

**CENTRE FOR CRIMINAL  
JUSTICE STUDIES**

**TENTH ANNUAL REPORT**

**1997-98**

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**Table of Contents**

[Introduction.](#)

[The Work of the Centre.](#)

[A Research projects.](#)

[B Postgraduate study.](#)

[C Relevant papers and publications by members of the Centre during 1997/8.](#)

[D Seminars, Conferences and Continuing Education.](#)

[Centre Conferences](#)

**Appendices**

[Appendix 1 - Constitution of The Centre.](#)

[Appendix 2 - Membership of The Centre.](#)

[Appendix 3 - Forthcoming Centre Seminar Programme.](#)

[Appendix 4 - Conference Proceedings.](#)

[Appendix 5 - Centre Papers.](#)

[Appendix 6 - Visiting Scholars.](#)

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**INTRODUCTION**

The Centre for Criminal Justice Studies has been established since 1987. Its object, as set out in its Constitution (see [Appendix 1](#)), is the pursuit of research and study into all aspects of criminal justice systems. This remit, as undertaken by the Executive Committee (see [Appendix 2](#)), has in practice included the encouragement of postgraduate students and research projects, and the arrangement of seminars and conferences. The Centre's members comprise both lawyers and non-lawyers, and its work is generously assisted by an Advisory Committee, which consists of academics and practitioners in relevant fields of experience (see also [Appendix 2](#)).



This Annual Report provides a résumé of some of the activities of the Centre from 1 September 1997 to 1 October 1998. The normal period of review has been extended to allow us to mention the recent major conference held by us, *The Renewal of Criminal Justice? New Labour's Policies in Perspective*. This was billed as the Tenth Anniversary Conference of the Centre and took place in late September 1998. The very

prominent speakers for the most part had either research or study links with the University of Leeds, including the Home Secretary, Jack Straw. In total, well over a hundred people, speakers, delegates and staff and students of the Centre, joined in our celebrations. For the record, the full conference proceeding including all the papers presented can be purchased from the Centre for Criminal Justice Studies and a list of contents is available later in this Report (see [Appendix 4](#)).

Conferences on a grand scale seem to have been a very important feature of the period under review. It is, I think, a reflection both of the breadth of our activities, and our confident standing in the academic and professional criminal justice communities that we have been



able to deliver two major events in this way. The other event was entitled *Integrating a Victim Perspective within Criminal Justice*, which was a truly international conference, even greater than the September conference and held over two days in York in July 1998.



The College of Ripon and York, St. John. York provided an excellent setting for the 50 or so papers, with academics, policy makers and practitioners both as speakers and delegates. The plenary papers, along with selected keynote papers, will be published by Dartmouth/Ashgate in a

book edited by the conference organisers; Dr. Adam Crawford and Dr. Joanna Goodey. The conference will also result in a special edition of the *International Review of Victimology* based on refereed conference papers. The titles of all the papers presented together are to be found in [Appendix 4](#).

For the coming year, 1998-99, we are pleased to be organising the British-Irish Law and Technology Association's annual conference. It will be held in March 1999, also in York, and the main conference theme is *Crime, Criminal Justice and the Internet*.

It is pleasing to report that there have been stability within the staff personnel at the Centre. There has, however, been significant internal advancement, with David Wall being promoted to senior lecturer and both Adam Crawford and David Wall being awarded doctorates. Mention should also be made of the external recognition, in the form of an O.B.E., awarded to Peter Seago for services to the administration of justice. All staff members have been very research active. As is recorded in the next section, the products of the period have included important books in the areas of policing and local crime governance, as well as major journal articles and conference papers.

Our undergraduate teaching programme, which began to take shape last year, has now become firmly established. Our modules in "Crime and Criminal Justice" and "Victims, Crime Prevention and the Media" attracted almost two hundred students and are to be augmented by a further module, "Principles of Criminal Law". All have been attracting numerous recruits in the recent days of the new term which is now upon us. Our well-established Criminal Justice postgraduate taught course programmes has continued to deliver high quality instruction, while several of our research students continue to be very active conference presenters and journal writers. I am also very pleased and proud to record how many of our recently graduated students are themselves now becoming established academics at other universities.

The research activities of the Centre are further reflected in our very full seminar programmes (see [Appendix 3](#)) and in the production of Working Papers (see [Appendix 5](#)). We have also received a number of visiting scholars and would encourage further applications (see [Appendix 6](#) for details of how to apply).

Details on all matters connected with the Centre, including copies of previous annual reports, can be located at our world wide web homepage at:

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**1 October 1998**

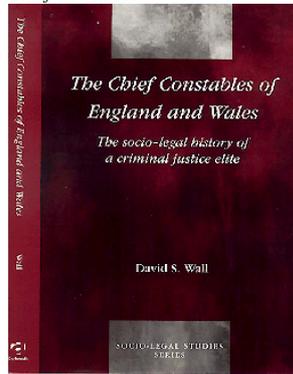
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## **THE WORK OF THE CENTRE**

### **A Research projects**

The following substantial research projects are currently in progress:

#### *Chief Constables*



David Wall has been funded by the Nuffield foundation to conduct further research into chief constables of England and Wales. This research involved conducting interviews with serving and retired chief constables and collecting data both from the Public Records Office and also various local borough archives. It was the final part of a long term project which has looked at every appointment of chief constable in England and Wales between 1836 and 1996, and at the various socio-legal mechanisms which influenced the

selection and appointment processes. This research was incorporated into a socio-legal history of the chief constable and was published by Dartmouth Press in August 1998.

#### ***Commercial Victims and Political Violence***

Following the IRA bombings of the City of London in 1992 and 1993, action was taken by the Government to stabilise the insurance market so as to ensure that cover remained available for commercial properties. Clive Walker received a grant from the Airey Neave Trust (£16,500) to research into the working of the arrangements. Martina McGuinness was appointed as full-time research student and mainly researched the political and reinsurance aspects of the project. Clive Walker has concentrated on the security aspects. The final report of this research has now been submitted to the complete satisfaction of the funding body. Martina, now located at the University of Leicester, is about to produce her PhD thesis and then we then wish to explore the possibility of a monograph on the subject by the end of 1999.

#### ***Comparative Crime Prevention and Community Safety***

Dr. Crawford is researching the comparative community safety partnership structures and strategies in a number of countries, notably New Zealand, France, the

Netherlands, Canada, Ireland, Scotland and England & Wales. The Northern Ireland Office is currently funding him to produce a report comprising a literature review of international community safety structures as well as options for Northern Ireland, as part of its Criminal Justice Review. The funding will provide for 3 months research assistance in compiling the data and writing the report. A research assistant has been employed for this project, Mario Matassa. The research will involve field trips to Northern Ireland to meet key officials. The research commences on 1 October 1998 and the report will be submitted to the NIO by the end of December 1998. It is anticipated that the report will inform policy-makers and the future of crime prevention in Northern Ireland. This develops upon issues discussed in his book in 1998 entitled *Crime Prevention and Community Safety: Politics, Policies and Practices* (Addison, Wesley Longman), as well as his work for the Ministry of Justice in New Zealand and the Ministry of the Interior in France. To this end he spent part of 1996/7 in New Zealand

and France, the former at the invitation of the New Zealand Ministry of Justice, for whom he produced a report assessing their Safer Community Councils and Crime Prevention Strategy.

### ***Comparative Treatment of Immigrants and Refugees by Criminal Justice Agencies***

Dr. Goodey has been awarded a stipend for a three month research fellowship at the Max Planck Institute for International and Comparative Law/Criminology, which she has taken up beginning of October 1998. During her fellowship in Germany she will undertake comparative research on the treatment of immigrants and refugees by criminal justice agencies in six European Union countries. In addition, she has submitted an application to the European Science Foundation, under their developmental Social Science grant scheme, for 'seed money' to do a feasibility study for a trans-European victim/crime survey of immigrants and refugees in the European Union. The application was submitted with a group of 12 other researchers from 6 EU countries whose interests span the fields of victimology, criminology, criminal justice and ethnicity/migration studies. Dr. Goodey has been assigned the task of project leader.

### ***Family Contact Centres and Parents in Conflict***

Clare Furniss is engaged in a three year project, funded by the Nuffield Foundation, which aims to evaluate the services provided by different types of family contact centres in England, Wales and Scotland. There are now well over 200 contact centres in this country, run by different organisations in different ways. The main aim of contact centres is to "provide a place where parents can have contact with their parent(s) in a safe, neutral place where no other viable option exists" (NACCC, 1994). In brief, the objectives of this project are: (a) to assess the parents' views of the facilities provided at different types of centre; (b) to examine the reasons for the families' referral to the centre and to reflect upon whether the contact centre's services can help to address or minimise problems lying behind the referral, and which required the attention of other support services; (c) to monitor the changes in contact arrangements following referral to the centre, both in the short term and on a longer

term basis, and to ask parents to reflect upon whether the services provided by the centre had any effect on these arrangements; (d) to examine the referral process, looking at referral guidelines, screening policies, and family preparation; (e) to explore resource implications of referral of families to a contact centre and to highlight improvements which could be made in the provision of this service; and (f) to compare the provision of services in England with that in other countries. The project's methodology incorporates both quantitative and qualitative methods. As well as a literature survey, there will also be a postal / telephone data collection to look briefly at the sorts of other services, if any, provided for families with similar problems to those who commonly attend a contact centre.

### ***Female Prison Officers in Men's Prisons***

Dr. Jill Enterkin has been working on developing her Ph.D. thesis for publication. The thesis examines the English Prison Service's cross-posting policy that has integrated the previously sex-segregated work of prison officers and whose implementation and progress have remained largely unexamined by researchers. The research consisted of three major components: an analysis of the legal basis of equal opportunities in England and the means by which this has been translated into operational policies by senior Prison Service management; a review of the literature concerning women in previously male-dominated occupations; and an empirical study of English cross-postings in men's prisons. The empirical study conducted in seven contrasting prisons focused on male and female prison officers' motivations and perceptions of themselves and their workplace, relationships between male and female officers, and between inmates and officers, and how such matters combine with operational practices to structure the performance of an integrated officer staff. Analysis revealed that the inappropriately vague direction of the national cross-posting policy, as established in 1988, has resulted in the local and informal implementation of cross-postings, with variation between different institutions. In turn, integration has been strongly influenced by the officer subculture and stereotypes of women, in ways which often contradict the intent of the law. Attempts by the Prison Service to implement and monitor equal opportunities have thus been largely ineffective. Findings from this research have been, and are to be, published in a number of academic journals including Enterkin, J. (1998) 'Prison Service Cross-posting Policy and Female Prison Officers' *Prison Service Journal*, No.117. p.32-35 and Enterkin, J. 'Equal Opportunities and the English Prison Service' *The Howard Journal* (forthcoming).

### ***New Public Management and the Administration of Justice in the Magistrates' courts***

The project, funded by the Lord Chancellor's Department, addresses the impact of the changes brought about by the Police and Magistrates' Courts Act 1994, especially in relation to: the alteration of Magistrates' Courts Committee Areas; membership of MCCs and the conduct of their business; the role of the Justices' Chief Executive. The research team includes Ben Fitzpatrick, Peter Seago and David Wall.

### ***Minority Rights and International Law***

Dr Rehman has been researching on various aspects of international criminal law - a rapidly developing area within Public International Law. His specialist areas of research include the protection of minority and group rights in general international law. In this regard he has analysed in some depth the issues concerning the punishment of the individuals involved in crimes against humanity and genocide. The establishment and trials conducted by the Yugoslavia and Rwanda Tribunals have added considerably to the existing jurisprudence on international criminal law and criminal justice. Dr Rehman is currently actively involved in a project on the implications of the international criminal court on the prohibition of genocide in international law.

### ***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.

### ***Performance Indicators for Legal Aid Delivery: Client and Practitioner Perceptions of Need***

David Wall in collaboration with Hilary Sommerlad of Leeds Metropolitan University is conducting research into client and practitioner perceptions of need in relation to quality performance indicators for legal aid delivery. This project is being funded by the Law Society of England and Wales and seeks to compare differences and similarities between practitioner and client perceptions of quality legal services.

### ***Policing and the Governance of the Internet***

Several research projects around these areas will be the subject of edited book collections with the Longman Press in 1999, including:

Walker, C, and Akdeniz, *Internet Law in the United Kingdom*

Wall, DS, *Cyberlaw*

### ***Reporting of Criminal Proceedings in Scotland and the Contempt of Court Act 1981***

This project was funded by the Leverhulme Trust in the sum of £14, 500. The study was directed by Professor Walker with the assistance of a full-time research officer. The aim was to investigate the frequency and nature of orders under sections 4 and 11 of the Contempt of Court Act 1981 which in some way restrict or postpone the reporting of Crown Court proceedings. A survey of 8 courts was undertaken. A report

was prepared, and a full version of the findings has been published. Further fieldwork research is now being carried out in Scotland (where the courts have agreed to keep a record of relevant cases). More recent work has involved study of the new audio-visual media (satellite and internet) and their possible impact on court reporting, and some papers have been published. Wider publication in the form of a book together with Ian Cram has been agreed with Oxford University Press.

### ***The Impact of Race and Racism on Boys' Fear of Crime***

Dr. Goodey has successfully completed her Nuffield funded project on "The Impact of Race and Racism on Boys' Fear of Crime". A report was submitted to Nuffield in April 1997. A published paper is forthcoming on the theoretical and methodological problems of doing research in this area. Three other papers, which stem from the Nuffield project, are currently under review with academic journals; these papers were originally presented at the British Criminology Conference in Belfast, the International Symposium on Victimology in Amsterdam and the Law and Masculinities conference in Bristol during the summer of 1997. She is currently writing a number of theoretical papers based on findings from this project.

### ***The Introduction of CCTV Cameras into Several Areas of Leeds.***

Nick Taylor is conducting a project considering the introduction of CCTV cameras into public spaces in certain locations in the Leeds area. This is part of a postgraduate degree scheme at the University of Hull. The research will consider the objectives, design and operation of these schemes and the question of how and why the areas of Chapeltown and Harehills have been chosen as sites for CCTV.

### ***The Role and Appointment of Stipendiary Magistrates'***

A working party (Chaired by Roger Venne) set up by the Lord Chancellor's Department to consider the relationship between lay and stipendiary magistrates and the number of appointments of stipendiary magistrates outside of the Metropolitan area, invited the Centre for Criminal Justice Studies to research into the role and appointment of stipendiary magistrates. The research was undertaken by Peter Seago, Clive Walker and David Wall at both sample courts and with all permanent, visiting and acting stipendiaries. The report to the Lord Chancellor's Department has now been published as Seago, P., Walker, C.P., and Wall, D.S., *The Role and Appointment of Stipendiary Magistrates*, (1996). This research is referred to in *The role of the Stipendiary Magistracy: A report prepared by a working party established by the Lord Chancellor*, February 1996. Further funding from the Lord Chancellor's department is now under consideration.

### ***UK Law Online: The UK Legal System on the Internet***

This project has been funded during the past year by the Hamlyn Trust (£12000). It was conceived by Professor Walker, but the production of materials owes a great deal also to Yaman Akdeniz. The main object is the raising of public awareness, appreciation and understanding of the English, Scots and Northern Ireland Legal Systems ("UK Legal System") by use of the medium of the Internet. The project will

involve the creation of a world wide web page, initially at the Leeds Law Faculty, and this web site will promote the UK Legal System on the Internet. We will try to educate the public as to the nature and availability of their legal system by providing complex legal information in a comprehensible way. The users will have direct access to our team by electronic mail, but the project is not intended for individual legal advice. Rather we intend to offer generalised education and the improvement of knowledge on important legal issues. See:

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

### ***Victims of Crime, the Probation Service and the Impact of Victim Enquiry Reports***

Dr. Adam Crawford is managing a research project funded by the Nuffield Foundation, Dr Jill Enterkin is employed as the Research Officer. The research team also includes Peter Johnston of West Yorkshire Probation Service and Jean Wynne of Leeds Victim/Offender Unit. The research began on 1 June 1997. The research is seeking to assess the impact of the requirements under the Victim's Charter and Probation Circular 61/95 for the Probation service to contact victims of life sentenced and serious or violent offenders to keep them informed during the custodial process and to get information from victims as to any anxieties that they may have about the offender's release. In satisfying this new requirement a Victim Contact work is conducted and an enquiry report is compiled. The research involves interviews with victims, enquirers, throughcare probation officers and other relevant criminal justice personnel. The fieldwork is based in Northumbria and West Yorkshire Probation services. Both services operate slightly different models of victim contact work. They have given their full co-operation and backing to the research. It is anticipated that the findings from the research will inform future good practice. An application for a 4 month extension to the project was successfully granted by the Nuffield Foundation. The fieldwork will now be completed by the end of 1998 and a final report will be prepared for the end of March 1999.

### ***Victim/Offender Mediation in Comparative Legal Cultures: England and France***

Dr. Adam Crawford has completed ESRC funded comparative research which has also benefited from the support of the Institut des Hautes Etudes sur la Justice, Paris, the Maison Rhône-Alpes des Sciences de l'Homme, Lyon and the Maison des Sciences de l'Homme, Paris. This project sought to locate the growth and practice of victim/offender mediation and reparation within a wider cultural framework. It will trace the comparative recent histories, reception, development and prospects of victim/offender mediation in France and England. This it did through extensive fieldwork including observations and interviews in the two research sites in the different countries under consideration. The French sites were the greater Lyon and Paris areas and include the operation of a number of "Maison de Justice et du Droit" as well as a number of "delegated" associations offering mediation. The English sites were in West Yorkshire involving Victim/Offender Mediation Units and in Northamptonshire, involving the Diversion Units based in Kettering and Northampton. The sites were chosen in order to reflect a degree of the diversity of the development of mediation in the two countries, as well as for the national recognition that each of the sites had acquired. The fieldwork was completed by the end of 1997. The End of Award Report was submitted to the ESRC at the end of June 1998 (copies

of the Report are available from the author). The research is currently being written up for further publication.

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## **B Postgraduate students**

### ***(a) Study facilities***

There are three postgraduate student annexes (one for taught course students and two for research students, all with computing and social facilities. Within the Law Library, there is a special Criminal Justice Studies Room (including most of the Kenneth Elliott collection), as well as three computer clusters.

### ***(b) Postgraduate research degree schemes.***

The Centre wishes to encourage applications from anyone wishing to pursue research into 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. 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. Some scholarships are available, and the Centre has been recognised as a Mode B institution for the receipt of E.S.R.C. scholarships (Mode A application pending).

The relevant degree schemes on offer (all 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.

### ***(c) Current postgraduate research students***

Palfrey, Terry, B.A., - The Development of an Inquisitorial System in Fraud Investigation and Prosecution (Ph.D., April 1993, part-time)

Healey, Dominique, B.A. - The Treatment of Criminals in China, with Reference to Chinese and International Concepts of Individual Human Rights and Freedoms (Ph.D., October 1993, part-time)

Gammanpila, Dakshina, LL.B., M.A. - The Police Surgeon: Principles and Practice (Ph.D., October 1994) *Submitted pending viva.*

McGuinness, Martina, MBA, - Political Violence and Commercial Victims (Ph.D, October 1994) *Submitted pending viva.*

Pocsik-Haslewood, Ilona, LL.M. - Probation in Transition (Ph.D. December 1994, part-time)

McCracken, Michael, LL.B., - The Banking Community and Paramilitary Money Laundering (M.A., September 1995, part-time)

Mukelabai, Nyambe LL.M. - The Relationship Between Universal Human Rights Doctrine and Basic Rights and Freedoms in Zambia (Ph.D., October 1995)

Matassa, Mario B.A., M.A., Dip. Res. Methods - Unravelling Fear of Crime in Northern Ireland (Ph.D. October 1995) *Submitted pending viva.*

Barton, Patricia LLB., M.A. - Police Accountability, Consumerism and Commercialism (Ph.D., October 1995)

Kerr, Iain, LL.B. - Legal Regulation of the Internet (M.A., October 1996).

Demir, Huseyin, The role and treatment of political parties (Prov. Ph.D., January 1997)

Akdeniz, Yaman, M.A. - Governance of the Internet (Ph.D., January 1997)

Toor, Sunita, B.A., M.A. - Social and Criminal Justice Responses Towards Female Juvenile Delinquents from Different Ethnic Groups (Ph.D., October 1997)

McGrath, Linda, LL.B., - Hearsay Evidence in Criminal Cases (Ph.D., October 1997)

James, Annabelle, LL.B. - Post Appeal remedies for Miscarriages of Justice (M.A., October 1998)

*(d) Postgraduate research degrees awarded to Centre students in the last 5 years*

- ***Ph.D.***

Ford, Lindy C., M.Sc, B.Sc. - Homelessness and Persistent Petty Offenders (Ph.D., 1993)

Laing, Judith, LL.B. - Mentally Disordered Offenders and their Diversion from the Criminal Justice System (Ph.D., 1996)

Boland, Faye, B.C.L. - Diminished Responsibility as a Defence in Ireland Having Regard to the Law in England, Wales and Scotland (Ph.D., 1996)

Wade, Amanda - Children as Witnesses (Ph.D., 1997)

Ellison, Louise, LL.B. - A Comparative Study of the Rape Trial within Adversarial and Inquisitorial Criminal Justice Systems (Ph.D., 1997)

Okoye, Cyril, B.A., M.P.A. - Cross-Cultural Perspectives on the Social Disorganisation of Prisons in Canada and the U.K. (Ph.D., 1998)

English, James, LL.B., - The Rise and Fall of Unit Fines (Ph.D., 1998)

- ***M.A. by Research***

Acharya, Neena, LL.B. - The Police and Race Relations (M.A., 1993).

Ghosh, Saumya, LL.B. - A Comparative Study of Some Exceptions to the Hearsay Rule with Special Reference to England and India (M.A., 1993)

Harrison, Bronwyn, B.A. - The Development of Juvenile Cautioning and its Implications for Police Practice and Procedure (M.A., 1993).

Davies, David Ioian, LL.B. - Identification Evidence (M.A., 1994)

Moraitou, Areti, LL.B. - The Law and Practice in Relation to Fingerprinting by the Police with Respect to England and Greece (M.A., 1994)

Joliffe, Paul, LL.B. - The Use of Interpreters in Magistrates' Courts (M.A. 1995)

Ogden, Neil, LL.B. - The Private Security Sector (MA, 1995)

Murray, Jade, LL.B. - A Study of Post-Appeal Procedures for Dealing with Miscarriages of Justice (MA, 1996)

Akdeniz, Yaman, LL.B. - The Internet: Legal Implications for Free Speech and Privacy (M.A., 1996)

Gagic, Leanne, B.A. - A Study of Young Women Whose Mothers are in Custody (M.A., 1997)

Ali, Shaukat, LL.M. - Provocation as a Defence to Murder (M.A., 1997)

*(e) Postgraduate taught courses*

The students expected to graduate in December 1998, from the 1997-98 course will be as follows:

*MA Criminal Justice Studies*

- Ashley, Theresa
- Hampson, Sal
- Jordan, Louise
- Manning, Gemma
- McNulty, Bernard
- Meachem, Clare
- Minoura, Satoshi
- Neale, Peter
- Naimsha Patel
- Qayum, Sahdia
- Sattar, Kaniz Iqbal
- Sjoling, Lisen
- Sprenger, Jason
- Stansfield, Stela

*Diploma in Criminal Justice Studies*

*Certificate in Criminal Justice Studies*

The students studying in 1998-99 are as follows:  
*MA Criminal Justice Studies (Full-time)*

Aki Bassi

John Blake

Fergal Davies

Melanie Dickenson

Nathan Franklin

Emma Irving

Theodora Kari

Hawinder Kaur

Kevin Parry

Tim Rhodes

Ceri Shallcross

Anjyla Sharma

Liza-Jo Starling

Claire Taylor

Rana Zoabi

*MA Criminal Justice Studies (Part-Time)*

Sefton Coptick

Julie Dawson

Kelly Drewery

Robert McNichol

Jean Morgan

Alan Walsh

**The programmes offered in 1998-99 are as follows.**

**M.A. (Criminal Justice Studies)**

*Objectives:* To enable students to acquire new theoretical perspectives on, and wider knowledge about, criminal justice systems as well as 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 120 credits):

The compulsory courses are:

1. Criminal Justice Research Methods and Skills (20 credits)
2. Criminal Justice Process (20 credits)
3. Criminal Justice Policies and Perspectives (20 credits)
4. Dissertation of up to 15,000 words (40 credits)

The optional courses (students must select 20 credits):

5. Policing I (10 credits)
6. Policing II (10 credits)
7. Political Violence and Criminal Justice Systems (10 credits)
8. Victims and Victimology (10 credits)
9. European Aspects of Criminal Justice (10 credits)
10. Forensic Medicine and Forensic Science (10 credits)
11. Theories of Crime and Punishment (10 credits)
12. Gender, Race and Crime (10 Credits)

13 Negotiated Study (10 or 20 credits)

### **Diploma in Criminal Justice Studies**

*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 M.A. scheme. There is no compulsory course or dissertation.

### **Certificate in Criminal Justice Studies**

*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 M.A. scheme. There is no compulsory course or dissertation.

## ***Forthcoming for 1999-00***

**Certificate in Policing Studies:** This programme provides a forum for the analysis and discussion of issues in relation to policing and its relation to criminal justice.

**Certificate in Contemporary Issues in Criminal Justice Studies:** The new Certificate in Contemporary Issues in Criminal Justice studies provides the opportunity for the analysis and discussion of contemporary issues in criminal justice.

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## **C. Relevant papers and publications by members of the Centre during 1997/8**

*(a) Administration of Criminal Justice: Courts, Court Procedure and Court Personnel*

**Cram, I., 'Minors' Privacy and Freedom of Expression' chapter in The Yearbook of Media and Entertainment Law ( OUP Oxford, eds. Barendt et al.) 1997/8 Vol.3 pp.31-52.**

**Cram, I., 'Beyond Calcutt: the legal and extra-legal protection of privacy interests in England and Wales' chapter in Media Ethics (1998, Routledge London, ed Kieran) pp.97 - 110.**

**Cram, I., 'Minors' Privacy, Free Speech and the Courts' [1997] P.L. 410-419.**

**Cram, I., Conference paper, 8th September 1998 Manchester University - 'Reporting Restrictions on the Regional Press' at SPTL Annual Conference Media Law sub group.**

**Fitzpatrick, B., 'Justice in the Magistrates' Court', July 1997, Institute of Police and Criminological Studies, Study School, University of Portsmouth.**

**Fitzpatrick, B., 'Image, Form and Substance: A Postmodern Analysis of the Criminal Trial', November 19 1997, School of Law, University of East Anglia**

**Rehman, J. (1997) "Women's Rights: An International Law Perspective" in *Women's Law in Legal Education and Practice: North-South Co-operation* (ed.) R Mehdi and F Shahid, (New Social Science Monographs: Copenhagen), 106 - 128.**

**Rehman, J. (1998) "Raising the Conceptual Issues: Minority Rights in International Law" *72 Australian Law Journal* 615 - 634.**

**Rehman, J. (1998) "The Right to Physical Existence in International Law: A Case Study of Pakistan" *30(2) Liverpool Law Review*, 198 - 218.**

**Rehman, J. (1998) "Autonomy and the Rights of Minorities in Europe" in S Wheatley and P Cumper, (eds.) *Minority Rights in the New Europe* (Hague: Kluwer Law International).**

**Rehman, J. (1997) Paper presented on "Protecting Minorities in International and National Laws", at the Louisville Law Faculty, University of Louisville, USA.**

**Rehman, J. (1997) Paper presented on "Is there hope for the future? Reflections on the value of an International Criminal Court", at Indiana University, School of Law, USA.**

**Rehman, J. (1997) Paper presented on "The African Conception of Peoples Rights, The African Charter on Human & Peoples Rights" Nottingham Trent University.**

**Rehman, J. (1998) Paper presented on "The Legal Discourse of Incest: A Comparative Analysis", University of London.**

**Rehman, J. (1998) Paper presented on "Establishing the International Criminal Court: A Review of Current Development", University of Tezukayama, Japan.**

**Rehman, J. (1998) Paper presented on "The Evolving Notions of the Subjects of International Law", University of Kagawa, Japan.**

**Rehman, J. (1998) Paper presented on "International law, Minority Rights and the Human Rights Treaty-Bodies, Working Group on Minorities", United Nations Human Rights Commission, Geneva, Switzerland.**

**Seago, P., and Walker, C., Response to Lord Chancellor's Department, Consultation Paper on *The Creation of a Unified Stipendiary Bench* (1998)**

**Seago, P. and Walker, C, Magistrates Sitting as Judges in the Crown Court: Response to Consultation Paper from the Lord Chancellor's Department, September 1998**

**Sommerlad, H. and Wall, D.S. (1998) Legally Aided Clients and their Solicitors: Qualitative perspectives on quality and legal aid, Draft Report submitted to the Law Society in July 1998.**

**Sommerlad, H.L. and Wall, D.S., Client and Practitioner Perceptions of Quality in Publicly Funded Legal Services, SLSA Conference, Manchester Metropolitan University, 15- 17 April 1998.**

**Sommerlad, H.L. and Wall, D.S., Client and Practitioner Perceptions of Quality in Publicly Funded Legal Services, Fourth biennial meeting of the working group on the comparative study of the legal professions, International Institute for the Sociology of Law, Onati, Spain, 12-15th July 1998.**

**Walker, C., "Virtual(e-) Democracy" Paper delivered (by Akdeniz, Y.) at JETAI CONFERENCE, University of Glasgow, November 1997**

**Walker, C., "Cyber-constitutionalism" Paper delivered at the Socio-Legal Studies Association Annual Conference, Manchester Metropolitan University, April 1998**

**Walker, C., and Akdeniz, Y. (1998) 'Virtual Democracy,' *Public Law*, 489-506.**

Walker, C., 'Human rights and the magistrates' courts', Paper delivered at the Judicial Studies Board, Lord Chancellor's Department, January and March 1998

Walker, C., Response to Consultation Paper, Home Office Interdepartmental Working Group on the Treatment of Vulnerable or Intimidated Witnesses in the Criminal Justice System, *Speaking Up for Justice* (1998)

Wall, D.S., 'Information technology and the Shaping of Legal Practice,' Bileta Annual Conference, Trinity College, Dublin, 27-28th March 1998.

*(b) Criminal and Evidence Law*

Akdeniz, Y (1997) 'Sex, Laws, and Cyberspace: Freedom and Censorship on the Frontiers of the Online Revolution,' *International Review of Law, Computers and Technology* 11(2), 327-331.

Akdeniz, Y. (1998) 'Child Pornography on the Internet,' *New Law Journal* 148, 451-452.

Akdeniz, Y. (1998) 'Who Watches the Watchmen: Internet Content Rating Systems, and Privatised Censorship,' *The Australian Library Journal* 47(1), February.

Akdeniz, Y. (1998) 'The European Union and illegal and harmful content on the Internet,' *Journal of Civil Liberties* 3(1), March, 31-36.

Akdeniz, Y.(1998) 'No Chance for Key Recovery: Encryption and International Principles of Human and Political Rights,' *Web Journal of Current Legal Issues* 1.

See <http://webjcli.ncl.ac.uk/1998/issue1/akdeniz1.htm>

Akdeniz, Y. (1998) 'Copyright and World Wide Web Links,' *IT & Communications Newsletter* 1, February 1998, 29-32.

Akdeniz, Y., and Walker, C.P. (1998) 'UK Government Policy on Encryption: Trust is the Key?', *Journal of Civil Liberties* 110-116.

Akdeniz, Y., 'European Union and Member States Approaches to Internet Content Regulation Panel,' *chair*, at the 'Outlook for Freedom, Privacy, and Civil Society on the Internet in Central and Eastern Europe,' Conference, Budapest, Hungary, 4-6 September, 1998.

**Akdeniz, Y., 'Cyber-Rights & Cyber-Liberties (UK) Participation on Internet Policy Making and Promoting Democracy Through the Net,' at the 'Outlook for Freedom, Privacy, and Civil Society on the Internet in Central and Eastern Europe,' Conference, Budapest, Hungary, 4-6 September, 1998.**

**Akdeniz, Y., 'The Governance of the Internet in Europe with Special Reference to Illegal and Harmful Content,' paper presented together with Professor Clive Walker at the Inet98 Conference, Geneva, Switzerland, July 1998.**

**Akdeniz, Y., 'European Governments and Control of Online Content,' *panelist* at the Inet98 Conference, Geneva, Switzerland, July 1998.**

**Akdeniz, Y., 'The Role of NGOs in Developing Internet Policies: The Global Internet Liberty Campaign,' *panelist* at the Inet98 Conference, 24 July, 1998.**

**Akdeniz, Y., 'Privatised Censorship? A Critique of the Rating & Filtering Systems for the Internet Content in Europe,' paper presented at the Freedom Forum Conference entitled, 'Filters, PICS, the Internet and the First Amendment,' Washington D.C., June 9, 1998.**

**Akdeniz, Y., 'Nottinghamshire CC vs the Net: The JET Report, censorship and freedom of information on the Internet,' seminar held at the Law Faculty, Nottingham Trent University, May 21, 1998.**

**Akdeniz, Y., 'A History of Content Regulation on the Internet,' paper presented at the SLSA Conference, Manchester Metropolitan University, April 1998.**

**Akdeniz, Y., 'Control of Online Content,' *panelist* at the Freedom Forum, European Center, London, February 25, 1998.**

**Akdeniz, Y., and Walker, C., Response to Consultation Paper, DTI, *Secure Electronic Commerce* (1998)**

**Akdeniz, Y., 'Censorship on the Internet,' seminar held at the Law School, University of Glasgow, November 13, 1997.**

**Akdeniz, Y., 'Internet Content Regulation,' paper presented at the JETAI 97 Conference, University of Glasgow, November 13, 1997.**

**Bowden, C. and Akdeniz, Y. (1998) 'Cryptography and Democracy: Dilemmas of Freedom,' in Liberty eds., *Liberating Cyberspace: Civil Liberties, Human Rights, and the Internet*, London: Pluto Press.**

**Fitzpatrick, B., "Computers, Hearsay, and the Status of Extradition Proceedings" [1998] 1 *Web Journal of Current Legal Issues***

**Fitzpatrick, B., "The Legal Basis of Confession Evidence", July 1997, Institute of Police and Criminological Studies, Study School, University of Portsmouth.**

**Fitzpatrick, B. and Taylor, N. (1998) 'Trespassers *Might* Be Prosecuted: The European Convention and Restrictions on the Right to Assemble', *European Human Rights Law Review*, 3, 292-300.**

**Reed, A. (1998) 'Mens Rea and Secondary Participation', *The Criminal Lawyer*, 82, 1-5.**

**Reed, A. (1998) 'Non-fatal offences against the person, consent and the European Convention', *The Criminal Lawyer*, 83, 1-5.**

**Reed, A. (1998) 'Joint enterprise and doli incapax', *The Criminal Lawyer*, 84, 1-4.**

**Reed, A. (1998) The meaning of incitement', *The Criminal Lawyer*, 85, 1-5.**

**Reed, A. (1998) 'The elements of conspiracy', *The Criminal Lawyer*, 86, 1-5.**

**Reed, A. and Seago, P.J. (1997) 'Annual Review of Crime', *All England Law Report*, 117-139.**

**Reed, A., Seago, P.J. and Weaver, R. (1998) *Readings in Criminal Law*, Anderson Press.**

**Seago, P.J. (1998) 'Non Fatal Offences Against the Person', in *Readings in Criminal Law*, Anderson.**

**Seago, P.J. (1998) 'Intoxication', in *Readings in Criminal Law*, Anderson.**

**Seago, P.J. (1997) 'Offences of Violence', paper presented to the Peterborough Magistrates Association Annual Conference, November.**

**Walker, C., "Criminal Libel", Paper delivered to the Media Law Group, Society of Public Teachers of Law, University of Warwick, September 1997**

Walker, C., *Gatley on Libel and Slander*, (9th ed., Sweet & Maxwell, London, 1998) chaps.22 (criminal libel), 23 (European Convention) pp.533-610

Walker, C., "Review of JB Hill, *Weapons Law*" *International Journal of the Sociology of Law* (1996-7, 24(4), 445-448)

Walker, C., "Cybercontempt: fair trials and the internet" *Oxford Yearbook of Media and Entertainment Law*, (1997-8, vol.3, 1-29)

Walker, C., Response to Consultation Paper, Department of Justice, *Illegal and Harmful Uses of the Internet*, Dublin (1997)

Walker, C., Panel member, "Crime Day", Leeds Common Purpose, Armley Prison, February 1998

Walker, C., and Akdeniz, Y., 'The Governance of the Internet in Europe with Special Reference to Illegal and Harmful Content,' paper presented at the Inet98 Conference, Geneva, Switzerland, July 1998.

Wall, D.S. (1998) 'Review of Sex, Laws and Cyberspace: Freedom and censorship on the frontiers of the online revolution, by Jonathan Wallace and Mark Mangan', *International Journal of the Sociology of Law*, 26(1), 141-144.

*(c) Criminology*

Crawford, A., 'Reinventing the Local Governance of Crime: Managerialism and the Partnership Approach', All Souls College and the Centre for Criminological Research, University of Oxford, 28 January 1998.

Goodey, J., 'Masculinities and Racism', Paper presented to the University of Greenwich, 21 April 1998.

Goodey, J., 'Equality of Justice for Ethnic Minorities and Migrant Groups in the European Union: A Discussion Paper', 22nd Euroconference, Organised by the Berlin Institute for Comparative Social Research and the European Migration Centre, Vienna, 7-10 May 1998.

Wall, D.S. (1997) 'Review of Accountability for Criminal Justice: Selected essays, edited by Philip Stenning', *International Journal of the Sociology of Law*, 25, 186-189.

*(d) Probation and Penal Matters*

Crawford, A. and Enterkin, J. 'The Impact of Victim Contact Work in the Probation Service' 'Integrating a Victim Perspective Within Criminal Justice: An International Conference', York, College of Ripon and York, St John, 17/18 July 1998.

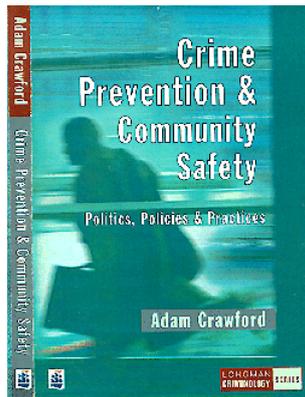
Enterkin, J. (1998) 'Prison Service Cross-posting Policy and Female Prison Officers', *Prison Service Journal*, 117, 32-35

Enterkin, J., 'Female Prison Officers in Men's Prisons', Paper presented to Centre for Criminal Justice Studies, 18 February 1998.

*(e) Policing and Crime Prevention*

Brownlee, I., and Walker, C., (1998) "The Urban Crime Fund", 8 *Policing and Society*, 125-152

Crawford, A. (1998) 'Delivering Multi-Agency Partnerships in Community Safety', in Marlow, A. and Pitts, J. (eds.) *Planning Safer Communities*, Lyme Regis: Russell House Publishing, pp. 213-22.



Crawford, A. (1998) *Crime Prevention and Community Safety: Politics, Policies and Practices*, Harlow: Addison Wesley Longman, pp. 307 + xi .

Crawford, A. (1998) 'Review of Gilling, D. "Crime Prevention: Theory, Policy and Politics" and Lab, S.P. (ed.) "Crime Prevention at a Crossroads"', *British Journal of Criminology*, 38(3), 527-30.

Crawford, A. (1998) 'Community Safety Partnerships: Managerialist Tensions and Threats', *Criminal Justice Matters*, 32,

Crawford, A., 'Communitarianism and Crime Prevention', Centre for Law and Society, University of Edinburgh, 11 December 1997.

Crawford, A., 'The Crime and Disorder Bill: Implications for Community Safety, Crime Prevention and Social Exclusion', Centre for Criminal Justice Studies, University of Leeds, 27 May 1998.

Crawford, A., 'Evaluating Community Safety Programmes: Questions of Accountability in a Managerialist Culture - Some Lessons from the English Experience', 'L'évaluation des politiques

publiques locales de prévention et de sécurité en France: bilan et enjeux pour les Contrats Locaux de Sécurité', Institut des Hautes Etudes de la Sécurité Intérieure, Paris, 16/17 June 1998.

Crawford, A., 'Community Safety and the Quest for Security: Holding Back the Dynamics of Social Exclusion', 'New Directions in Criminal Justice? Labour's Crime Policy Examined', conference, University of Hull, 10 July 1998.

Fitzpatrick, B., (1997) 'Vers une "théorie expérientielle" de droit' 36, *Droit et Société*, 295-306

Matassa, M. (1997) 'Rough Justice', *Criminal Justice Matters*, 29.

Walker, C., and Reid, K., (1998) "Military aid in civil emergencies: lessons from New Zealand", 27 *Anglo-American Law Review* 133-168

Walker, C., "Political Violence and Commercial Victims: High treason against the political economy", Paper delivered at the International Symposium on Economic Crime, Jesus College Cambridge, September 1997

Walker, C., and Fitzpatrick, B., "The Independent Commissioner for the Holding Centres: a review" *Public Law*, (1998, 106-124) - this was reproduced in the Fifth Annual Report of the Commissioner (Sir Louis Blom Cooper)

Walker, C., and Taylor, N., "The Anglo-Irish Parliamentary Body", 48(4), *Northern Ireland Legal Quarterly* pp.338-363

Walker, C., "Commissioners, Commissions and the Commodification of Justice", *The Judicial Role in Criminal Proceedings: Paper delivered at the international Conference, Queen's University Belfast, April 1998*

Walker, C., *Police and Community in Northern Ireland: Submission to the Independent Commission on Policing for Northern Ireland, August 1998*

Wall, D.S. (1998) *The Chief Constables of England and Wales: The socio-legal history of a criminal justice elite*, Aldershot: Dartmouth, 341pp+xi.

Wall, D.S. (1997) 'Policing the Virtual Community: The internet, cyber-crimes and the policing of cyberspace,' in Francis, P., Davies, P. and Jupp, V. (eds) (1997) *Policing Futures*, London: Macmillan, pp. 208-236.

Wall, D.S. (1998) 'Role with it: the role of chief constables in an increasingly corporate police service', *Police Review*, Vol. 106, no. 5383, pp.28-29 (21 August).

Wall, D.S. (1998) 'Artisans, Autocrats, Bobbies, Bureaucrats?', *Criminal Justice Matters*, no. 32, pp. 12-13.

Wall, D.S. (1998) 'Should Chiefs be Chiefs?', *Policing Today*, vol. 4, no. 2, pp. 42-44.

Wall, D.S. (1998) 'Too Many Chiefs?', *Policing Today*, vol. 4, no. 1, pp. 48-51.

Wall, D.S. (1998) 'review of Core Issues in Policing, edited by Frank Leishman, Barry Loveday and Stephen Savage', *International Journal of Police Science and Management*, 1(1), 96-98.

Wall, D.S., 'The Governance of Police Management', Policing Conference, University of Portsmouth July 8th 1998.

Wall, D.S., 'The Contours of Cybercrimes', SLSA Conference, Manchester Metropolitan University, 15-17 April 1998.

Wall, D.S., 'The Governance of Police Management', SLSA Conference, Manchester Metropolitan University, 15-17 April 1998.

Wall, D.S., 'A Socio-legal History of the Chief Constable,' Scarman Centre, Leicester, 13 May 1998.

Wall, D.S., 'From artisans and aristocrats to bobbies and bureaucrats: Chief Constables 1836-1996,' British Society of Criminology, Southern Branch, Mary Ward Hall, London, 18 March 1998.

Wall, D.S., 'The Chief Constables, A socio-legal history' Centre for Criminal Justice Studies, University of Leeds, 24 February 1998.

*(f) Victims, Fear of Crime and Mediation*

Crawford, A. (1998) *Victim/Offender Mediation and Reparation in Comparative European Legal Cultures: England and France - ESRC End of Award Report*, Leeds: Centre for Criminal Justice Studies, pp. 25.

**Crawford, A., 'Justice de Proximité?: Victim/Offender Mediation and Localised Justice in France', Centre for Criminal Justice Studies, University of Leeds, 2 December 1997.**

**Crawford, A., 'Justice de Proximité?: The Growth of 'Houses of Justice' and Victim/Offender Mediation in France', SLSA Annual conference, Manchester Metropolitan University, 15-17 April 1998.**

**Crawford, A., 'Les Maisons de Justice: Lessons from France for Integrating a Victims' Perspective within Criminal Justice?', 'Integrating a Victim Perspective Within Criminal Justice: An International Conference', York, College of Ripon and York, St John, 17/18 July 1998.**

**Goodey, J. (1998) 'Examining the 'White Racist/Black Victim' Stereotype', *International Review of Victimology* 5(3/4): 235-256.**

**Goodey, J. (1998) 'Doing research on 'fear of crime, boys, race and masculinities': utilising a feminist standpoint epistemology', *International Journal of Social Research Methodology* 1(2): 137-151.**

**Goodey, J., 'Children's Fear of Crime - An Overview of Research Findings', Paper presented at the University of Northumbria at Newcastle, 17 March 1998.**

**Goodey, J., 'Examining the White Racist/Black Victim Stereotype', Paper presented to the CCJS, 18 March 1998.**

**Goodey, J., 'Recent Developments for Victims of Crime in Britain: A Comment and A Critique', Paper presented to the World Society of Victimology's Research Committee and visiting scholars on a two week 'Victimology' programme in Dubrovnik, Croatia, 11-14 May, 1998.**

**Wall, D.S., 'Cybercrimes, Cybervictims and Policing the Virtual Community', International Victims Conference, University College of Ripon and York St. John, July 17th 1998.**

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## **D. Seminars, Conferences and Continuing Education**

**CENTRE FOR CRIMINAL JUSTICE STUDIES**

**SEMINAR PROGRAMME 1997/8**

Tuesday 14th October 1997 - 5.30 p.m.:

**Ben Fitzpatrick, Centre for Criminal Justice Studies, University of Leeds.**

*"Postmodernism and Politics in (the Study of) Criminal Justice"*

The paper began by seeking to highlight key themes alleged to be characteristics of the postmodern condition: most particularly, the acute problems caused to the putative grounding of knowledge-claims by the radical problematisation of all aspects of social "reality". The paper attempted to assess the extent to which postmodernism and its attendant methods of analysis could be utilised in the study of criminal justice phenomena. The paper examined the contribution of postmodernism to understandings of the trial process; the death penalty; and the concept of "civil liberties". It was concluded that a postmodern project could lead to a sensitive understanding of the phenomena in question but that context-specific problems could arise in respect of each of them. Thus:

(i) Postmodernism can illustrate the significance of the *image* of the trial - a significance which carries with it the risk of fetishising the *process* at the expense of the delivery of substantive justice. However, postmodernism seems unable to theorise the act of adjudication, any more than is facilitated by a positivist approach. The scrutiny of normative systems impacting on judging is both made possible (though not uniquely) by postmodernism, in that no decision-making process is utterly devoid of contingency and uncertainty; yet also unrealisable in the absence of coherent sets of values drawn from beyond the law, which postmodernism has problems sustaining.

(ii) The death penalty, conceived of as a fundamental human wrong, is difficult to critique from a highly relativised postmodern perspective. This is so in the analysis of both secular and religious legal systems. Postmodernism suggests that any legitimacy possessed by the death penalty must be unstable - a theory based on uncertainty contends that the existence of the death penalty is not possible without the possibility of its absence. However, postmodernism struggles to articulate a grounded and definitive anti-death penalty standpoint.

(iii) It is suggested by postmodernism that the invocation and claiming of civil liberties simultaneously invokes and legitimises the State, by which rights are conferred. While postmodernism draws attention to the contingency of State authority, it has difficulty accommodating the lived experiences of the *denial* of civil liberties, and arguably espouses grandiose theory at the expense of viable pragmatism.

The paper concluded by noting that claiming to be a postmodern academic and taking that which was positive and useful from such a theory was problematic, given the proximity of the criminal justice academy to policy makers and funders, traditionally dependent on empirical research. It was to be hoped that the benefits of postmodern reflexivity continued to be acknowledged where possible, even/especially in the construction of sound criminal justice policy.

Tuesday 4th November 1997 - 5.30 p.m.:

**Dr. George Pavlich, Department of Sociology, University of Auckland**

*"Criminology, Critical Genres and Censuring Governance"*

*In Association with the Northern Branch of the British Society of Criminology*

In its day, the new criminology, and later visions of a critical criminology, soared to prominence on promises of social emancipation and justice. By the late 1990s though, the project of critical thinking in criminology is rather less easy to decipher and may even appear to have lost sight of its founding - critical - mandate. This presentation begins with an account, a genealogy, of how the boundaries between critical criminology and its old administrative rival have been blurred. In particular, it is argued, despite holding a founding mandate to develop a distinctively critical project, early debates in criminology tended to focus on how to define a radical 'criminology' (eg. the notorious 'idealist/realist' debate). This came at the direct expense of a sustained and deliberate analysis of the critical genres, the critical auspices, that might be appropriate to their immediate criminological concerns. Consequently, the very basis upon which the discourse could distinguish itself from other criminological projects (i.e., criticism) was not sufficiently developed. In an attempt at redress, the paper first consider the place of critique in contemporary epistemological horizons through an analysis of the changing ways in which knowledge is legitimated. Here the failing legitimacy of grand emancipatory critical genres is seen in light of Lyotard's analysis of the breakdown of modern metanarratives. This provides a basis from which to consider the possibility of identifying an alternative means of legitimating critical knowledge. The potential value of a legitimisation by paralogy, that stands in direct contrast to dominant technical legitimations, is discussed. Such a legitimating formulation implies critical practices that are quite different from 'normative' or 'foundational' critiques. Foucault's reinterpretation of Kantian critique is offered as a tentative possibility which is best articulated to forms of governance directly associated with censure.

Friday 7th November 1997 - 5.00 p.m.:

**Lord Justice Paul Kennedy.**

*"The Uses of Custody: A Judge's Perspective"*

**The Frank Dawtry Memorial Lecture**

*[See full text in last year's CCJS Annual Report 1996/7]*

Wednesday 19th November 1997 - 1.00 p.m.:

**Clive Norris, Centre for Criminology, University of Hull.**

## *"The Unforgiving Eye: The Reality and Prospects of CCTV Surveillance"*

This paper drew upon research conducted for the ESRC as part of its 'Crime and Social Order' initiative, into issues raised by the growth of CCTV surveillance systems and recently published in two reports (Norris and Armstrong 1997a; 1997b). A significant element of the research fieldwork involved extended observation of the operation of three control rooms, carried out between May 1995 and April 1996. The systems were chosen to reflect the range of city centres schemes. One was in a large, commercial, city centre district, one centred on the market square of a County Town and the third on a busy high street in a run down inner city area. In total 592 hours of monitoring were observed, the equivalent of 74 eight hour shifts. All days of the week were covered, as were early, late and night shifts. On each shift the observer would 'attach' himself to one operative and shadow their work. In total 25 different operatives were shadowed. Full field notes were written up for each shift and they also provided the basis for filling in a quantitative observation schedule. In total this has yielded data on 888 targeted surveillances and includes demographic data on who was surveilled; process data on the reason, duration and intensity of surveillance and outcome data on whether deployment or arrest resulted.

We found that operators use of a set of working rules which guide them in inferring suspicious intent. These rules highlighted the importance of operators' shared assumptions surrounding the assessment of a person's moral character from a limited set of visual clues. These shared assumptions included: common-sense ideas as to the deviant propensity of certain social groups; normative concepts of space; the location of people and events as "out of time and out of place"; a belief in their absolute right to surveil anyone in public space; and a recognition of certain actions as indicative of deceptive intent.

In practice the use of these rules leads to socially differentiated and discriminatory target selection and as a consequence the massive overrepresentation of male, teenage, youth, and the significant overrepresentation of black people as targets for extended surveillance. This over attention was not justified on the basis of outcome as arrest was almost solely confined to white males in their twenties. We also found that authoritative intervention on the basis of what was seen by the cameras was strictly limited. There were only 45 deployments activated by the CCTV systems in 592 hours of observation: an average of less than one per shift, and only 12 incidents resulted in arrest. There was also significant variation between the three sites. Three quarters of deployments and arrests stemmed from one site but this could not be explained by differences in the legal seriousness of what was seen by the operators. The crucial variable was the level of formal and informal integration between the CCTV system and police deployment practice.

The arguments developed in the paper are further elaborated in two reports:

Norris, C. and Armstrong, G. (1997a) *Categories of Control: The Social Construction of Suspicion and Intervention in CCTV Systems*, Hull: Centre for Criminology and Criminal Justice.

Norris, C. and Armstrong, G. (1997b) *The Unforgiving Eye: CCTV Surveillance in Public Space*, Hull: Centre for Criminology and

Criminal Justice.

Tuesday 2nd December 1997 - 5.30 p.m.:

**Adam Crawford, Centre for Criminal Justice Studies, University of Leeds.**

*"Justice de Proximité?: Victim/Offender Mediation and Localised*

*Justice in France"*

This paper will seek to situate and explain the recent growth in France of 'les Maisons de Justice' (Houses of Justice) and victim/offender mediation which they offer. These will be connected to an understanding of the dominant discourse of 'justice de proximité', its dynamics and its place within French politics. The paper will draw upon ESRC funded empirical - observational and interview-based - research conducted in the Lyon and Paris areas over the previous 18 months. The paper will go on to interrogate the implications for the present state of French criminal justice. It will be argued that through the analysis of these 'very unFrench institutions' we can prise open fundamental ambiguities and contradictions at the heart of French legal culture. Thus, the research agenda outlined will seek to shift between an understanding of crime control and culture, so that one can help us to make sense of differences in the other. The paper will conclude by trying to draw out some comparative lessons for England and Wales, particularly in the light of the Government's announcement of its intentions to introduce a 'reparation order' for juvenile offenders in the Crime and Disorder Bill.

Wednesday 11th February 1998 - 1.00 p.m.:

**Professor Kevin Stenson, Buckinghamshire College.**

*"Youth, Fear and Public Space"*

This paper draws on a study of young people's perceptions and uses of public spaces in High Wycombe in SE England, where there is extreme polarisation between the economic conditions and lifestyles of middle class families and those dependent on the declining fortunes of the local furniture and allied industries. 70 white, Afro-Caribbean and Asian young people, who frequented public spaces, were interviewed in depth by ethnically matched interviewers and their behaviour in the town centre observed over several months. There is some evidence to support post modernist claims of mixing across the borderlines of ethnicity among young working class people in a smallish town where conventional ethnic stereotyping is supplemented by personalised knowledge. There is also less marked ethnic segregation than noted by researchers in other parts of the UK, in the areas visited with confidence by minority young people. However, class, neighbourhood and ethnic attachments remained significant. This paper focuses on the narratives of the middle class young people from almost exclusively white neighbourhoods, who, because of separate schooling,

leisure patterns and cultural identification were seen as culturally separate by other groups. Their narratives constructed the townscape as a patchwork of dangerous, fearful zones in which middle class young men developed strategies and tactics to avoid danger which were similar to those of young women more generally. These strategies and tactics helped to reinforce perceptions of them by other young men, which cast doubt on their masculine status as conceived within traditional working class value frameworks.

Wednesday 18th February 1998 - 1.00 p.m.:

**Dr. Jill Enterkin, Centre for Criminal Justice Studies, University of Leeds.**

*"Female Prison Officers in Men's Prisons"*

The policy which allows the posting of main grade prison officers into positions in establishments containing inmates of the opposite-sex was introduced in its present form in 1988 and constitutes the Prison Service's key initiative for compliance with the Sex Discrimination Act of 1975. Based on PhD research which included a review of this policy's development as well as an empirical study of the experiences of both male and female prison officers working in men's prisons under the policy, this paper presented an overview of the history of the Prison Service's cross-posting policy and a discussion of some of the issues emerging from the field study. Analysis revealed that the inappropriately vague direction of the national cross-posting policy has resulted in the local and informal implementation of cross-postings with variation between different institutions. In turn, integration has been strongly influenced by the officer subculture and stereotypes of women in ways that contradict the intent of the law. This paper argued for the imposition of a more rigorous approach to the provision of sexual equality in the prison-based work environment which seeks to minimise exceptions to the anti-discrimination laws by accepting both women and men in all roles with restrictions in their deployment being exceptional.

A fuller version of the paper presented here is published as 'Equal Opportunities and the English Prison Service', *The Howard Journal* (forthcoming).

Tuesday 24th February 1998 - 5.30 p.m.:

**David Wall, Centre for Criminal Justice Studies, University of Leeds**

*"The Appointment of Chief Constables, 1836-1996: A Socio-Legal History"*

This paper drew upon a study of the chief constables who held office between 1836 and 1996 to explore the use of the Home Office circular in shaping policies over the recruitment of chief constables. Labour unrest during the late Nineteenth and early Twentieth centuries, the police strikes of 1916-18, the fear of bolshevism, combined with the bureaucratic inconvenience of dealing with over 180 different organisations, encouraged the Home Office to (re)consider its position over the local control of the

police and seek to increase its influence, which it did. However, in the absence of primary legislation it achieved its aim through quasi-legislation by utilising its ability to frame rules and regulations under the various police acts to determine who police managers would be and by continuing the practice developed during the First World War to direct the police with circulars that offered centrally determined guidance or ideas about best practice.

The arguments developed in the paper are further elaborated in Wall, D.S. (1998) *The Chief Constables of England and Wales: The socio-legal history of a criminal justice elite*, Aldershot: Dartmouth.

Tuesday 3rd March 1998 - 5.30 p.m.:

**Ian Brownlee, Law Department, Sheffield Hallam University.**

***"New Labour, New Penology: Punitive Rhetoric and the Limits of Managerialism in Criminal Justice Policy"***

In his paper Ian Brownlee argued that while New Labour's 'tough' stance on law and order may have proved an electoral advantage, it has spawned a criminal justice policy which is based on fundamental contradictions. The substantive argument was that selective borrowing from Left Realism had provided New Labour with a theoretical justification for adopting 'tough' crime control measures in isolation from effective action on crime's social causes. This development, which the paper argued involves a substantial retreat from traditional socialist thinking on crime, has been accompanied by a continuation of the populist punitive discourse of previous Conservative governments, perpetuating the predominance in policy making of a 'criminology of the other'. The punitive rhetoric sustains a 'punishment deficit' in as much as it fuels expectations among the public that crime can be controlled effectively by a policy of deterrence through punishment. Governments which 'talk up' the problem of law and order and promise tough and effective action on crime while promoting economic policies which increase the conditions under which criminally-oriented choices are made are likely to find that they have created something of a 'black hole' in terms of political credibility into which more and more resources will disappear - a distinct problem for any government which has reduction in public expenditure as part of its economic policy. As a result, perhaps, of this tension, New Labour has persisted with the culture of blaming pathological individuals and dysfunctional families for the persistence of crime, a tactic which merely serves to reinforce the punitive expectations of the general public.

Further, the paper attempted to show that this populist punitiveness is at odds with the other main strand of government penal policy, the attempt to secure greater efficiencies and economies by an intensification of managerialism throughout the criminal justice system. A purely managerialist approach would foster a 'normalisation' strategy towards crime, seeking to play down its impact in order to promote less expensive responses such as diversion from prosecution and the expansion of community based penalties. However, the paper argued that the viability of such an approach has been undermined by the government's exclusive reliance on a

tough, punitive rhetoric which pushes the courts towards 'heavy-end' responses that, in turn, reduce the capacity of even far reaching managerialist initiatives to produce the anticipated efficiency savings.

New Labour in 1997 is just as dependent as earlier Labour governments on the success in crime reduction terms of social and economic policies which are largely untested and which will succeed, if at all, only in the longer term. The paper was critical of the moral basis of those policies because it seems to promote individualism and to relegate collectivism, redistribution and compassion to the periphery in a way that, it is contended, a socialist party should not. It was conceded that without the gift of prophecy, it is impossible to say how successful or otherwise 'tough love' policies like welfare-to-work can be in reducing the inequalities in society. What was more certain was that in the interim continuing to 'talk tough' on crime is a high cost and high risk-strategy for restoring public confidence in the law and once embarked upon, the political costs of withdrawing from tough policies are so high that few politicians will wish to pay them. Ultimately, the paper asserted, the evidence from this country and elsewhere suggests strongly that the public will never be satisfied with tougher new regimes unless widespread misperceptions about leniency in sentencing are challenged and changed. Unless they are, rehabilitation will continue to be the sentencing objective that dare not speak its name. But, it was concluded, the very fact that the government's punitive rhetoric has been able to countermand the economic imperatives of the new penology in one direction suggests that there is nothing inevitable about either the managerialist approach or the end of rehabilitation which it seems to imply. New, more constructive approaches can be installed if the political will is there.

The full paper presented here is published in the *Journal of Law and Society*, 1998, Vol. 25, No. 3, pp. 313-35.

Tuesday 10th March 1998 - 5.30 p.m.:

**Professor Mick Ryan, Department of Law, University of Greenwich.**

*"Deaths in Police and Prison Custody: The Politics and  
Language of Culpability"*

Investigating deaths in prison, police and psychiatric custody is a highly political business. In the first place, families and friends want honest answers to questions about why the death has occurred and whether or not it could have been prevented. Was it caused by neglect, incompetence or even occasioned by the unlawful use of force?

The authorities on the other hand, are anxious to demonstrate that what has happened, whether it be a suicide or a death that occurred during a violent struggle, was not the result of malpractice or brutality; that they - police, prison officers and those who guard the criminally insane - respect the rights of those held in custody; they wish to reaffirm that we do not operate Gulags in the West.

The problem is that apportioning responsibility for such deaths is difficult. Families or friends at the inquest into such deaths are denied legal aid, and the refusal of the authorities to grant full disclosure makes getting at the truth doubly difficult. But even more astonishing to the families is that even when faced with an inquest verdict of "unlawful killing" the DPP rarely institutes criminal proceedings against those involved, or the PCA set in motion disciplinary measures.

This has led organisations like INQUEST and the Institute of Race Relations to call for widespread reforms. Mick Ryan outlined some of these proposals during his presentation and made reference to several cases which had been the subject of successful judicial reviews by some of the families concerned, notably those of Richard O'Brian and Shiji Lapite.

Wednesday 18th March 1998 - 1.00 p.m.:

**Dr. Jo Goodey, Centre for Criminal Justice Studies, University of Leeds.**

*"Examining the White Racist/Black Victim Stereotype"*

This session was based on Jo Goodey's Nuffield funded research on 'The Impact of Race and Racism on Boys' Fear of Crime'. The session dealt with a number of interesting and contentious research findings which were unearthed during the course of Dr. Goodey's fieldwork and which question commonly held stereotypes regarding the nature of racism. Referring to racism as one aspect of the more uglier expressions of exaggerated masculinity, the session related fieldwork findings from research on race and racism with boys and young men from white and ethnic minority backgrounds in working class neighbourhoods of Sheffield and Bradford. With examples from transcribed interview sessions, Dr. Goodey was able to illustrate the complex and diverse nature of racism as experienced by victim and offender; with the point being made that victim and offender can be one and the same person. As much of the fieldwork was conducted with Asian males of Pakistani origin, the session developed the theme of an apparent 'new' Asian male assertiveness which can be interpreted by white groups as aggression and/or racism against white people. This idea was placed in the context of relative 'power and powerlessness' which is afforded to one group over another. Hence, one has to interpret the 'power' position of individual males or groups of males with respect to their race, class, age and masculinity. Apparent 'racism' has to be understood in its social and political context and what might, at first, appear as the racially bound actions of one group can, in fact, be more easily understood as the aggressive actions of young men (in this case ethnic minority young men) who are suffering the deprivations of their class; unemployment, status frustration etc. The session began and ended on a note of caution with regard to any idea of inverting the stereotype and the reality of the white racist/black victim stereotype.

The full version of the paper presented here is published in the *International Review of Victimology*, 1998, 5, 235-56.

Wednesday 27th May 1998 - 1.00 p.m.:

**Dr. Adam Crawford, Centre for Criminal Justice Studies, University of Leeds.**

*"The Crime and Disorder Bill: Implications for Community Safety,*

*Crime Prevention and Social Exclusion"*

This paper will sketch out some recent developments in community safety and crime prevention and relate these to key proposals set out in the Crime and Disorder Bill. It will connect these to the increasing influence of 'communitarian' thought and the assertion that the best forms of crime prevention involve the reinvigoration of communal social control. It will consider these in the context of: first, the increasing responsabilisation of the public for crime control; second, the increasing social and spatial polarisation and concentration of poverty and wealth; and third, the commodification of security with the growing role of the private sector in the 'crime prevention industry'. It will be argued that there is much confusion as to how 'communities' can contribute to the construction of social order and that crime may be the least appropriate vehicle around which to construct open and tolerant communities. Those who champion community safety and communitarianism may be injecting, albeit unwittingly, a pernicious new dynamic into strained social relations as the boundaries of 'community' are increasingly constructed around 'defensive exclusivity'. Within the dynamics of crime prevention and appeals to 'community' there is a danger that 'security differentials' become defining characteristics of wealth, power and status. For community safety to hold back the dynamics of social exclusion it needs to be located within a wider public polity which engenders a reintegrative focus. Such a polity will need to address the real transformations in social relations and spatial polarisation through regional and city-wide strategies, seek to reinvigorate public spaces, render community safety partnerships accountable and regulate the 'out of control' private security industry.

A more extensive version of the paper presented here is published in *Policy Studies*, 1998, a Special Edition edited by Bottomley, A.K. and Johnstone, G., on 'Labour's Crime Policy Examined'.

Wednesday 3rd June 1998 - 1.00 p.m.:

**Kuk Cho, Visiting Scholar, Centre for Criminal Justice Studies.**

*"The Japanese 'Prosecutorial Justice' and Its Exclusionary Rule"*

The Japanese criminal justice system has often drawn admiring attention from the West because of its lower crime rate and higher clearance rate in comparison with other industrial countries. It is also observed as 'benevolent' due to the lenient disposition of trivial crimes by police, routine suspension of prosecution, suspended sentences and short sentences in trials. Japanese police have been praised for having rare problems of corruption and brutality and receive support and co-operation from the public.

Despite the praise from the West, however, this 'heaven for a cop' has its own dark side. Despite post-war shifts in the structure of the Japanese criminal justice system accompanying constitutional change to aim at de-inquisitorialisation of criminal justice, lower legislation and police practice substantially restrict the constitutional request and systematically guarantee dominance of prosecution over individual rights at each stage of the criminal justice process.

First, criminal suspects are subject to a very lengthy pre-indictment detention and interrogation periods. In the case of a valid arrest pursuant to a warrant under the CCP, the law enforcement authorities have up to 23 days to detain a suspect before they must institute prosecution. Japanese police also can extend the detention of the arrestee by using 'voluntary accompaniment' (nin'i doko) and 'arrest on separate crimes' (bekken taiho). Second, the right to silence is overshadowed by Article 198(1) of the Code of Criminal Procedure, which is interpreted to impose a 'duty to submit to questioning' (torishirabe junin gimu) on suspects who are under arrest or detention. Third, court-appointed counsel is available only for the accused persons (hikokunin) after indictment, suspects (higisha) before prosecution are not entitled to the right to counsel. The 'prosecutorial designation' system substantially restricts the right to counsel as well.

The Japanese Supreme Court has not been active in protecting the suspects' and accused persons' constitutional procedural rights. While it declares to acknowledge the exclusionary rule in principle, it has been very reluctant to take it seriously in practice. Under these circumstances, the imbalance between the powers of individuals and those of the law enforcement authority which heavily favours the latter has been stabilised and institutionalised in the Japanese criminal justice system.

The full version of the paper presented here is published in the *Columbia Journal of Asian Law*, 1998.

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## **CENTRE FOR CRIMINAL JUSTICE** **STUDIES CONFERENCES**

### **International Conference in York**

#### **'Integrating a Victim Perspective within Criminal Justice'**

**17/18 July 1998**



On 17 and 18 July 1998 the Centre for Criminal Justice Studies held an international conference in York on the subject of 'Integrating a Victim Perspective within Criminal Justice'. The conference took place in the University

affiliated College of Ripon and York, St. John. York provided an ancient and beautiful setting for what proved to be two days of intense discussion and debate concerning the integration of victims into the criminal justice system. Over 130 delegates from as far afield as New Zealand, Israel and South Africa attended the conference and presented over 50 papers. The conference attracted a balance of academics, policy makers and practitioners which facilitated the organisation of up to five parallel workshop and paper sessions at any one time dedicated to specific topics such as 'Restitution and Reparation for Victims', 'Comparative Mediation' and 'Children as Victims/Witnesses'. Plenary papers were presented by Jan Van Dijk (Dutch Ministry of Justice), Andrew Ashworth (University of Oxford), Edna Erez (Kent State University, USA) and Leslie Sebba (Hebrew University of Jerusalem), Renée Zauberman (CESDIP, France), Helen Reeves (Director of Victim Support UK), Joanna Shapland (University of Sheffield) and David Miers (University of Cardiff). The plenary papers, along with selected keynote papers, will be published by Dartmouth/Ashgate in a book edited by the conference organisers; Dr. Adam Crawford and Dr. Joanna Goodey. The conference will also result in a special edition of the *International Review of Victimology* based on refereed conference papers. These forthcoming publications testify to the wealth of academic and practitioner interest concerning the practice, promise and problems of integrating victims into the criminal justice system.

Unlike the broad based remit of the International Victimology Symposiums which are the mainstay for international debates on 'victims', the York conference was able to steer papers and debates towards the more narrowly defined agenda of victims in the criminal justice system. Conference delegates were able to develop research ideas and exchange good practice initiatives with a global group of similarly interested individuals. From the reports which filtered back from various people attending workshop and paper sessions, the conference appears to have been a resounding success as sessions were generally both lively and intellectually stimulating. The balance of academic researchers alongside practitioners from the police through to representatives of victim support, insured that presentations of practice initiatives and research ideas did not go unchallenged by the various parties which are concerned for and work with victims. Sessions provided an opening for constructive critique of initiatives in light of transferable strategies from one jurisdiction to the next.

A number of themes emerged over the two days. Among them was the extent to which the victim has been constructed as a 'consumer' of criminal justice services from the police through to the courtroom. Similarly, a number of sessions on the role of victims in traditionally offender based agencies, such as probation, raised issues concerning the desirability and applicability of certain victim initiatives, particularly within common law jurisdictions. A large contingent of British delegates made reference to developments in victim provision since the UK's second Victim's Charter and the impact of other initiatives, such as 'restorative conferencing', in consideration of the Labour government's new Crime and Disorder Act. The conference also illustrated the fact that many debates concerning victims are now well established and at the heart of discussions on criminal justice developments in many countries; for example, the use of victim statements, the role and place of mediation, and the implications of restorative justice for victim, offender and 'traditional' criminal justice. Having said that, the conference, like so many conferences, was not able to account for victim and practitioner experiences in much of the developing world. The



## THE RENEWAL OF CRIMINAL JUSTICE?

Centre  
for  
Criminal Justice  
Studies

**TENTH**  
**ANNIVERSARY**  
**CONFERENCE**



**New Labour's  
Policies in  
Perspective**

**Tuesday  
22 September  
1998**

**University  
of  
Leeds**

conference tended to reflect the experience of those countries which are most 'advanced' when it comes to putting victims centre-stage in criminal justice; however, when listening to people's accounts from Norway through to the United States, the resounding message was that the victim's place in criminal justice still has a long way to go before Victimology can be accurately charged with having pushed the scales of justice too far in favour of the victim.

In summary, most people seemed to have found the conference both worthwhile and enjoyable and the conference organisers would like to thank all of those who participated to make the conference the success it was. Abstracts of all the papers presented together with the conference programme are to be found in [Appendix 4](#).

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### **National Conference in Leeds**

#### **The Renewal of Criminal Justice? New Labour's Policies in Perspective**

**22 September 1998**

In order to mark the tenth anniversary of the Centre for Criminal Justice Studies a one-day conference was organised with the specific purpose of reflecting upon and analysing the new Labour government's policies in the field of criminal justice. Some 130 delegates attended the conference and heard from keynote speakers including Right Hon. Jack Straw, Home Secretary; Geoff Hoon M.P., Parliamentary Secretary at the Lord Chancellor's Department; Ben Emmerson, Barrister and editor of the *European Human Rights Law Review*; David Jessel, Journalist; John Abbott, Director General, National Criminal Intelligence Service; Rob Allen, Director of Projects, Policy and Research at NACRO and Kier Starmer, Barrister.

The conference was divided broadly into two sections. In the morning the focus of the speakers' presentations was directed at reforms to the courts and court processes, in particular the potential impact of the incorporation of the European Convention on Human Rights by means of the Human Rights Act. The afternoon sessions concentrated largely upon issues of policing and community safety, in particular the impact of the Crime and Disorder Act which received Royal Assent in July 1998. Delegates contributed to lively discussions to which each presentation gave rise.

The full conference proceeding including all the papers presented can be purchased from the Centre for Criminal Justice Studies for £8 inc. p&p. See [Appendix 4](#) for abstracts of the papers.

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## **Magistrates' and Court Clerks Training, 1998-9**

### ***Annual Court Clerks Conference, Scarborough, 9/10 January 1998 (residential):***

About 80 Magistrates' Clerks from all over the North of England attended the Annual Court Clerks Conference in Scarborough at the beginning of January 1998. The programme included specialist workshops combined with plenary lectures. Highlight of the course was a lecture by Professor Clarkson (University of Leicester) on "Recent Developments in Criminal Law". The conference was organised and directed by Peter Seago in his capacity of Chair of the University Magistrates' Training Committee.

### ***New Magistrates Conference, Leeds***

The University ran the usual basic courses for new magistrates. This involves a two day course at the end of both their first and second years. These courses are fairly tutor intensive and have to be restricted to about 30 magistrates per course. This means that each course has to be run three times a year.

Peter Seago is Chair of the Yorkshire Regional Training Committee, the body which oversees the training of magistrates in North and West Yorkshire.

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## ***Forthcoming Conferences:***

### **CYBERSPACE 1999: Crime, Criminal Justice and the Internet**

#### **Annual Conference of the British and Irish Legal Technology**

#### **Association (BILETA)**

**College of Ripon and St John, York, 29-30 March 1999**

Hosted by the Cyberlaw Research Unit, Centre for Criminal Justice Studies, University of Leeds.

#### ***CALL FOR PAPERS***

We invite the submission of abstracts of between 150 and 200 words as soon as possible, but no later than Friday, December 18th 1998. The proceedings of this conference will be published, so the finished papers should be submitted by March 5th. Further details can be found at:

<http://www.leeds.ac.uk/law/BILETA99/homepage.htm>

And also at <http://www.bileta.ac.uk/>

Contact David Wall, Centre for Criminal Justice Studies,

TEL: 44 (0)113 233 5023  
FAX: 44 (0)113 233 5056  
EMAIL [law6dw@leeds.ac.uk](mailto:law6dw@leeds.ac.uk)

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## **APPENDIX 1**

### **CONSTITUTION OF THE CENTRE FOR CRIMINAL JUSTICE STUDIES**

**(as amended, 1 May 1997)**

#### **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 Department 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 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 Department 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 Department of Law (ex officio), the Chair of the Advisory Committee (ex officio), and up to six others who shall be appointed by the Director, Deputy Director and Head of the Department 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 Department 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 Department 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**

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

## **APPENDIX 2**

### **MEMBERSHIP OF THE CENTRE**

## **1. Executive Committee**

Professor Clive Walker (Director)

Dr Adam Crawford (Deputy Director)

Dr David Wall (Deputy Director)

Mr Peter Seago (Chair of the Advisory Committee)

Professor Sally Wheeler (ex officio Head of Department of Law)

Mr Paul Eden

Mr Ben Fitzpatrick

Ms Clare Furniss

Dr Jo Goodey

Mr Alan Reed

## **2. Advisory Committee**

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Mr R Daly

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Professor Michael Green (University of Sheffield)

Mr Colin Grimshaw JP (Police Authority of West Yorkshire)

Mr Keith Hellowell

Mrs Penelope Hewitt (Stipendiary Magistrate)

Mr Richard Holland (Chief Executive, Leeds Magistrates' Courts)

Professor Edgar Jenkins (University of Leeds)

Emeritus Professor Norman Jepson

His Honour Judge Geoffrey Kamil

Lord Justice Paul Kennedy

Mr Geoff Kenure (West Yorkshire Probation Service)

Mr K Lawrence (West Yorkshire Police)

Mr Peter McCormick (Solicitor)

Miss Anne E. Mace (Chief Officer, West Yorkshire Probation Service)

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## **APPENDIX 3**

### **SEMINAR PROGRAMME FOR 1998-99**

## ***TERM ONE 1998/9***

*Seminars will be held in the Brian Hogan Seminar Room, Law Annexe, 21 Lyddon Terrace. For further information contact Adam Crawford ☎(0113) 2335045.*

Wednesday 28th October 1998 - 1.00 p.m.:

*"Policing Masculinities: A View from the Street"*

*Louise Westmarland, Department of Criminology,*

*University of Teeside*

Tuesday 1st December 1998 - 5.30 p.m.:

*"Workplace Illicit Drug Testing: Some Notes on Justice,*

*Regulation, Surveillance and Social Control"*

*Peter Francis, Criminology Division, University of Northumbria*

*at Newcastle*

Tuesday 8th December 1998 - 6.00 p.m.:

**In Association with the North Eastern Branch of the British Society of  
Criminology**

*"The Evaluation of Crime Prevention and Community Safety"*

*Professor Nick Tilley, Sociology Department, Nottingham Trent  
University & Home Office Police Research Group*

## **Forthcoming in Semester Two:**

**Professor Richard Ericson, Green College, University of British Columbia,  
Canada**

*Policing the Risk Society*

**Professor Tim Newburn, Goldsmith' College, University of London**

*'Private Policing'*

**Penny Fraser**, Research and Development Officer, NACRO

*"Crime Prevention and Neighbourhood Change: The Burley, Hyde Park Area of Leeds"*

**Dr Ben Bowling**, Institute of Criminology, University of Cambridge

*'Violent Racism'*

**Nick Taylor**, Centre for Criminal Justice Studies, University of Leeds

*"Surveillance"*

**Dr Adam Crawford and Dr Jill Enterkin**, Centre for Criminal Justice Studies  
*'Victim Contact Work and the Probation Service'*

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## **APPENDIX 4**

### **CONFERENCE PROCEEDINGS**

*Integrating a Victim Perspective within Criminal Justice:*

*An International Conference*

17/18 July 1998

University College of Ripon & York St John

### **CONFERENCE PROGRAMME**

**Many of these papers will be appearing in**

**Crawford and Goodey (eds.), *Integrating a Victim Perspective within Criminal Justice* (Dartmouth Press, 1999)**

**and also in a special forthcoming edition of the**

## ***International Review of Victimology***

**Adam Crawford**, *University of Leeds*, 'Les Maisons de Justice: Lessons from France for Integrating a Victims' Perspective within Criminal Justice?'

**Adrian Bell and Ged Mahoney**, *Northamptonshire Diversion Units*, 'The Northamptonshire Diversion Units Approach to Offence Resolution'

**Alberto Costi**, *Central European University, Budapest, Hungary*, 'Integrating a Victim Perspective: A Review of the Draft Statute of the International Criminal Court'

**Allison Morris**, *Victoria University of Wellington, New Zealand*, 'Restorative Justice in New Zealand: Family Group Conferences - A Case Study'

**Amanda Wade**, *Department of Sociology and Social Policy, University of Leeds*, 'Child Witness Reform and the Image of the Child'

**Andrew Ashworth**, *All Souls College, Oxford University*, 'Victims' Rights, Defendants' Rights and Criminal Procedure'

**Andrew Sanders, Carolyn Hoyle, Ed Cape and Rod Morgan**, *University of Bristol*, 'Bringing Victims and Courts Closer Together: An Evaluation of Two Victims' Charter Initiatives'

**Barbara Tudor**, *West Midlands Probation Service and ACOP Working with Victims Network*, 'Developing a Victims' Perspective in Practice'

**Bertus Ferreira**, *Criminal Justice Department, Washburn University, USA*, 'Societal Benefits of Victim Restitution in Cases of Non-Violent Property Crimes'

**Brian Williams**, *De Montfort University*, 'Rural Crime Victims: A Neglected Minority? The Role for Probation and Voluntary Agencies'

**Carol Brennan**, *Law Department, Oxford Brookes University*, 'Victims and Sentencing: A Question of Balance?'

**Carolyn Hoyle**, *Centre for Criminological Research, Oxford University*, 'Pro-arrest Policies and Victim Empowerment in Domestic Violence Cases'

**Claire Shepherd**, *Co-ordinator, HALT Domestic Violence Project, Leeds*, 'HALT Domestic Violence: An Approach to Supporting Women and their Children Through the Civil and Criminal Justice Systems'

**David Bruce**, *Centre for the Study of Violence and Reconciliation, South Africa*, 'The Police, Victims and the Criminal Justice Process: An Integrated Approach'

**David Miers**, *Cardiff Law School, University of Wales*, 'Taking the Law into their Own Hands: Victims as Offenders'

**David O'Mahony** and **Katie Quinn**, *Queen's University Belfast*, 'The Victim's Perspective: Fear of Crime and Locale'

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**Jack Straw**

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**APPENDIX 3**

**SEMINAR PROGRAMME FOR 1998-99**

*TERM ONE 1998/9*

*Seminars will be held in the Brian Hogan Seminar Room, Law Annexe, 21 Lyddon Terrace. For further information contact Adam Crawford ☎(0113) 2335045.*

Wednesday 28th October 1998 - 1.00 p.m.:

*"Policing Masculinities: A View from the Street"*

*Louise Westmarland, Department of Criminology,*

*University of Teeside*

Tuesday 1st December 1998 - 5.30 p.m.:

*"Workplace Illicit Drug Testing: Some Notes on Justice,*

*Regulation, Surveillance and Social Control"*

*Peter Francis, Criminology Division, University of Northumbria*

*at Newcastle*

Tuesday 8th December 1998 - 6.00 p.m.:

**In Association with the North Eastern Branch of the British Society of  
Criminology**

*"The Evaluation of Crime Prevention and Community Safety"*

*Professor Nick Tilley, Sociology Department, Nottingham Trent  
University & Home Office Police Research Group*

## **Forthcoming in Semester Two:**

**Professor Richard Ericson, Green College, University of British Columbia,  
Canada**

*Policing the Risk Society*

**Professor Tim Newburn, Goldsmith' College, University of London**

*'Private Policing'*

**Penny Fraser, Research and Development Officer, NACRO**

*"Crime Prevention and Neighbourhood Change: The Burley, Hyde Park Area of  
Leeds"*

**Dr Ben Bowling, Institute of Criminology, University of Cambridge**

*'Violent Racism'*

**Nick Taylor, Centre for Criminal Justice Studies, University of Leeds**

*"Surveillance"*

**Dr Adam Crawford and Dr Jill Enterkin, Centre for Criminal Justice Studies  
'Victim Contact Work and the Probation Service'**

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## **APPENDIX 4**

### **CONFERENCE PROCEEDINGS**

*Integrating a Victim Perspective within Criminal  
Justice:*

# *An International Conference*

17/18 July 1998

University College of Ripon & York St John

## **CONFERENCE PROGRAMME**

**Many of these papers will be appearing in**

**Crawford and Goodey (eds.), *Integrating a Victim Perspective within Criminal Justice* (Dartmouth Press, 1999)**

**and also in a special forthcoming edition of the**

***International Review of Victimology***

**Adam Crawford**, *University of Leeds*, 'Les Maisons de Justice: Lessons from France for Integrating a Victims' Perspective within Criminal Justice?'

**Adrian Bell and Ged Mahoney**, *Northamptonshire Diversion Units*, 'The Northamptonshire Diversion Units Approach to Offence Resolution'

**Alberto Costi**, *Central European University, Budapest, Hungary*, 'Integrating a Victim Perspective: A Review of the Draft Statute of the International Criminal Court'

**Allison Morris**, *Victoria University of Wellington, New Zealand*, 'Restorative Justice in New Zealand: Family Group Conferences - A Case Study'

**Amanda Wade**, *Department of Sociology and Social Policy, University of Leeds*, 'Child Witness Reform and the Image of the Child'

**Andrew Ashworth**, *All Souls College, Oxford University*, 'Victims' Rights, Defendants' Rights and Criminal Procedure'

**Andrew Sanders, Carolyn Hoyle, Ed Cape and Rod Morgan**, *University of Bristol*, 'Bringing Victims and Courts Closer Together: An Evaluation of Two Victims' Charter Initiatives'

**Barbara Tudor**, *West Midlands Probation Service and ACOB*, *Working with Victims Network*, 'Developing a Victims' Perspective in Practice'

**Bertus Ferreira**, *Criminal Justice Department, Washburn University, USA*, 'Societal Benefits of Victim Restitution in Cases of Non-Violent Property Crimes'

**Brian Williams**, *De Montfort University*, 'Rural Crime Victims: A Neglected Minority? The Role for Probation and Voluntary Agencies'

**Carol Brennan**, *Law Department, Oxford Brookes University*, 'Victims and Sentencing: A Question of Balance?'

**Carolyn Hoyle**, *Centre for Criminological Research, Oxford University*, 'Pro-arrest Policies and Victim Empowerment in Domestic Violence Cases'

**Claire Shepherd**, *Co-ordinator, HALT Domestic Violence Project, Leeds*, 'HALT Domestic Violence: An Approach to Supporting Women and their Children Through the Civil and Criminal Justice Systems'

**David Bruce**, *Centre for the Study of Violence and Reconciliation, South Africa*, 'The Police, Victims and the Criminal Justice Process: An Integrated Approach'

**David Miers**, *Cardiff Law School, University of Wales*, 'Taking the Law into their Own Hands: Victims as Offenders'

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**APPENDIX 5**

**WORKING PAPERS**

**‘The Role of Chief Constables in a Corporate Police Service’**

*David S. Wall,*

*Centre for Criminal Justice Studies*

**Adapted from Wall, D.S. (1998) *The Chief Constables of England and Wales:***

***The Social History of a Criminal Justice Elite, Aldershot: Dartmouth.***

As Jack Straw’s working group on the appointment of chief police officers considers the breadth of training in public sector management that chief constables should

receive, let us reflect upon the fact that it was not so far back in the history of the police that the big issue of the day was not training but whether or not chief constables should actually have previously been serving police officers. In fact it was as recent as the late 1960s that the last of the externally appointed chief constables retired from the police service.

This article looks at how chief constables came to be drawn from within the police service, especially at the role of the *Police Review*. It then briefly considers the merits and demerits of the present system against the backdrop of future developments in the police service.

Until the middle of this century, even later some would argue, police management was not the science that it is today. In fact, it was rather a hit and miss affair. We have to remember that from their introduction in the early nineteenth century, the (provincial borough and county) police forces were not only locally controlled, but this principle of local control remained unchanged until after the First World War. This was a period when the management of the police was a very local and amateurish affair. In fact the chief constables were themselves little more than 'gifted amateurs', and in many cases not so gifted. The fifty-five or so county chief constables tended to be ex-military officers whilst many, but by no means all, of the 120 or so borough chiefs tended to be police officers. What the two groups of police chiefs had in common was the fact that they were not so much appointed for their management abilities as their personal trustworthiness. The county chiefs were appointed mainly because they shared a similar social position and outlook to the county police authority, and the borough chiefs because they would do what the watch committee would instruct them to do. Such considerations are reflected in their inclusion in *Who's Who* or other contemporary elite directories. They were included because of who rather than what they were. In 1906, for example, 82 per cent of county chief constables in office that year had an entry, compared with 6 per cent of borough chiefs.

In 1919, the *Committee on the Police Service of England, Wales and Scotland* (the Desborough Committee), recommended that the borough and county police authorities should only appoint individuals with previous police experience as chief officers. This policy of internal recruitment, which became Regulation 9 of the Home Secretary's rules under the Police Act 1919, was not only very controversial and was contested by the local authorities who felt that their independence was threatened, but it also symbolised a shift in attitude towards the police by the Home Office. What was also interesting about this policy was that it was the product of pressures from a number of important, but different, sources.

On the one hand the labour unrest of the late 19th and early 20th centuries, the Police Strikes of 1916 & 18, the fear of Bolshevism, combined with the bureaucratic inconvenience of dealing with 180 or so individual organisations, encouraged the Home Office to re-consider its position over the police. It had previously tended to sit on the fence.

On the other hand, these wider issues were underpinned by a mood change within the police themselves, and one of the key players in the development of this change was the *Police Review*.

So, following Regulation 9, the provincial chief constables tended to be appointed more for their abilities to command a police force (N.B. the concept of management was introduced more recently). However, the county authorities sought to undermine Home Office policy by appointing former colonial police officers who slipped under the radar. Not only did these individuals satisfy regulation 9, but they were often of a similar (social) ilk as their predecessors. This pattern of resistance continued even after the Home Secretary's powers over the police were greatly increased by the Emergency Powers (Defence) Act 1939. Consequently, since the Second World War, all chief constables have subsequently been police officers with service in the various UK forces, although during the post-war years the county police authorities did recruit the (socially desirable) graduates of Lord Trenchard's short-lived officer class scheme for the Metropolitan Police.

Since the 1920s a major problem for the police service has been to maintain a supply of police managers from within. Various schemes have subsequently been suggested, including externally recruiting other public sector, even army personnel. However, the most successful scheme to date has been to identify and train potential senior police managers within the police service.

To bring about this scheme, the national police college was formed in 1948, and in 1960, moved location and became the Police Staff College at Bramshill. The broad function of this college was to educate potential senior officers, for their residual levels of education were fairly basic, and then train them for command.

Today, the emphasis tends to be upon training for command rather than education. Since 1993, this training has been the responsibility of National Police Training. The main vehicles for the training of chief constables are the advanced promotion (ex-special) and strategic (ex-senior) command courses. And it is these vehicles that will come under renewed scrutiny, particularly as it has been argued that they should contain more broader training in public sector management. Although, many chief constables do already attend a variety of military and civil public sector management courses.

Two interesting observations emerge from the preceding analysis. The first is that, for the near future at least, it is desirable that chief constables should remain as serving police officers. At present, for example, chief constables are indeed the chief constable of their force in so far as they can perform all of the functions of a sworn constable which includes investigations of other chief constables. In addition, there currently exists important structures of formal and also informal accountabilities which might be lost were the chiefs to be appointed from outside the police service. Furthermore, the impact upon force morale should not be undervalued, especially the symbolic possibility for a constable to rise to the top. Following on from this, it is necessary for chiefs to be able to recognise the complexities and contradictions of police work, and therefore to be able manage the concomitant complexities of the police organisation. Finally there is the closed nature of the police and the perceived possibilities for corruption that can arise from prior commercial relations (it must be pointed out at this stage that the police service currently externally recruits professionally trained specialists at various levels of police management up to, and including, ACPO equivalent).

The second point is that the long selection process which today's chief constables now go through provides us with a system that tends to filter out the more radical traits that potential chief constables might otherwise possess. Over two thirds of today's chief constables are graduates of the special (now advanced promotion) course. In other words, they were identified as potential senior material at a very early point in their police careers. In this they contrast with their predecessors, a decade or more ago, who had to make their own way through the ranks. To put it bluntly, the present system provides some protection against potential radicalism of what ever complexion, whilst also acknowledging that a major function of the chief constable, in addition to managing law enforcement, is also to manage its public appearance. Of course the price one pays for this protection is, to paraphrase a former HMIC, that it also tends to prevent the selection of visionaries.

Importantly, we must not forget that the present system, introduced during the 1960s, is really only starting to get up to speed, for it takes chief constables about 30 years to rise through the various ranks. Furthermore we also must not forget that the system of training chief constables was considerably revised during the early 1990s following the reports of the Home Affairs Select Committee and also the Audit Commission. The point I am trying to make here is that the present system of training senior police officers may well need some revising, particularly with regard to common training programmes across comparable strands of public sector management, in order to encourage partnerships. However, in the current climate of big bang decisions and radical administrative surgery there is the distinct danger of throwing the baby out with the bath water. At least the present system contains a coherent logic which serves the peculiar position of the police in this country, certainly for the next few years.

But what about the future? It is likely that two major changes will occur during the forthcoming decades. The first is that we will have an increasingly corporate police with fewer but larger forces, possibly organised along the lines of the regional crime squad areas. We already have under the Police Act 1997 a *de jure* basis for a national police force, even if its practical reality lags behind.

This increasing corporatism will be assisted by two further developments, the first, is the recent restructuring of ACPO and the principle of compliance and the second is the changing nature of the traditional bond between the police and their locality. Especially since the gradual restructuring of the police authorities since the mid-1980s, which formally divorced them from the structure of local government, reduced their size and also introduced independent members.

The second is the changing nature of policing, which has become multi-tiered. At one level the Home Office funded police are having to satisfy demands for, and deliver, a more specialised and resource focused service style of policing. At another level, the gap left by this approach is being filled by watchmen, whether employed by private security firms or local authorities. It is, therefore, not inconceivable that the Home Office funded police will eventually take on a role which oversees the function of these watchmen. Afterall, it will be the successful partnership between the two that will become the key to quality police services in the future.

Consequently, and to conclude, we may see a radical transformation in the role of the chief officer from being a chief executive to becoming the director of local or regional

police services. Which seriously raises the question as to whether the police service will then be the best pool of recruitment for police chiefs of the future. This development is, perhaps, similar to developments that took place in the health and other public sector services. And the health service provides an interesting practical model here, because whilst recruitment for the most senior managers was opened up to suitably qualified applicants from outside the sector, most appointees tended to be appointed from within the service, although from the administrative rather than practitioner/ professional grades.

## **‘Community Safety Partnerships: Managerialist Tensions and Threats’**

**Dr. Adam Crawford,**

**Centre for Criminal Justice Studies**

Also published in *Criminal Justice Matters*, Vol. 33, pp. 4-5

The Crime and Disorder Act 1998 begins a long-overdue recognition that the levers and causes of crime lie far from the traditional reach of the criminal justice system. The new statutory duty on local authorities and the police to establish and promote community safety partnerships and to put in place crime and disorder strategies, represents an acknowledgement of the need for social responses to crime which reflect the nature of the phenomenon itself and its multiple aetiology. Rightly, many commentators have recognised this as the single most important aspect of the legislation. The partnerships which will be spawned and reconfigured by the new duty potentially allow a fundamental shift in the way we govern crime and its prevention. Youth offending teams and other proposals such as the joint local approaches to truancy (s. 16) embody a similarly laudable ‘partnership’ logic. These new community safety partnerships, in particular, afford the potential to encourage a stronger and more participatory civil society and challenge many of the modernist assumptions about professional expertise, specialisation, state paternalism and monopoly. They also offer a fertile soil in which a more progressive criminal justice policy which turns away from the ‘punitive populism’ of recent years could begin to establish itself and flourish.

However, such optimism must be tempered by a heavy dose of realism. No additional funds are attached to the new duty. Despite the government’s Comprehensive Spending Review’s commitments, there lacks a significant redistribution of resources by government away from punitive responses and into poorer communities. Hence, inter-agency conflicts over resources will bedevil and stymie many partnerships, exacerbated by the absence of joint investment plans or pooled community safety budgets. Moreover, partnerships will have to operate in an environment of growing social fragmentation and polarisation, in which crime and victimisation are increasingly concentrated both socially and spatially. Given the commodification of security and the growth of an ‘anxiety market’, ‘security differentials’ are becoming significant characteristics of wealth and status (Crawford 1997). Partnerships will also have to contend with the powerful exclusionary dynamics which pervade much community safety practice, whereby communities solidify around ‘defended

exclusivity'. This is particularly notable in strategies which involve the use of CCTV cameras, neighbourhood watch, private patrols, regulated entry/access technology and other preventive initiatives which conform to 'defensible space' or 'broken windows' approaches. In this context, crime may not be the best vehicle around which to foster open and tolerant communities as the mainstay of civil society, given its tendency to bifurcate 'acceptable' and 'unacceptable' people or behaviour and the strong emotions that it arouses. These concerns have largely been ignored by the government's unwillingness to address the issue of social exclusion in community safety with clear and unambiguous advice and direction. In its 'Guidance on Statutory Crime and Disorder Partnerships' (published soon after the Act received Royal Assent) the government preferred to leave local partnerships to decide the content of strategies. It declared that 'within reason, nothing is ruled out and nothing is ruled in' (para. 1.43).

Moreover, the ability of government and local partnerships to realise some of the good intentions which underlie the legislative proposals will be called into question by fundamental tensions between the logic of managerialism and the notion of genuine 'partnerships'. The proposals for the community safety partnerships, in keeping with recent policy reforms, are infused with a managerialist philosophy which is both output-fixated and driven by performance measurement. Partnerships are required to produce a joint crime audit and publish a 'community safety strategy'. Initial strategies need to be in place by April 1999. Considerable emphasis is placed upon the audit process, measuring performance by results set against clear targets and pre-specified indicators. This connects with wider managerialist reforms which have sought to: render bureaucracies subject to market disciplines; disaggregate separable functions into quasi-contractual forms (through purchaser/provider distinctions); emphasise cost control and financial transparency; and enable managers to control employees by subjecting performance throughout an organisation to measurement, and hence, accessible to management. The extent and impact of these managerialist reforms across diverse areas of public policy are both uneven and subject to considerable debate. Nevertheless, this policy environment is likely to have some often ignored negative implications for community safety partnerships and their evaluation.

First, managerialism heralds the construction and institutionalisation of 'auditable performance', whereby complex tasks are reduced to easily comparable numeric codes of 'administrative objectivity'. This can produce a quest for the 'Holy Grail' of 'key performance indicators'. Undue concentration can be given to narrowly defined and measured activity at the expense of broader objectives. This flies in the face of a central appeal of a partnership approach, its holistic premise. Moreover, as Ditton *et al.* (1998) have shown, measures such as 'fear of crime' are likely to be of little value. Setting meaningful targets and determining performance indicators for dealing with disorder are also inherently problematic. There is no clear or consistent definition of disorder or community safety. Different audiences define the same behaviour differently. Furthermore, many of the neighbourhoods with high levels of crime and incivilities are inscribed by a general lack of consensus about such issues.

Second, this concentration upon output measurement can encourage 'tunnel vision' amongst managers which neglects the unquantifiable aspects of a service. Moreover, it is likely to encourage a short-term, ends-orientation to practice which may

marginalise long-term thinking, crucial to social crime prevention and community safety.

Third, managerialist reforms encourage an *intra*-organisational focus that pays little attention to the more complex task of managing *inter*-organisational relations. There has been little attention within managerialist reforms given to negotiating shared purposes, particularly where there is no hierarchy of control. Intra-organisational priorities can undermine, or run counter to, the needs of inter-organisational partnerships. The intra-organisational focus on 'outputs' can make agencies concentrate their energies upon their core tasks and activities at the expense of peripheral ones. Community safety, by its very nature, is precisely one such peripheral function of diverse agencies. One extreme but vivid example of the kind of undesirable consequences produced by an emphasis upon narrowly defined internal performance measurement has been the growing use of exclusions from schools. While such strategies enable individual schools to meet their own organisational objectives this may have adverse implications for others, both within and outside that sector.

Fourth, managerialist reforms place a considerable emphasis upon the measurement of organisationally defined *outputs* as distinct from *outcomes*. 'Outputs' are service activities whereas 'outcomes' are the consequences (intended or unintended) of these outputs on the wider community and environment. For example, organising 6 neighbourhood watch meetings or installing 9 new CCTV cameras are both outputs which may be successfully met by a partnership in accordance with its pre-specified strategy, but they tell us nothing about their impact or effect. Output measurement and outcome evaluation are not the same thing. Given the control that organisations can assert over defining their own outputs there are questions to be asked about the validity of output measurement as a central aspect in monitoring community safety. There is a danger that 'outputs' may take precedence over 'outcomes', such that social goals are eclipsed by organisational ones. This can express itself as 'measure fixation' whereby greater concentration is given to the measure, rather than the service which the measure is intended to signify.

Finally, there are concerns that the managerialist emphasis upon defining and institutionalising 'auditable performance' may serve to reduce *evaluation* to *auditing*. Auditing emphasises compliance: the correspondence between an operation or activity and standards to which it should conform. Evaluation, by contrast, focuses upon cause and effect relationships in the social world. Auditing marginalises complexity, ambiguity and qualification, inherent in social scientific evaluation. Herein lies the attraction of audit, it replaces ambiguity and qualifications with 'rituals of verification' (Power 1997). However, it tells us little about cause and effect or the social outcomes of particular programmes. The danger is that exercises in financial accounting and audit may be seen as a replacement for, rather than a supplement to, genuine evaluation research. There is some evidence that in recent years the Home Office has moved away from the evaluation of criminal justice policy towards the process of audit. Despite the present government's claim to evidence-based policy and the role of evaluation research therein, this trend is likely to continue.

This is not to suggest that we abandon the need for community safety partnerships to have clear and consistent aims nor that we should dispense with the informational

openness which managerialist reforms have undoubtedly heralded. Rather, there is a need to recognise the immense difficulties and pitfalls associated with realising genuine partnerships. Achieving successful partnerships is neither a straight-forward nor unproblematic task. The effective management of inter-organisational partnerships requires appropriate conditions in which joint and collaborative action can be sustained. This requires policies which foster reciprocity and interdependence between organisations, not insularity and competition. The challenge for government is to cultivate the conditions in which partnerships can flourish and to nurture new forms of co-operation, rooted in mutual acceptance of difference and inter-organisational trust.

### **References:**

Crawford, A. (1997) *The Local Governance of Crime: Appeals to Community and Partnerships*, Oxford: Clarendon Press.

Ditton, J., Farrall, S., Bannister, J. and Gilchrist, E. (1998) 'Measuring Fear of Crime', *Criminal Justice Matters*, 31, 10-12.

Power, M. (1997) *The Audit Society*, Oxford: Oxford University Press.

## **An Investigation into the Development of Consumerism and Managerialism in the Police Service and Implications for Accountability: A Synopsis of the Research**

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As the title indicates, the basis for my thesis is an investigation into recent developments within the police service, which have affected the accountability of the police to the public they serve. The last ten to fifteen years in particular have been a time of significant political change, both in England and Wales and elsewhere, and there have been important initiatives with the potential to affect the police service and the way in which it operates, notable examples being the publication of the Sheehy Report (Sheehy, Sir Patrick (1993), *Inquiry into Police Responsibility and Rewards*, Cm 2280, London, HMSO) and the introduction of the Police and Magistrates' Court Act 1994 (the PMCA). However, these developments cannot be viewed in isolation, but must be seen as part of a wider picture.

What this wider picture shows is an increasing move away from notions of government intervention in the form of a large public sector and the idea of the welfare state which had come to be accepted as the norm, towards the promotion of individual responsibility and self-reliance, a significant part of which has taken the

form of dramatic changes to the public sector. Not only has it reduced in size, in practice it has undeniably also reduced in influence, and to survive has increasingly been forced to abandon traditional public sector values, and instead to adopt many of the hallmarks of the private sector, the influence of which has grown correspondingly, together with its key themes of greater openness and accountability, and the "3 E's" (economy, effectiveness and efficiency). Accountability, then, has come to be perceived as a positive aspect of the private sector, and one which should be applied to the public sector, which has traditionally, and increasingly, been seen as being cumbersome, bureaucratic and expensive to run.

The starting point was therefore the status of policing from its conception in the mid-nineteenth century, incorporating a brief summary of policing history, and going on to describe events from the introduction of the Police Act 1964 (the 1964 Act), together with an analysis of the reasons behind them and their impact upon and implications for policing. This has involved a consideration of case law and statute, as well as the political and economic developments, particularly from the early 1980s, when the impact of the Conservative Government's law and order policies began to be felt. The current situation has resulted from the combined effect of these factors, and there seems to have been an ever-growing interest in the police and how they do their job; certainly the last decade has seen an increasing proliferation of publications, not only from academics, but also from various bodies, such as the Association of Chief Police Officers (ACPO), HM Inspectorate of Constabulary (HMIC) and the Audit Commission, all seeking to advise or guide in different policing-related areas.

Nevertheless, the catalyst for change has undoubtedly been the PMCA, with the controversial changes made to the structure of police authorities, the introduction of local policing plans and the additional requirements for consulting with the public. Indeed, it is the consultation aspect which is of particular interest, and more specifically the issue of whether it can be an adequate means of achieving genuine police accountability. This in itself is an awkward concept, and requires careful handling. There are of course a number of ways in which a particular body can be held accountable, and various attempts have been made to provide workable definitions (for example, Reiner, R (1995), "Counting the Coppers : Antinomies of Accountability in Policing" in Stenning, P C (Ed), *Accountability for Criminal Justice*, Toronto, University of Toronto Press; Marshall, G (1978), "Police Accountability Revisited" in Butler, D and Halsey, A H (Eds), *Policy and Politics*, London, Macmillan, and (1989), "The Police : Independence and Accountability" in Jowell, J and Oliver, D (Eds), *The Changing Constitution* (2nd ed), Oxford, Clarendon Press; Brogden, M, Jefferson, T and Walklate, S (1988), *Introducing Policework*, London, Unwin Hyman). These must of course be both recognised and acknowledged, but for current purposes it is considered that local accountability, from the police to the community they serve, is the key issue, and this is therefore where the focus lies. One of the arguments for local accountability is that it is a means of creating direct accountability for individuals, and therefore removes the need for the more traditional democratic accountability which, it could be argued, perpetuates control by the powerful, since the same types of people will always get elected or have their say. However, the counter-argument to this is that purported means of direct accountability can also reduce the power of the collective, through promotion of the freedom of individuals and rejection of the idea of society as a coherent whole. It is also acknowledged that the PMCA could provide a means of making local police

forces accountable to the centre, i.e. the Home Office, and indeed it is arguable that this may increasingly be what is happening. Nevertheless, the driving force behind the PMCA, and indeed going back as far as the introduction of a statutory provision for consultation by the Police and Criminal Evidence Act 1984 (PACE) following the recommendations contained in the Scarman Report (Scarman Report: The Brixton Disorders 10-12 April 1981 (1982), Cmnd 8427), has been ostensibly locally based, and this must be taken at face value, unless and until it can be disproved.

This factual image of the current status of policing, politically, economically and historically, together with a discussion of the issue of accountability, both in isolation and also with specific reference to policing, formed the backdrop to the empirical research, which came in three stages. The aim of the research was to try and test the accountability theory, to see whether and if so what attempts had been put in place to achieve accountability, in the local, or direct sense, and then to assess the extent to which these could be seen to be having an impact, from the perspective of both randomly selected members of the public, and a selection of lower-ranking police officers. All of the research has been conducted in two force areas, one predominantly "rural" and one predominantly "urban", and these were also the labels applied, to avoid identification of the participants.

The first stage, then, was to arrange semi-structured interviews with representatives of both the relevant police force and authority, to try and assess how decisions about policing are made, what level of consultation takes place and on what scale, whether there are formal procedures and if so which sections of the community are included. This was backed up by attendance at a selection of police community consultation groups in different divisions around the two force areas, in order to view the consultation process in action and assess the degree to which this particular aspect was considered to be capable of offering a means of providing accountability. Five key methods of consultation were identified; police community consultation groups, or forums, surveys or questionnaires, focus groups or consumer panels, meetings between groups and police authority or police force representatives, and meetings between individuals and police authority or police force representatives (Elliott, R and Nicholls, J (1996), *It's Good to Talk: Lessons in Public Consultation and Feedback*, Police Research Series Paper 22). These formed the basis for the consultation aspect of the questionnaires which followed.

The second and third stages both involved quantitative research, in the form of postal, self-administered questionnaires. The first set of questionnaires were sent to members of the public, selected at random through the electoral register, and sought to establish awareness of, and where relevant views upon, the local policing plan, policing priorities, and methods of consultation. The second set of questionnaires was sent to the Superintendent of one of the divisions of the rural force, who distributed them to every constable and sergeant and collected and returned them once completed. This set of questionnaires sought to cover similar areas to those sent out to members of the public, in order to have some sort of comparison, but also went further in trying to obtain the specific views of lower ranking officers on certain areas, such as whether they agreed with the setting of targets, and whether they felt that it was right to consult with the public. The aim behind this aspect of the research was to try and ascertain the extent to which consultation policies and the desire to provide

accountability have filtered down from policy level to those most likely to cause its success or failure; rank and file police officers and the public they serve.

When the three sets of data were analysed there was much of significance, and while there is insufficient space to provide a full account here, it is possible to identify a few of the key findings. One of the main conclusions to be drawn from the first stage of the empirical research was that while there are increasing attempts by both the police force and the police authority to consult members of the public, what is less evident is how much is being achieved by this. For example, it became clear that, despite greater efforts to reach more, and more representative, sections of the public, what tends to happen even when the two do get together is that the public become better informed about particular areas of policing, but do not necessarily manage to put across their own views. In other words, the consultation process becomes one-sided, and more of an information-giving exercise than anything else. In addition, clear problems remain with trying to involve significant numbers of the public, and this was backed up by the second stage of the empirical research; the public survey. Only a tiny fraction of those who responded to the survey claimed to have seen, or to know how to obtain a copy of, their local policing plan, and the numbers involved with any form of consultation between the police and the public were noticeably low, even though levels of awareness were reasonably high. The third stage of the empirical research, while confirming that the police are, understandably, much more aware of the policing plan, also revealed that they are surprisingly unaware of the general process of consultation. Given the attempts apparently being made at policy level to improve consultation, it may seem reasonable to expect that the importance of consultation would be promoted throughout the police service, but there is no evidence to suggest that this is happening. It also appears that lower ranking police officers and the public continue to have quite different priorities; for example one of the public's key areas of concern is the need to ensure high levels of police officers out on the streets ("high visibility policing"), whereas this is an aspect of policing almost universally unpopular amongst lower ranking officers - those who provide the manpower.

It is too early to provide any precise conclusions at this stage, but even on the basis of this very limited synopsis of the findings it is clear that much needs to be done if local accountability, as defined for the purposes of the thesis, is to be achieved. As things stand, the various methods of consultation, and indeed the local policing plan itself, appear to provide no more than the opportunity for the police to inform the public. While this in itself is no bad thing, it is clearly not accountability in any recognisable form, and if this cannot be achieved through local consultation, then it will have to be sought elsewhere.

## **APPENDIX 6**

### **VISITING SCHOLARS**

## **Leeds as a research centre of excellence**

### **The Centre for Criminal Justice Studies**

**The Centre** welcomes applications from scholars interested in the opportunity to utilise research facilities and make research links with Leeds in any aspect of criminal justice and related criminological research.

The Centre was established in 1987 as a research-based interdisciplinary unit attached to the Economics, Social Science and Law Graduate School. There are seven full-time members of staff at the Centre, both lawyers and criminologists, who are dedicated to its primary goal of research excellence in all aspects of criminal justice and related criminological issues. Full-time staff are supported by the Executive Committee and an Advisory Committee which consist of academics and practitioners in relevant fields of expertise. As a small, specialist unit, the Centre is highly productive, with its members engaged in a wide variety of academic and funded research. The Centre has a substantial body of postgraduate students at MA and PhD level, regularly hosts talks by external speakers and stages seminars and conferences; one recent example being its organisation of the Socio-Legal Studies Association's 1995 Conference.

**Funded and other research projects** now under way or recently completed include: Victim and offender mediation and reparation in comparative criminal justice cultures: a comparison of England and France; The administration of legal aid in the magistrates' courts: access to criminal justice; Research into the reporting of court proceedings; Family contact centres; Political violence and commercial victims; The role and appointment of stipendiary magistrates; An evaluation of transfer for trial in the magistrates' courts; The imprisonment of TV licence evaders; The local governance of crime: Appeals to community and partnerships; The impact of race and racism on boys' fear of crime: research into victimisation, masculinities and racism. In the context of these projects, strong links have been built with criminal justice and criminological institutes in Canada, USA, France and elsewhere.

## **The University of Leeds**

**The University of Leeds** has an international reputation for research excellence and is among the top ten research universities in the UK. The research base is maintained through funding from UK Research Councils, industry, central and local government, departments, the European Union and a variety of health-related charities. New interdisciplinary research centres focus on the University's expertise in particular subject areas. Research Schools have been established to encourage interdisciplinary research and collaboration.

## **The City of Leeds**

**The City of Leeds** is a prosperous, commercial, industrial and manufacturing city, and is also the cultural and sporting centre for much of the region. It is "an old city with a young outlook". In the City Centre, modern offices have developed alongside fine old buildings like the Town Hall and the Corn Exchange. Impressive new shopping precincts complement traditional Victorian arcades, and have created a fine regional shopping centre. The city has a blossoming 'cafe culture' which is mirrored in its thriving 'youth' scene of clubs and bars. Leeds is also a 'green' city, proud of its parks and open spaces.

Visitors to Leeds are impressed by the range of different leisure facilities. There are lively audiences for all kinds of films, concerts and plays. There is a thriving local music scene, including the world famous Leeds International Pianoforte Competition and the Grand Theatre which is the home of Opera North. The new West Yorkshire Playhouse is the home of one of the leading provincial theatre companies. Leeds City Art Gallery offers a wide variety of exhibitions and also houses the new, internationally famous Henry Moore Centre for the Study of Sculpture. If you are an active sportsperson you will find many sporting facilities both in the University and the City. For the spectator, Headingley is the home of Yorkshire County Cricket Club and Leeds Rugby League Club; Leeds United play at Elland Road.

## **The Yorkshire region**

**The Yorkshire region** around Leeds is easily accessible by road and rail, with excellent links to London, Manchester, and Scotland. Within easy reach of Leeds are many areas of outstanding natural beauty - the Yorkshire Dales and the Pennines, the North York Moors and the Vale of York. The ancient city of York is only 30 minutes away.

## **Details of Programme for Visiting Scholars**

### **Applicants**

**Applicants** for Visiting Scholar status should be persons (whether academics or professionals, full-time or part-time) who have schemes of academic research which can appropriately be conducted at the Centre for Criminal Justice Studies. Generally, we expect that the Scholar will be a full-time member of another University. We would encourage applications from both experienced and younger scholars. Visits will normally be limited to a maximum of one semester but may also be arranged for a period of weeks. We hope that visiting scholars will participate in our academic life as much as possible, for example, by engaging in discussions or joint projects with Centre members and by the presentation of papers about their own research within the Centre's seminar programme. Those visiting on a long term basis can be considered for Associate Membership of the Centre.

## Facilities for applicants

Subject to available resources, we can provide the following facilities

**Office space** - two rooms are normally available for visiting scholars in one of our Annexes

**Computing facilities** are made available in our Annexes and in the Law Library computer clusters. The Centre provides a growing range of facilities and training for all its members. Email is heavily used by staff and students and our use of the World Wide Web is rapidly gaining pace. All members of staff have a networked PC on their desks and students have access to 50 PCs within the Faculty of Law itself, as well as access to open clusters all over the University campus. The Faculty has its own Computing Technician.

**Library** - Leeds University Library is one of the largest University Libraries in the United Kingdom, with a stock of over 2.3 million volumes. It supports the University's research and teaching across a full range of subjects (arts and social sciences, science and engineering, medicine and dentistry). The Library's main subject collections in relation to Criminal Justice are split between the Brotherton Library (Governmental Papers and Social Sciences) and the Law Library. The Law Library is part of the main University Library, but has been housed in the Law Department building since 1958. It provides comprehensive coverage of U.K. and Irish legal sources, and good coverage of Commonwealth, United States and European Law. In 1973 the Library was officially designated a "European Documentation Centre". The holding of criminal justice materials is growing rapidly in line with the expansion of the Centre.

**Class attendance** may be permitted on a non-credit, unregistered basis, subject to the consent of the Centre member teaching the course. Those wishing to obtain credits may be able to register for our Certificate or Diploma programmes, subject to their meeting the usual admissions requirements and subject to the payment of the normal fee.

**Accommodation:** Within the campus, as a Visiting Scholar you will become part of a close academic community. While recognising that you will appreciate the luxury of work afforded by an intensive period of research, you can also be assured that you won't be left in academic or social isolation. Above all the Centre can be described as a cooperative and friendly unit. Visiting Scholars should also note that the Centre offers the usual facilities of a staff common room with access to food, retail and leisure facilities just minutes from its front door. As well as providing a congenial working environment, the University may be able to assist visiting scholars with University housing during the summer months, and advice and assistance can be provided at all times.

# Application procedures

**Initial contact** - We suggest that Visiting Scholars should first consult on an informal basis with the Director of the Centre or with other members of the Centre to determine the availability of places and the appropriateness of their research plans.

## Form of application

Applications can be made any time of the year (note that teaching terms are between October to December, February to March, and April to May. Applications should include at least the information on the attached proforma.

**Reference:** We require a letter of reference from your current head of department or employer. Please submit your letter of reference along with this application. If that is not possible, please ask your referee to post it directly to us at the address below.

**Further information:** The University of Leeds has the following world wide web address: <http://www.leeds.ac.uk/>. Specific inquiries and completed application forms may be directed to:

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E-m [Lawjsg@Leeds.ac.uk](mailto:Lawjsg@Leeds.ac.uk) ccjs5\vischol3

## APPLICATION PROFORMA

### VISITING SCHOLAR PROGRAMME

#### **PERSONAL DETAILS**

*NAME OF APPLICANT*

*POSTAL ADDRESS*

***TELEPHONE***

***FAX***

***E-MAIL***

***CITIZENSHIP***

***DATE OF BIRTH***

***PLACE OF BIRTH***

***ENGLISH LANGUAGE ABILITY:***

***TOEFL SCORE: \_\_\_\_\_ or***

***NATIVE ENGLISH SPEAKER: \_\_\_\_\_***

***CURRENT POST:***

***(Please attach a separate sheet showing education, employment, and publication record.)***

**DETAILS OF VISITING SCHOLAR PROGRAMME**

***DATES OF PROPOSED VISIT:***

***FACILITIES LIKELY TO BE REQUIRED BY YOU:***

***LINKS AND CONTACTS, IF ANY, WITH MEMBERS OF THE LEEDS FACULTY:***

***SHORT SUMMARY OF PROPOSED RESEARCH:***

***(please provide a fuller explanation of not less than 500 words and including purpose, methodology, and likely publications on a separate attached sheet)***

***SIGNATURE OF APPLICANT:***

***DATE:***