchange, notably in relation to the whereabouts of suspected offenders within the itinerant community. Over a two-year period the activities of the officer contributed to the arrest of at least 20 'bogus offenders' and resulted in 18 convictions.

## Dealing with victims

The specialist detective received best practice interview training and followed an innovative statement-taking protocol when interviewing victims. This protocol prescribed that during initial enquiries the officer should delay taking a victim's full statement until any post-offence trauma had fully subsided. The logic being that if victims are interviewed in high states of emotional anxiety then they are more likely to overlook important details about an offence. As the officer described, "It's very, very often that when I do go back 24 or 48 hours later to record a statement, their

<sup>9</sup> (see <http://www.crimereduction.gov.uk/boguscaller13.htm>).

recollection is far better than it was at the time just after they suffered the burglary.”

Many forces, of course, already employ this strategy when investigating serious offences of violence, and the LDBI merely broadened its use to include distraction burglary victims. However, as the ‘delayed interview procedure’ requires officers to visit victims twice, it carries significant resource implications. Nevertheless, the less stringent time demands of the dedicated post enabled the strategy to be implemented. In so doing, care was taken not to re-ignite any post-offence trauma during the second visit. As such, gaining the victims consent to return at a later date is a key aspect of the approach. Furthermore, the first ‘light-touch’ interview should gain sufficient detail from the victim to ensure that urgent forensic examinations are appropriately directed, as post-offence contamination of crime scenes regularly impedes distraction burglary investigations.

When necessary, the officer notified Victim Support and other relevant neighbourhood and community groups of the priority status and domestic circumstances of particularly traumatised victims. Crime prevention advice was also routinely given to victims, for example, by emphasising to them the benefits of always following the ‘doorstep etiquette’ procedures of ‘Lock-Stop-Chain-Check’. Known as ‘victim re-empowerment’, this strategy seeks to rebuild the confidence of victims by taking them back through the criminal event to identify which of their doorstep actions had enabled the offender to enter their premises.

### **Concluding remarks**

Whilst specialisation of investigation units is likely to produce crime reduction benefits, such internal restructuring within the service is, of course, always contingent on the availability of finite resources. One option that police forces could explore to enable this degree of investigative specialisation is external sources of funding. Section 9 of the Police and Magistrate’s Courts Act 1994 provides the statutory basis for police forces to charge more widely for the provision of goods and services. Distraction burglary is a particularly emotive offence, which stirs significant interest in a range of public and private bodies. Police forces might, therefore, attract external funding to assist with financing such specialist positions.

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*Evaluation of the Leeds Distraction Burglary Initiative* by Stuart Lister, David Wall & Jane Bryan can be downloaded from:  
[www.homeoffice.gov.uk/rds/pdfs04/rdsolr4404.pdf](http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr4404.pdf)

## **Summary of the Distraction Burglary Findings**

**Victim Profile** - The research found that of distraction burglary victims in West Yorkshire:

- the majority (69%) were female;
- the average age was 77 years;
- almost three-quarters (82%) were aged over 70, with over half (57%) exceeding the age of 80;

These statistics suggest distraction burglary projects might usefully distinguish between ‘younger’ older people and ‘older’ older people when distributing crime prevention resources. Despite being 11 per cent fewer in population within Leeds, persons aged over 75 are over five and a half more times more likely to suffer a distraction burglary than those aged between 65-74.

**Offending Guises** - Offenders employ a range of guises to deceive occupants and thereby gain entry to dwellings, illustrating the importance of understanding distraction burglary as a ‘family’ of deceptions for the purposes of crime prevention campaigns and criminal investigations. These guises fall into the following categories, with the figure given showing the extent of each as a percentage of all recorded incidents of distraction burglary occurring in West Yorkshire between September 2000 and November 2003.

- Bogus utility worker (e.g. electricity / gas, meter reader, water board official) – 31%
- Bogus public servant (e.g. council officer, police officer, social services) – 13%
- Bogus domestic contractor (e.g. gardener, roofer, drain / window cleaner) – 16%
- Other bogus worker (e.g. collect / deliver goods, charity collector, door-to-door sales) – 8%
- Other (non-bogus official) types of distraction (e.g. person in an emergency or in need of help; requests a drink or to use the toilet; householder enticed outside by a person reporting to have lost something or to be looking for someone) – 32%

### **Police protocol for taking witness statements from victims of distraction burglary**

- The first police visit to a crime scene should focus on reducing victim anxiety and developing rapport
- Sufficient details should be taken to record a crime and initiate the investigation proper, but a statement of evidence should await a second visit, after victim trauma subsides
- Before second interview, victims should informally record their recollections in written, trigger-point form
- Victims should have a friend or relative present throughout their interactions with the police
- In the case of sick/ frail victims & witnesses, police should consider videoing the statement-making process
- Police should keep victims informed of the inquiry progress, as this can have therapeutic effects
- Introduce Victim Support at the earliest opportunity in order to reduce victim trauma and anxiety levels

# **INUK (The Innocence Network UK): A Joint Initiative of CCJS Leeds and University of Bristol**

**Carole McCartney**

Staff at the Centre for Criminal Justice Studies have been at the forefront of research on miscarriages of justice for a number of years. This research has led to increased academic interest in the subject of injustice and systemic problems which may result in wrongful convictions. Carole McCartney's recent doctoral research on DNA and fingerprinting in the criminal process has seen her collaborating with other academics researching miscarriages of justice, work which has fundamentally re-orientated the ways in which miscarriages of justice and wrongful convictions are being thought about and researched. This collaboration has led to a joint initiative with Dr Michael Naughton of the Law School, University of Bristol, an outgrowth of their individual research interests, and joint interest in innocence networks and university-based innocence projects.

The Innocence Network UK, a joint initiative of the Centre for Criminal Justice Studies at the University of Leeds and the School of Law, University of Bristol, was launched on the eve of the Inaugural Innocence Projects Colloquium, held at the University of Bristol, on the 3<sup>rd</sup> of September 2004. The Colloquium was attended by over 80 delegates comprised of prominent academics from the UK, the USA, and Australia, interested parties from the campaigning organisations, leading activists, legal professionals and criminal appeal lawyers. During the day, members from the Innocence Networks in the USA and Australia shared information on the various models that innocence projects can take, as well as their own personal experiences of their day-to-day running. Victims of wrongful imprisonment such as Paddy Hill (Birmingham 6) and Mike O'Brien (Cardiff Newsagent Three) spoke of the harm that they had endured and their continuing struggle to fit back into society after over a decade of incarceration.

Representatives from leading legal organisations, including the Law Society, the Historical Abuse Appeal Panel (HAAP), the Criminal Appeal Lawyers Association (CALA), and prominent forensic scientists, all expressed their commitment to assisting with Innocence Projects, and the Innocence Network in the UK. It attracted international, national and local media interest in the form of television, radio, and broadsheet press interviews and articles. The day was concluded by Sir Ludovic Kennedy, a campaigner against wrongful convictions for almost half a century, giving a rousing speech on the necessity of a united movement to bring about meaningful and lasting reform of the criminal justice system.

*Does the UK need an Innocence Network?*

Eleven years since the Runciman Royal Commission on Criminal Justice, appointed in the wake of serious miscarriages of justice, and seven years since the establishment of the Criminal Cases Review Commission (CCRC), miscarriages of justice still plague the criminal justice system. Despite legislative developments, previous miscarriages of justice continue to come to light and successful appeals flow from the appeal courts at an alarming rate. More recent criminal justice legislation has the potential to worsen this situation by downgrading or abolishing suspect protections and evidential safeguards, amid the dominant rhetoric of 'not letting the guilty go free' and victims rights.

The CCRC was not designed to rectify the errors of the system and ensure that the innocent overturn their wrongful convictions. Instead, their remit under the 1995 Criminal Appeal Act dictates that they review the cases of alleged or suspected victims of miscarriages of justice to test whether they were obtained in strict accordance with the rules and procedures of the system. If it is found that the procedures of the criminal justice process were contravened and that there is a 'real possibility' that the Court of Appeal will overturn the conviction, the case is referred back to the Court of Appeal. As such, the CCRC will, logically, refer the cases of guilty offenders if their convictions were procedurally incorrect. At the same time, they are often helpless to refer the cases of innocent victims of wrongful conviction if they do not meet the required criteria of fresh evidence or fresh arguments. A particular problem then arises in that even if the CCRC have evidence that indicates that an applicant is innocent, but this evidence was available at the original trial, the case will not be referred to the Court of Appeal.

The problems that result in the wrongful conviction of innocent people persist, with new causes problems being created by recent legal reforms, while the overturning of wrongful convictions becomes harder. Additionally, the media, supportive of early miscarriage cases, now need significant enthralling to maintain interest in the plight of those still being wrongfully convicted, and those trying to win their freedom. Whilst the CCRC are a welcome addition to mechanisms for rectifying error, it has become increasingly clear that there are questions surrounding their achievements, and their workload is not diminishing. In addition, they now face large budget cuts. The CCRC themselves welcome the INUK, conceding that they were often helpless in assisting victims of wrongful conviction.

*What is the Innocence Network UK?*

The INUK aims to facilitate academic study of wrongful convictions and miscarriage of justice, providing identifiable, accessible expertise, and a repository of evidence-based research to exploit in efforts to influence criminal justice system reform and government policy. The INUK can also provide a forum to attract funding for research into the criminal

justice system and collate research undertaken and identify knowledge gaps. The rationale for the initiative derives from the observation that academic research on the causes of wrongful convictions is an essential part of realising corrective reform of the criminal justice system. Its contribution to the resolution of wrongful convictions will primarily be its work to undertake and deploy evidence-based research into both the causes of, and the provisions that exist to remedy, wrongful convictions. INUK then exists to:

- Raise public awareness of wrongful convictions.
- Undertake research that identifies the causes of wrongful convictions and effects legal reform.
- Encourage the establishment of Innocence Projects in the UK.

In tandem with this, INUK will encourage the establishment of Innocence Projects in universities. The aim of Innocence Projects would also be to formalise, and augment *ad hoc* investigations undertaken by students in academic settings, and other individuals (i.e. investigative journalists, pressure groups). The INUK can extend, and support the work carried out by voluntary organisations, who may have a more focused role, overcoming resource constraints, and becoming an umbrella organisation for multiple single-issue organisations. The INUK can use this role to raise the public profile of campaigns and general awareness of the occurrence of wrongful conviction and the ongoing nature of problems and provide a contact point for the media.

Innocence Projects could assist those convicted of criminal offences who have exhausted appeal processes, whilst also achieving important pedagogical aims. Wrongful convictions have great educational value, elucidating all aspects of the criminal process as well as socio-legal and criminological concepts. Innocence Projects within universities can educate future lawyers in how wrongful convictions occur – and how to overturn them – developing their skills of investigation and fostering an in-depth understanding of appellate procedures. The group investigation of alleged miscarriages also provides free manpower and unrivalled team-working. Innocence Projects should also inject some scepticism into future lawyers and open their eyes to the realities of criminal processes. There is an important legal and social history intertwined with miscarriages, with many reforms influenced by famous miscarriages. He who does not know history is destined to commit the same mistakes...

The Innocence Network UK incorporates academics, legal practitioners, activists, journalists, forensic scientists, and other interested parties, as well as members of Innocence Networks in the USA and Australia. As such, the Network will have an essential support network with considerable reputation for work in the area. The INUK Steering Group is currently being formed, with immediate future plans including another stream on miscarriages of justice at the SLSA Annual Conference, Liverpool, 2005 and the 2<sup>nd</sup>

Innocence Projects Colloquium, to be held at the University of Leeds next Summer. If you are interested in being involved with, or kept informed of the work of the Innocence Network UK, please do not hesitate to get in contact with:

Ms Carole McCartney  
Centre for Criminal Justice Studies  
University of Leeds  
School of Law  
Lyddon Terrace  
Leeds LS2 9JT  
ctmccartney@aol.com

Dr Michael Naughton  
School of Law  
University of Bristol  
Wills Memorial Building  
Queens Road  
Bristol BS8 1RJ  
m.naughton@bristol.ac.uk

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# Comment: Modernising Police Powers

## Andrew Roberts

Despite containing some radical suggestions the Joint Cabinet Office/Home Office Review of PACE conducted in 2002 passed with relatively little comment. Some of those suggestions have resurfaced in the Home Office consultation paper "*Policing: Modernising Police Powers to Meet Community Needs*" (published on 12<sup>th</sup> August 2004). The paper declares that the objectives of the proposed reform are to 'provide the police with appropriate powers to tackle crime' and 'remove barriers to enable more effective targeting of criminals' (p.3). It is, perhaps, indicative of the general trend in recent criminal justice system reform that an invitation to consultees to submit 'constructive' suggestions concerning police powers lying beyond the scope of the paper extends only to those which might 'raise the efficiency of the police service' and 'maximise effectiveness' (pp.2 & 3).

The six substantive sections of the paper set out numerous proposals on important aspects of criminal procedure and substantive law. These include:

- powers for the courts to remand to police detention for sufficient time to allow drugs to pass through the suspect's system (an average of 12 days for a package of cocaine according to paragraph 5.13) those who have been charged and are suspected of swallowing drugs;
- enabling judges to direct juries on the drawing of adverse inferences from a refusal to submit to an intimate search where a person is suspected of swallowing drugs (paragraph 5.16), and;
- powers to use electronic equipment both to, scan suspects' fingerprints and to take photographs of arrestees, in the street.
- In response to recent concern over the activities of animal rights' activists the Government proposes:
- a new offence of protesting outside someone's home in such a way as to cause harassment, alarm or distress to residents.
- an amendment to s42(7) Criminal Justice and Police Act 2001 to create an offence of returning to a person's home within 3 months of being directed to leave the vicinity by a police officer.
- extending the Protection from Harassment Act 1997 to offer collective protection to a body of company employees
- However, the proposals which have attracted the greatest media attention are those concerning powers of arrest and search warrants.

### Arrest

The paper sets out various proposals relating to powers of arrest, including abolition of the power to arrest for breach of the peace (which have given rise to concerns in ECHR terms) and more clearly defined powers of

arrest for the citizen. However, by far the most significant of proposal is that to replace the existing scheme of arrest powers with a general power of arrest that could be exercised in respect of *any* offence. The justification proffered for this fundamental reform is that "it is not always straightforward or clear to police officers or members of the public when and if the power of arrest exists for offences at the lower end of seriousness" (para. 2.2). This unconvincing claim prompts a number of observations. If this is the only rationale behind the proposal, as it appears to be, it is inconsistent with the important liberal principle of minimum state intervention in the lives of its citizens. Any confusion on the part of some members of the public as to whether they are subject to a power of arrest in the case of minor offences does not provide a rational basis for broadening the ambit of powers to arrest to ensure that they are subject to such powers.

Powers of arrest under the existing law are clearly demarcated. The paper provides no evidence to support the claim that officers find the application of these powers confusing and in the absence of such evidence many are likely to find the proposition incredible. The exercise of this proposed universal power of arrest would continue to depend on the existence of reasonable grounds to suspect but would in addition be subject to a formal hurdle of the arrest being "necessary". The necessity of an arrest would have to be established by reference to one or more of twelve specified criteria. However, the criteria set out in the paper, which include 'enabling communication with the person'; 'preventing the person evading justice' and 'preventing a loss of, harm or interference with evidence' appear to be cast so widely that, in practice, use of the power could readily be justified as being necessary in virtually any conceivable circumstance. If, as the paper suggests, the police cannot be relied upon to apply the existing powers arrest appropriately, one might reasonably question whether a power of arrest which relies on police officer's judgment of necessity would be likely to improve matters or whether it will be even more likely to lead to abuse and inappropriate use.

The proposed universal power of arrest raises further problems relating to the use of powers which are currently triggered on arrest for an arrestable offence or serious arrestable offence e.g. delay in access to legal advice, search of premises under s18 PACE. By way of resolving this problem it is suggested in the paper that such powers be applicable only to offences that are triable either way or on indictment. Recognising that this would result in those powers being available in a wider range of offences, the Government's faith that the existing authorisation requirements provide adequate safeguards against disproportionate will not be universally held. One notable implication of this proposal is that any future limitation on a suspect's right to jury trial would bring about a corresponding constraint on the powers available to the police in the investigative phase of the process.

# Sex Work: A Risky Business

**Teela Sanders**

This short paper outlines a research study that has resulted in a recent monograph, *Sex Work. A Risky Business* (2004, Willan). Here, I describe the aims of the project, the methodology, and some conclusions of the findings.

## Aims

This study began as a preliminary exploration of the occupational risks that sex workers experience in their everyday work role and how these risks affect their personal, private relationships. In an attempt to move away from the majority of research on prostitution that concentrates on the visible street markets, where issues of drugs and exploitation are rife, I focused on the markets where the majority of sex is bought and sought in Britain: licensed saunas, escort agencies, women working in rented premises or from home. The aim of the study was to investigate what risks the women experienced as a result of working in an illegal, illicit and stigmatised economy.

## Methodology

The research involved a one year ethnographic study of mainly the indoor sex markets in Birmingham during 2000 – 2001. I approached a sexual health project that had been working with the sex industry and was able to spend over a 1,000 hours observing the indoor sex markets such as licensed saunas, brothels, women working from home or as escorts and to a lesser extent, street prostitution. The sample was purposively selected using three criteria. All of the respondents defined their involvement in prostitution as voluntary; they were all aged 18 years or over and British citizens. They were all able to choose how to manage many aspects of their occupation. Fifty-five in-depth interviews were conducted with the following women: 23 sauna workers, 10 women who worked in brothels, 8 women who worked alone from rented premises, 5 street workers, 4 women who worked from home, 3 sauna owners and 2 receptionists.

The socio-demographic details of the sample reflect the general characteristics of the indoor sex market in the local area. The majority of women were White European (45/55), six others described themselves as Asian and a further four were of African Caribbean origin. The age range of respondents who sold sex was 18–52 years, while the oldest respondent, who owned a sauna, was 55 years old. The mean age was 33.5 years, reflecting the general older profile of women who work in indoor markets. The average age of entry into prostitution was 23.1 years - higher than that found in other studies because of the concentration of indoor workers in the sample. Only four women confirmed they were using heroin and/or cocaine and all of these were currently on the street. Twenty-eight women lived with their partner while eleven others described themselves as single. Forty-one women were mothers

## Search Warrants

The paper suggests that requiring the police to make multiple applications to obtain warrants for different premises owned by one individual ‘can cause delay and impede investigations’. Similarly, it is claimed that complex cases can require extended police presence on premises to gather evidence. Strangely, no reference is made to the ‘seize and sift’ provisions of the Criminal Justice and Police Act 2001 that were intended to address this issue. It is suggested that the ‘efficiency’ and ‘effectiveness’ of the existing structure might be improved in various ways:

- warrants could be issued to authorise access to search any premises occupied or controlled or accessible by a ‘specified person’;
- the magistrate or judge issuing the warrant could be given discretion to fix the period during which the warrant remains valid; and
- the rule limiting entry to one occasion only could be abandoned, enabling repeated entry under one warrant.

It is not made clear what degree of control a ‘specified person’ must exercise over premises before it would be caught by a warrant. Presumably, if a warrant could be obtained for ‘any premises to which the person had access’, warrants relating to premises ‘occupied or controlled’ by the person would become redundant, the former subsuming the latter. The scope of such a warrant might be extraordinarily broad. Unless the concept of ‘accessibility’ is restricted in some way it might extend, for example, to any building to which the public has access and the premises of any associate or family member of the specified person. It is observed in the paper that the proposed changes “would undoubtedly raise issues about interference with the basic right to privacy”. Even if the legislative scheme that provided for a warrant permitting repeated entry at the discretion of the police were to withstand challenge under Article 8 ECHR, the risk of violation of the ECHR principle of proportionality in its execution is obvious. This likelihood of the risk materialising will be heightened by the judicial refusal to exercise the s78 discretion in respect of evidence obtained in circumstances which constitute a breach of a suspect’s rights under Article 8.

The Government is committed to legislating many of the proposals in the paper at the earliest opportunity and has set an eight-week consultation period (ending 8<sup>th</sup> October).

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The consultation paper is available online at <[www.homeoffice.gov.uk/docs3/PolicingConsultation.pdf](http://www.homeoffice.gov.uk/docs3/PolicingConsultation.pdf)>

and of these twenty-one described themselves as lone parents. Thirteen respondents said they kept their prostitution secret from their partner. Fifteen had histories of sexual abuse in childhood and had been in the local authority care system. Thirty-three respondents had worked in more than one market and sixteen women had experience of the street. Virtually all of the interviewees had had other jobs. Often these jobs were unskilled, manual work such as cleaning, catering or caring. However, eight women had professional qualifications in education, nursing, psychology and middle management.

### **Findings**

Wider observations and probing of the types of risks that sex workers experienced highlighted that there was a crucial need for methodical routines and rituals that governed all aspects of the commercial sexual exchange. Two important reasons why regularity was essential in both the practice of individuals' routines and the operation of a sauna or escort agency was because of the high likelihood of choosing a customer who would not honour the contract or indeed act violently.

First, findings from the study suggest that there is not a random mis-match between the client and the sex worker, but in fact sex workers exercise a strict screening strategy when they are assessing which client will pay the agreed amount and perform the transaction without incident. Screening strategies take place through all kinds of mediums: face-to-face assessment is the most popular, but also through CCTV cameras, the Internet, and over the telephone. The type of signals that are assessed range from age (young men are considered to be less trustworthy than older men), ethnicity (a general strategy was the rejection of Black men, in particular Caribbean men), behaviour and demeanour (signs of wealth and 'cultural consumption' are favoured), attitude to the commercial transaction (how they negotiate the service). Some workers give greater priority to certain signals (such as ethnicity) whereas others are more flexible and look for several signals of trustworthiness rather than just one. Screening strategies were found in all of the indoor markets and were often determined by managers and owners. There was a common set of assumptions regarding the types of clients that would be genuine and these formed sex workers judgements when picking punters.

The second significant regularisation of the behaviour of sex workers was in relation to minimising the likelihood of violence. The extent of violence is well established in the literature (see Barnard 1993; Church et al 2000). However, sex workers guard against the prevalence of violence by a complex set of precautionary working rules, deterrents and remedial protection strategies. These were found in various combinations in the sex markets. Most notably, precautionary rules such as taking the money first, spatial controls in terms of only allowing clients to enter certain rooms, sticking stringently to the time the

client had paid for, deciding the type of clothing they wore (for instance not taking off shoes or wearing jewellery that can be used to strangle). All these strategies reinforced the routinisation of the commercial transaction with the ultimate aim of controlling the encounter. These two examples of standardising practice were important in prostitution because of the risk of violence and, although many workers remained violence-free, these strategies minimised the chances of choosing a bad customer or an opportunist attacker.

From my analysis of the organisation of prostitution it is clear to me that social norms exist amongst sex workers, organisers of businesses and clients. The norms amongst sex workers are social rather than individual norms because they do not always maximise individual advantage but they are designed to foster collective interest. A set of competencies and work based expectations have been identified that form a 'social code' (Sharpe 1998:80) accompanied by 'etiquette and rules' (Hart and Barnard 2003:36).

Using condoms in the sexual service and a fixed price code are good examples of social norms. It could be the case that offering sexual services without a condom benefits an individual financially, yet not practising safe sex would make business difficult for other workers because clients would expect all women to forfeit condom use. It was not often that norm breaking was observed and when women did protest and complain about rule-breakers there were distinct repercussions for the deserter. I observed how some women would be ostracised for not conforming to the subcultural value system. For example, poaching regular customers was considered against the rules of fairness: 'Sharking is when they [other workers] go to the door with their tits hanging out and tell the clients that you are busy when you ain't. That shows the girl is not really a team player but is just out for herself and you have to be wary' (Kelly, sauna). Encouraging girls under eighteen to work, using drugs and staying in an exploitative romantic relationship also create ill feeling between workers. Not only are these behaviours considered morally unacceptable because they are disrespectful to the individual or unfair play, they are frowned upon because they put others in danger.

Where there are norms there are sanctions to reinforce behaviour and act as a deterrent for those who may be tempted to act differently. Sanctions take different forms but usually centre on ostracising or excluding an individual from the workplace and network. Often this is signalled through 'humour against each other to challenge, incite competitiveness, oust women from establishments, taunt and humiliate' (Sanders 2004a:280). Gossiping, spreading rumours, folklore and urban myths are oral resources that are used to create divisions between workers. Equally, as humorous banter signals inclusion and exclusion, silence is a powerful tool to distinguish those who are accepted and those who are unwelcome.

Codes of practice determine how business should be conducted, the nature of relationships between colleagues, and the role of the management. 'Organised understandings' (Reiss 1967:204) exist between women who often do not know each other but recognise the crucial importance of maintaining secrecy and preventing the exposure of real identifiers. Not unrelated to the montage of psychological strategies reported elsewhere (Hoigard and Finstead 1992; Sanders 2002) a sex code establishes what is acceptable as a sexual service and what is considered 'deviancy within deviancy'. Unlike the stereotypes of any illicit economy, and certainly in relation to the myths that surround prostitution, these findings suggest that in some parts of the indoor sex markets there is a clear occupational culture that determines the structure and organisation of commercial sex. There are strong codes of conduct and mechanisms of regulation that provide the maintenance of order which ultimately aims to keep women safe, respect anonymity and exchange a commodity that continues to attract controversy.

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## Risk management and terrorism

### Clive Walker

The headline laws which deal with terrorism are in the fields of policing and criminal process. Whilst these reactive approaches are undiminished, alongside them have developed a range of strategies which are either more preventive or more at arm's length from the state or both. Just as community partnerships became the official policy in low-level policing (under the Crime and Disorder Act 1998), so high political policing has assumed a more complex guise. This paper will offer some reflections upon this observation.

One might first consider the evidence of institutional change or growth. An example might be the increase in the provision of information about the nature of possible threats and practical counter-measures. Thus, UK Resilience (<http://www.ukresilience.info/home.htm>) has been established to offer a public front for the work of the Civil Contingencies Secretariat which was established in July 2001. The provision of information has become almost universal through the distribution of the 'Preparing for Emergencies' booklet in summer 2004 (<http://www.pfe.gov.uk/>).

A subtler model, perhaps because it is dealing with a much more sophisticated audience, concerns the underwriting of commercial insurance against terrorism. The IRA's explosions in the City of London in 1992 and 1993 prompted the Reinsurance (Acts of Terrorism) Act 1993 which allows for government intervention in the reinsurance market through the agency of Pool Re. The result is a blur of public and private actors to respond to these heightened insecurities and as much an adjustment in private arrangements as government action (see Walker, C., 'Political violence and commercial risk' (2004) 56 *Current Legal Problems* 531).

Well-established bodies which have the remit of intelligence-driven prevention, have likewise been growing in prominence. Terrorism has long shaped policing organisations in the United Kingdom. Within the Metropolitan Police in London, a Special Branch was formed in 1883 to respond to an Irish bombing campaign at that time (Rupert Allason, R., *The Branch: a history of the Metropolitan Police Special Branch 1883-1983* (London Secker & Warburg, 1983)). The Special Branch (SO12) remains the mainstay of police intelligence-gathering operations against political violence, and the London version has been replicated in other police forces throughout the country (Home Affairs Committee, Special Branch (1984-85 H.C. 71); Home Office, Guidelines on Special Branch Work in the United Kingdom (London, 2004). These separate bodies are now being regionalized, and a National Coordinator of Special Branches has been appointed (HM Inspectorate of Constabulary, *A Need to Know: HMIC's Thematic Inspection of Special Branch and Ports Policing* (London, 2003)).

Further evidence of increasing police attention to intelligence-gathering against terrorism has been evidenced first through a reorganization of the policing of animal rights extremists by the setting up of a specialist unit in the National Crime Squad ((2001) *The Times* 27 April p.2). Another facet is the establishment of the National Hi-Tech Crime Unit (NHTCU), launched within the National Criminal Intelligence Service (NCIS) in April 2001 (<http://www.nhtcu.org/>). The NHTCU's ability to gather evidence has been reinforced by Part XI of the Anti-terrorism, Crime and Security Act 2001, which relates to the retention of 'communications data' by 'communications providers' (Walker, C., and Akdeniz, Y., 'Anti-Terrorism laws and data retention: war is over?' (2003) 54 *Northern Ireland Legal Quarterly* 159). The enhanced perception of the vulnerabilities of networks to terrorist attack has also resulted in the appointment within the Cabinet Office of a Central Sponsor for Information Assurance and Resilience (Defence Committee, Defence and Security in the United Kingdom (2001-02 HC 518) para.125).

In the background to the overt policing structures are the intelligence services. The decisive step in explicitly allowing the secret agents into the world of policing was taken in 1992, when the Security Service assumed Special Branch's role as the lead terrorism intelligence-gathering agency (House of Commons Debates Vol. 207 col. 297 8 May 1992). The decision was prompted partly by concern about police intelligence-gathering capabilities (Farson, S., 'Security Intelligence v. Criminal Intelligence' (1991-92) 2 *Policing & Society* 65), and it was also alleged that there was also pressure from the Security Service, searching for new work following the end of the Cold War. Next, the Security Service Act 1996 provided the Security Service with a greater profile in combating serious organised crime. The tasking of externally-oriented secret service agencies in ways which can involve activity within the United Kingdom (as under the Anti-terrorism, Crime and Security Act 2001, section 116) is further evidence of these trends. Overall, the pattern is away from local policing towards national agencies and, increasingly, away from policing to intelligence agencies (see also Fielding, N., and Hollingsworth, M., *Defending the Realm: Inside MI5 and the War on Terrorism* (André Deutch, London, 2003). The drift has implications for issues such as democratic accountability and respect for human rights - actions lacking transparency may also lack a sound footing and a willingness to observe normative restraints.

These structural developments, characterised by central control and an absence of close legislative or parliamentary scrutiny, have accelerated since September 11, 2001 (see Matassa, M., and Newburn, T., 'Policing and Terrorism' in Tim Newburn, *Handbook of Policing* (Willan, Cullompton, 2003)). As part of an Action Plan on Terrorist Financing (House of Commons Debates, vol. 372, col. 940, 15 October 2001), a Terrorist Finance Team has been established

within the Economic Crime Unit at the National Criminal Intelligence Service. There has also been founded a National Counter-Terrorism Security Office (NaCTSO) a police unit working to the Association of Chief Police Officers, which provides a co-ordinating role for the police service in regard to counter-terrorism and protective security and training. Next the Police International Counter Terrorist Unit is a new partnership between Security Service, Police Special Branch and Anti-terrorist Branch. The Joint Terrorism Analysis Centre (JTAC), formed in 2003, deals with international terrorism threat intelligence assessment (Intelligence and Security Committee, Annual Report 2002-03, (Cabinet Office, London, 2003) para.62; Government reply to the House of Commons Science and Technology Committee (Cm.6108, London, 2004) para.15). There are also a CBRN Science Working Group plus a Medical Counter-Measures Group, both established in 2001 (House of Commons Select Committee on Science and Technology, The Scientific Response to Terrorism (2002-03 HC 415) and paras.20, 55. Finally, Sir David Omand became in 2002 the Security and Intelligence Co-ordinator, and Permanent Secretary to the Cabinet Office.

There arise almost endemic difficulties arising from institutional rivalry, leading to failure to co-operate in operations and in intelligence dissemination and to uneven funding. The problems are underlined by the US Congressional Report of the Joint Inquiry into the Terrorist Attacks of September 11 (<http://www.gpoaccess.gov/serialset/creports/911.html>, 2003), which detailed the extensive knowledge held about al Qa'ida by the summer of 2001 but a lack of effort and coordination in acting upon it. An attempt to reduce these problems, and also to give anti-terrorism risk management a higher priority, is evidenced in the establishment post-11 September of the US Office of Homeland Security.

It remains doubtful whether the rather unwieldy Department of Homeland Security will provide effective co-ordination, given its immense size and complexity. The model also seems to enshrine security as the prime policy in all social life rather than an adjunct to other aims. The House of Commons Select Committee on Defence in its report, Defence and Security within the United Kingdom (2001-02 HC 518 para.81), felt that a more modest body along the lines of a National Counter-Terrorism Service merited further attention. The House of Commons Select Committee on Science and Technology favoured an even more limited (but grander sounding), research-based Centre for Home Defence (House of Commons Science and Technology Committee, The Scientific Response to Terrorism (2003-04 HC 415) para.48; Government reply (Cm.6108, London, 2004) para.4). The only changes so far has been the appointment of a Security and Intelligence Coordinator (David Ormand, ex-MI6) plus a new Ministerial Committee chaired by the Home Secretary (Home Office, Counter-Terrorist Action since 2002 (2002)).

Aside from policing-related aspects of terrorism, there is a wide array of scientific related research, development and procurement and well as responses in the forms of contingencies planning, equipping and training, all with the aim of countering the threats from chemical, biological, radiological and nuclear (CBRN) weapons and materials. Here at least, there is evidence of important recent progress in the United Kingdom (House of Commons Science and Technology Committee, *The Scientific Response to Terrorism* (2003-04 HC 415); Government reply (Cm.6108, London, 2004)). Moving down from Ministerial Groups on Protective and Preventive Security and also Resilience, a CBRN Scientific Working Group was established in December 2001 and a Scientific Advisory Panel for Emergency Response, adding to the more operational work undertaken through the Defence Science and Technology Laboratory (Dstl) at Porton Down ([http://www.dstl.gov.uk/about\\_us/index.htm](http://www.dstl.gov.uk/about_us/index.htm)).

The other key aspect of risk management where change has been occurring is in the area of health protection, which, of course, is especially relevant to biological attack. A variable state of preparedness was criticised by the National Audit Office (National Audit Office, *Facing the Challenge: NHS Planning in England* (2002-03 HC 36)). A reform programme has emerged from the Department of Health in the light of flooding, the foot and mouth crisis and scares about anthrax attacks by terrorists (Department of Health, *Health Protection* (2002)). Following a report by the Chief Medical Officer, *Getting Ahead of the Curve* (Chief Medical Officer, *Getting Ahead of the Curve* (<http://www.doh.gov.uk/cmo/idstrategy/idstrategy2002.pdf>)), it proposed a Health Protection Agency to provide information and training, surveillance and support services and to incorporate various public, national and localised health agencies. This idea received support from the Defence Select Committee and has been established as a special health authority on 1 April 2003 under the Regulatory Reform Act 2001 (Defence Committee, *Defence and Security in the United Kingdom* (2001-02 HC 518) para.256). This Agency has helpfully unified the services of four distinct agencies: the Public Health Laboratory Service, the National Radiological Protection Board, the Centre for Applied Microbiology and Research, and the National Focus of Chemical Incidents. The Chief Medical Officer's proposal for a new Inspectorate of Microbiology, which might affect the inspections in Part VII of the ATCSA, has not been enacted, but surveillance is part of the function of the Health Protection Agency. More practical plans have also been put in place, including the development and distribution of protection suits and the stockpiling of vaccines, much of it overseen by the Medical Countermeasures Group set up in the Department of Health in 2001 (House of Commons Science and Technology Committee, *The Scientific Response to Terrorism* (2003-04 HC 415) paras.55, 56, 71, Government Reply (Cm.6108, 2004) para.57). Another element is provided by the New Dimension Group

programme for the fire service, which has produced 77 incident response vehicles and 190 decontamination units (para.108). The Home Office devised a Decontamination Programme in 2001 and has issued guidance (para.175). With these reforms, the United Kingdom is making 'a concerted effort' (House of Commons Science and Technology Committee, *The Scientific Response to Terrorism* (2003-04 HC 415) para.245) and in part mirroring good foreign practice, such as the unified Centers for Disease Control and Prevention in the U.S. (<http://www.cdc.gov/>).

Beyond the immediate confines of CBRN response, the Cabinet Office, admittedly more concerned about the fuel price protests and localised flooding in the autumn and winter of 2000 than international terrorism, recognised in early 2001 that the Civil Defence Act 1948 is no longer an adequate instrument (*The Future of Emergency Planning in England and Wales* (London: 2001)). Local authorities are, however, to remain at the forefront of planning and leadership. The House of Commons Defence Committee was critical of this undue emphasis, which it sees as ignoring the shortcomings of the Cabinet Office's Civil Contingencies Secretariat

(<http://www.ukresilience.info/role.htm>) which, in response to the scares post-11 September fell casualty to red tape and 'departmentalism' (Defence Committee, *Defence and Security in the United Kingdom* (2001-02 HC 518) para.158). It suggests a new and more prominent Emergency Planning Agency as part of any proposed legislation (para.181). The Joint Committee on the Civil Contingencies Bill likewise suggested a Civil Contingencies Agency which would incorporate a dedicated inspectorate and act as a source of advice on a range of contingency planning issues (Joint Committee on the Civil Contingencies Bill, *Draft Civil Contingencies Bill* (2002-03 HL 184 HC 1074) chap.7). Yet, the draft Civil Contingencies Bill 2002-03 and subsequent versions seek once again to put the entire emphasis for contingency planning on local authorities and services (Cabinet Office, *Draft Civil Contingencies Bill* (Cm.5843, 2003)). See the review by the Joint Committee on the Civil Contingencies Bill, *Draft Civil Contingencies Bill* (2002-03 HL 184 HC 1074)). Whatever form of legislation eventually appears, the Civil Contingencies Bill will once again engage many sectors of society, both public and private, in its common task.

In conclusion, liberal democracies cannot eradicate terrorism but can construct sufficient protections to make it unlikely to occur in a devastating form by the mobilization of both public and private resources which will reduce risk and reduce the losses from attack. The overt partnership of public and private is now a commonplace in policing circles (Jones, T., and Newburn, T., *Private Security and Public Policing* (Clarendon Press, Oxford, 1998)), but it is now set to make its mark in the anti-terrorism field on a scale as never before.

## Policing Cyberspace: Law and order on the cyberbeat

David Wall

(full draft article later edited down for the *New Statesman* to be subsequently entitled "On the Crime Screen" ) 17 May 2004, pp. xxiv-xxv)

A disturbing by-product of networked technologies has been the emergence of 'cybercrimes' which threaten public safety and temper governmental and commercial ambitions for an information society. 'Cyber-terrorism', 'information warfare', 'phishing', 'spams', 'denial of service attacks', 'hacktivism', 'hate crime', 'identity thefts', 'online gambling', plus the criminal exploitation of a new generation of pornographic peccadilloes, conspire to degrade the quality of life online. However, readers would be forgiven for thinking that this new language of harms is more the stuff of science fiction than the legislative process. They would also be forgiven for their inability to square the apparent 'cybercrime' wave with the relatively few arrests and prosecutions of so-called cybercriminals. Particularly striking is that during the first decade of the Computer Misuse Act 1990 there were only about 100 or so prosecutions and even fewer convictions (Hansard 26/3/02, Col. WA35).

How do we explain this shortfall? Is this *prima facie* evidence that (mainly) local, traditional, police forces working within tightly prescribed budgetary constraints simply cannot cope with demands to investigate the crimes arising from globalised electronic networks? Network technologies that leave the police much disadvantaged by enabling individual criminals to reach their victims across infinite spans of time and space and control the entire criminal activity themselves. In the age of the sound-byte, the simple causality of this explanation is appealing – blame it on conservative police thinking. After all, can we realistically expect an organisation designed to counter the dangers created by urban migration that was caused by antique production technology to respond to an entirely new set of virtual policing problems?

But counter to this thesis has been the recent formation of new police technology crime units at local and national levels and the highly publicised successes of the National Hi-Tech Crime Unit, Metropolitan Police and provincial police forces. 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, little information is known about cybercrime other than from press and television reportage. And although there is an common agreement that they exist, confusion abounds from the lack of consensus as to what they actually are. Without reliable sources of

knowledge there is no firm platform for responsive criminal justice policy, misinformation cannot be countered and misunderstanding is perpetuated. 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 demonise the internet as a place where youngsters are groomed by paedophiles and upstanding citizens robbed of their identity, while on the other hand, simultaneously depicting it as a wonderland of personal, commercial and governmental opportunity.

Cybercrimes are criminal acts transformed by networked technologies. By applying a simple 'elimination test' (in other words, thinking about what happens if the internet is removed from the equation) three different types of 'transformed' cyber-criminal opportunity emerge as points on a spectrum. At the near end lie behaviours often called cybercrimes, which are in fact 'traditional' crimes in which the Internet has been used – usually as a method of networked communication to assist with the organisation of a crime (e.g., by paedophiles). Remove the internet and the criminal behaviour persists because the offenders will revert to other forms of communication. Towards the middle lie the 'hybrid' cybercrimes: 'traditional' crimes for which entirely new global opportunities have emerged (e.g., frauds and deceptions, also the global trade in pornographic materials including child pornography). Take away the internet and the behaviour will continue by other means, but not in such great numbers or across such a wide span. At the other end of the spectrum are the 'true' cybercrimes which are solely the product of opportunities created by the Internet and which can only be perpetrated within cyberspace (intellectual property thefts, spams, phishing and other 'social engineering'). Take away the internet and they vanish.

These distinctions are important because the first two types are already subject to existing laws and existing professional experience can be applied to law enforcement. Any legal problems arising tend to relate more to legal procedures than substantive law. The final group, however, are solely the product of the internet.

It is also important of course to look at common features in the substantive behaviours. In this way they can be linked to existing bodies of law and associated experience in the justice processes.

- *Computer integrity crimes* (hacking and cracking, cyber-vandalism, spying, denial of service, viruses etc.) assault the integrity of network access mechanisms;
- *Computer related crimes* ('phishing', advanced fee frauds etc.) use networked computers to engage with victims with the intention of dishonestly acquiring cash, goods or services

- *Computer content crimes* relate to the illegal content on networked computer systems and include the trade and distribution of pornographic materials as well as the dissemination of hate crime materials.

Not only do cybercrimes clearly differ from the normal police crime diet, but they are also 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 such as the Council of Europe's Convention on Cybercrimes these characteristics conspire to impede the traditional investigative process.

Also significant is the observation that the dangers posed are not always immediately evident. Either they are not regarded as serious by victims, or they are genuinely not serious, their danger lying in their being precursors to more serious crimes. The crime groups highlighted earlier each illustrate this point. 'Computer integrity' cybercrimes, for example, pave the way for more serious offending - identity theft from computers only becomes serious when the information is used against the owner. Similarly, crackers may use Trojan viruses to install 'back doors' which are later used to facilitate other crimes, possibly by spammers who have bought lists of the infected addresses. 'Computer-related' cybercrimes, such as internet scams perpetrated by fraudsters in collusion with spammers, tend to be relatively minor in outcome, but become serious by nature of their sheer volume. 'Computer content' crimes, on the other hand, mainly tend to be informational and while they are often extremely personal and/or politically offensive, they are not necessarily illegal. But they could subsequently contribute to the incitement of violence or prejudicial actions against others.

Combine these characteristics with the globalised and cross-jurisdictional span of most cybercrimes and it becomes clear that they fall outside the traditional localised (even national) operational purview of police. Perhaps more importantly, considerable obstacles are thrown up regarding the allocation of police resources for investigation and/or the decision to prosecute. Either it is not deemed to be in the public interest to investigate them individually because of the *de minimis* rule (they are too minor in nature), or they are simply too complex technically or jurisdictionally to make the likelihood of conviction likely. Spams are a very good example in question.

What emerges from this brief analysis is that for the above reasons, the police only play a very small part in the overall policing of cyberspace. Although we are now in the 21<sup>st</sup> Century, 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 who threaten the infrastructure (including terrorists). However, this is not to say that cyberspace goes

unpoliced, as Robert Reiner has observed more generally: 'not all policing lies in the police'. Nor is it the case that police activity is either inefficient or ineffective. Rather it has to be understood that the police role takes place within a broader and largely informal architecture of internet policing, which not only enforces laws, but also maintains order in very different ways.

- *Internet users and user groups* exert a very potent influence upon online behaviour, through moral censure, although cases of more extreme behaviour may be reported to relevant authorities.

- *Network infrastructure providers* exert influence over online behaviour through 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), but IWF also contributes more generally towards (cyber)crime 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. But a higher tier of agencies also oversees and enforces national Internet infrastructure protection policies.

- *Public police organisations*, as stated earlier, play a relatively small but nevertheless significant role in imposing criminal sanctions upon wrongdoers. Whilst located within nation states, the public police are nevertheless joined by a tier of transnational policing organisations, such as Europol and Interpol, whose membership requires such formal status.

Joining up these 'tiers' to make them more effective are a range of initiatives that seek to make their governance function more effective: international coalitions of organisations; multi-agency cross-sectoral partnerships; international co-ordination policies, such as the COE's Cybercrime Convention.

To conclude, we are gradually learning more about the impact that networked technologies are having on criminal behaviour. More research is being commissioned by funding bodies and the recent inclusion of questions about internet victimisation in

the British Crime Survey will yield useful empirical data that will challenge some of the misinformation that has accrued during the past decade. Within the police service, the maturation of the National Hi-Tech Crime Unit and regional units established a growing corpus of policing experience in the field. And the Computer Misuse Act 1990 is currently being reviewed by the All-Party Internet Group. We are in the midst of a permanent revolution so it is important that the position is constantly reviewed.

In 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. Therefore internet governance should be designed to assist and strengthen the Internet's natural inclination to police itself, keeping levels of intervention apposite while installing appropriate structures of accountability. This latter point is important because it must not be forgotten that the

same networked technologies which empower criminals, also provide the police with a highly effective investigative tool. A tool made all the more powerful by the capture of data trails following each transaction on the internet which enables police to investigate at a distance. 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'. A delicate balance has to be drawn between the need to maintain order and the enforcement of laws and on this subject we might take heed of Scott Adams's wise warning not to embed policy in technology, else: "new technology will allow the police to solve 100 percent of all crimes. The bad news is that we'll realize 100 percent of the population are criminals, including the police" (*Dilbert Futures*, Prediction 49).

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# APPENDIX 1 - CONSTITUTION AND MEMBERSHIP OF THE CENTRE FOR CRIMINAL JUSTICE STUDIES

## Constitution of the Centre for Criminal Justice Studies

### Object of the Centre

1. The object of the Centre shall be to develop, co-ordinate and pursue research and study into, and the dissemination of knowledge about, all aspects of criminal justice systems.

### Membership of the Centre

2.1 Any member of the academic staff of the School of Law may be a full member of the Centre.

2.2 Other individuals may be appointed to full membership of the Centre by the University Council on the nomination of the Executive committee. Membership of the University is not a prerequisite of appointment to full membership of the Centre.

2.3 Associate members may be appointed by the Director on nomination of the Executive committee for a fixed term of up to three years. Membership of the University is not a prerequisite of appointment to associate membership of the Centre. Associate members shall normally be concerned with the pursuit of a programme of research and shall be provided with suitable facilities by the Centre. Any further rights or duties (such as in relation to teaching) shall be the subject of specific agreement.

### Administration of the Centre

3.1 The Centre shall be administered by a Director, a Deputy Director and an Executive Committee.

3.2 The Director and Deputy Director, who shall be appointed by the Council on the nomination of the Head of the School of Law after consultation with members of the Centre, shall each normally hold office for a period of five years, and shall be eligible for immediate re-appointment.

### Administration of the Centre

3.3 The Director shall be responsible to the Executive Committee for the running of the Centre and the representation of its interests. The Director shall have regard to the views and recommendations of the Executive Committee and the Advisory Committee. The Director shall be assisted by up to two Deputy Directors.

3.4 The Executive Committee shall consist of the Director and the Deputy Director(s) together with the Head of the School of Law (ex officio), the Chair of the Advisory Committee (ex officio), and up to twenty others who shall be appointed by the Director, Deputy Director and Head of the School of Law.

3.5 The Executive Committee shall meet at least twice a year, with the Director acting as convenor. Special meetings may be held at the request of any member of the Executive Committee. All full members shall be entitled to attend meeting of the Executive Committee.

3.6 Minutes of the meetings of the Executive Committee shall be presented by the Director to the following meeting of the School of Law.

3.7 There shall be an Advisory Committee appointed by the Executive Committee which shall formulate advice and recommendations and which shall consist of:

- (i) all members of the Executive Committee;
- (ii) up to three persons who shall be members of the teaching staff of the University of Leeds other than the School of Law whose activities or interests have relevance to criminal justice studies;
- (iii) up to twenty persons who shall be practitioners in criminal justice systems (or other appropriate persons).

3.8 The Advisory Committee shall meet once a year, with the Director acting as convenor. Special meetings may be held at the request of the Executive Committee.

### Amendment to the constitution

4.1 This constitution may be amended by the Council (or any committee acting with authority delegated by the Council) on the recommendation of the School of Law and the Executive Committee of the Centre.

## Current Membership of the Centre for Criminal Justice Studies

<b>Director</b>	Professor David S. Wall
<b>Deputy Director</b>	Professor Adam Crawford
<b>Executive Committee</b>	Dr Yaman Akdeniz Dr Louise Ellison Mr Ben Fitzpatrick Dr Anthea Hucklesby Mr Stuart Lister Professor Juliet Lodge Professor David Ormerod (ex officio) Mr Andy Roberts Dr Teela Sanders Mr Nick Taylor Dr Sam Lewis Dr Toby Seddon Dr Emma Wincup (joins in January 2005) Professor Clive Walker (Head of School of Law) (ex officio)
<b>Advisory Committee</b>	(Chair) Professor David Ormerod Mr Jeremy Barnett, (Barrister) Mr Tom Burden (Leeds Metropolitan University) Prof. Graham Clarke (University of Leeds, School of Geography) Chief Constable Colin Cramphorn, (West Yorkshire Constabulary) His Honour Judge Ian Dobkin Mr Neil Franklin (Crown Prosecution Service) Mr Nick Frost (University of Leeds, Continuing Education) Ms Jane Gill, (Leeds Magistrates' Courts) Chief Superintendent Don Harrington (Director of Training, West Yorkshire Constabulary) Mr Jim Hopkinson (Leeds Youth Offending Service) His Honour Judge Geoffrey Kamil Lord Justice Kennedy Mr Geoffrey Kenure (Probation Service) Mr Peter McCormick OBE (Solicitor) Professor Cynthia MacDougall (University of York) Ms Anne Mace (Kings College London) Mr Richard Mansell, (Barrister) Mr Andy Mills (Community Safety, Leeds City Council) Mr Robert Rode, (Solicitor) Mr Steven Rollinson (West Yorks Police Authority) Mr Paul Wilson (Chief Probation Officer, West Yorkshire)
<b>Associate Fellow</b>	Mr Ian Brownlee (Crown Prosecution Service, formerly Univ. Leeds) Dr Jo Goodey (European Monitoring Centre on Racism and Xenophobia in Vienna, formerly University of Leeds) Mr Peter J Seago OBE JP (Life fellow of the University of Leeds).

## **APPENDIX 2 - RESEARCH PAPERS FROM THE CCJS PRESS**

**Publications also available through the Centre for Criminal Justice Studies:**

### **PATROLLING WITH A PURPOSE: An Evaluation of Police Community Support Officers in Leeds and Bradford City Centres.**

**Adam Crawford, Sarah Blackburn, Stuart Lister *and* Peter Shepherd**

This report outlines the findings of an extensive evaluation of Police Community Support Officers, their role and impact on community safety. It draws lessons from the West Yorkshire experience and suggests important recommendations concerning their future deployment. The Police Reform Act 2002 introduced a new breed of patrolling officer known as a Police Community Support Officer (CSO). There are currently about 4,000 CSOs patrolling the streets of England and Wales. Operating under the formal direction and control of the chief officer, CSOs are designed to provide additional capacity to combat low level disorder and afford public reassurance. In West Yorkshire CSOs were first introduced in March 2003. This report evaluates the first year of their deployment in Leeds and Bradford city centres. It draws upon extensive interviews and surveys of CSOs and members of the public, interviews with police officers and other key workers operating in the two city centres, as well as crime data to analyse the impact of CSOs on community safety. The government's announcement in July 2004 to expand dramatically the number of CSOs by a further 20,000 by 2008, make this a timely and important report. The report will be of special interest to police managers and researchers, as well as all those interested in community safety and the changing face of modern policing.

**CONTENTS: (pp.89 + xi) - PRICE £14.95 - 2004 - ISBN 0-9511032-4-5.**

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### **VICTIM CONTACT WORK AND THE PROBATION SERVICE: A Study of Service Delivery and Impact**

**Adam Crawford *and* Jill Enterkin**

This book reports upon the findings of an 18 month study of victim contact work in two Probation Services analysing the manner in which the Victim's Charter requirements to contact victims of serious crimes, both post-sentence and pre-release, have been realised in practice. It explores the value and impact of the Victim's Charter requirements upon the Probation Service. This research is the first major study of this important but controversial service. The study, funded by the Nuffield Foundation, draws upon interviews with victims, service providers, probation officers and service users.

**CONTENTS (pp. 102 + iv) - PRICE £10.00- 1999 - ISBN 0-95-110323-7**

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### **THE RENEWAL OF CRIMINAL JUSTICE? New Labour's Policies in Perspective**

***edited by* Adam Crawford *and* Clive Walker**

This book contains the proceedings of the Tenth Anniversary Conference of the Centre which was held on the 22 September 1998. With the passage of the Crime and Disorder Act 1998, and the flurry of discussion papers that have emerged, both from the Home Office and from the Lord Chancellor's Department, are we now witnessing the "Renewal of Criminal Justice"? The book brings together contributions from Jack Straw, Geoff Hoon, Rob Allen, John Abbott, David Jessel, Ben Emmerson and Kier Starmer, amongst others. This book explores current developments in criminal justice and seeks to put these New Labour policies in perspective. In particular it focuses upon changes to the courts, policing and community safety.

**CONTENTS (pp. 65) - PRICE £8.00 - 1998 - ISBN 0-95-110322-9**

### **THE ROLE AND APPOINTMENT OF STIPENDIARY MAGISTRATES**

**Peter Seago, Clive Walker and David Wall**

In 1993 the Royal Commission on Criminal Justice recommended that there should be a more systematic approach to the role of Stipendiary Magistrates. In response, the Lord Chancellor announced, in October 1994, the establishment of a Working Party in pursuit of the Commission's recommendations. This research report was commissioned by the Lord Chancellor's Department to inform the deliberations of the Working Party. This research presents an important profile of Stipendiaries and their place in the Magistrates' court.

**CONTENTS (pp. 178) - PRICE £10.00 - 1996 - ISBN 0-95-110321-0**

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**Clive Walker (ed)**

This collection, originally published as a special issue of *Criminal Law Review* in December 1998 contains a range of interesting articles on crime, criminal justice and the internet by (in order):

- "The Governance of the Internet in Europe with special Reference to Illegal and Harmful Content" - Clive Walker and Yaman Akdeniz
- "Computer Child Pornography" – The Liability of Distributors?
- "Cyberstalking" – Louise Ellison and Yaman Akdeniz
- "Criminal Law and the Internet" – David Davis
- "Digital Footprints: Assessing Computer Evidence" – Peter Sommer
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