

CENTRE FOR CRIMINAL JUSTICE STUDIES

SIXTH ANNUAL REPORT

1993-94

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INTRODUCTION

The Centre for Criminal Justice Studies was provisionally established in 1987 and was formally approved by the University in March 1988. 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 (Appendix 2).

• ***Professor Clive Walker***

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1 October 1994

THE WORK OF THE CENTRE

A Research projects

The following research projects are currently in progress.

(a) Reporting of criminal proceedings in Scotland and the Contempt of Court Act 1981.

This project was originally funded by the Leverhulme Trust and investigated the frequency and nature of orders under sections 4 and 11 of the Contempt of Court Act 1981. That phase of the research has now been fully reported (see: Clive Walker, Ian Cram, and Debra Brogarth, The reporting of Crown Court proceedings and the Contempt of Court Act 1981 (1992) 55 Modern Law Review 647). Related research is now under way into the corresponding practices in Scotland (conducted by Ian Cram and Clive Walker and comparative responses in the USA (which has involved research by Clive Walker funded by the University of Louisville, Kentucky).

(b) Leeds Young Adult Offenders Project.

Ian Brownlee has conducted an evaluation study of the above which is funded by the National Children's Home and the West Yorkshire Probation Service. Three reports have been submitted to the funding bodies covering the operation of the project during its initial funding period. Two articles based on the research have appeared in

the Criminal Law Review [1990] p.852) and the British Journal of Criminology (Vol.33 No.2 Spring 1993, p.216).

(c) Pre-trial reviews in the Magistrates' Courts.

The Home Office has funded research into the working of the above. The research concentrated on procedures in the Bradford and Leeds Magistrates' Courts and began in January 1990. The grant-holders are Ian Brownlee, Peter Seago and Clive Walker. The final report has now been submitted to the Home Office (see: Mulcahy, A, Brownlee, Ian, and Walker, Clive - An evaluation of Pre-trial reviews in the Bradford and Leeds Magistrates' Courts (1993) 33 Home Office Research Bulletin 10). A more detailed article summarising the research findings has now appeared (Pre-trial reviews, court efficiency and justice (1994) 33 Howard Journal of Criminal Justice 109; Pre-trial reviews in the magistrates' courts (1994) 158 Justice of the Peace 234), and the complete research report is available from the Centre (Mulcahy A; Brownlee I D; Walker C P; Final Report on Pre-Trial Reviews in the Bradford and Leeds Magistrates' Courts, HMSO, 1993).

(d) The administration of legal aid in the Magistrates' Courts.

This project, undertaken by David Wall and Adrian Wood with assistance from Clive Walker and Allan Blake (Leeds Metropolitan University), is supported by E.S.R.C. funding and surveyed four courts and their corresponding Criminal Legal Aid Committees. The research commenced in January 1992, when a full-time research officer, David Wall, was appointed. The research team obtained a further grant from the ESRC to consider the impact of the Criminal Justice Act 1991 on legal aid. A draft report was lodged with the ESRC early in 1994. Publications and further analysis are now under way.

(e) Urban Crime Fund

Ian Brownlee and Clive Walker of the Centre, together with colleagues from the Department of Geography at Leeds University, the Management Centre at Bradford University and the Institute of Environmental and Policy Analysis at Huddersfield University, evaluated for the West Yorkshire Police Authority the 43 projects which were set up pursuant to the Urban Crime Fund in this area. The study commenced in August 1992, and a full-time research officer, Christina Hart, was appointed. The project team reported in January 1994, when the 13 volumes of findings were delivered to the police. The team is now moving towards the wider dissemination of its findings.

(f) Victim and offender mediation and criminal justice within West Yorkshire

A pilot study is being conducted by Adam Crawford into the operation of such schemes, particularly in West Yorkshire. Contacts have been made with the Leeds Community Mediation Scheme, local practitioners and other researchers.

(g) Family contact centres

A pilot study is being conducted by Clare Leon, Norma Martin-Clement and Clare Moxon into the operation of such schemes, particularly in West Yorkshire.

(h) Political violence and Commercial victims

Following the IRA bombings of the City of London in 1992 and 1993, action was taken by the Government to steady the insurance market in Britain so as to ensure that insurance remained available for commercial properties. The Airey Neave Trust has now funded research into the working of these arrangements. A researcher, Martina McGuinness, is about to take up an appointment to assist Professor Clive Walker with the study.

(i) Police National Legal Database Consortium

A team from the West Yorkshire Police has established a wide-ranging database of legal information of relevance to police officers. The Centre's staff has agreed to act as auditors of the data being entered. It is hoped in due course to evaluate the impact of the database.

B Postgraduate study

(a) Study facilities

New study facilities which have become available for students during this year have included the opening of a new postgraduate student annex, with computing and social facilities. In addition, we have received a major bequest of books from Kenneth Elliott, who lectured in criminal justice matters at the University of Leeds. Our gratitude is expressed to his widow, Mrs. A Elliott, and to the Chair of our Advisory Committee, Professor Jepson, who was a colleague of Mr Elliott. The Law Library now plans to create a special Criminal Justice Studies Room, including this important collection.

(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, criminology and penology, criminal law and terrorism. 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 instructions in research methodology and joint supervisions in interdisciplinary subjects can be arranged. Scholarships may be available, and the Centre has been recognised as a Mode B institution for the receipt of E.S.R.C. scholarships.

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 ordinances and regulations governing the above degree schemes are set out in the prospectus of the Faculty of Law which is available on request.

(c) Current postgraduate research students

O'Gorman, Christopher, LL.B. - The detention and questioning of suspects by the police: safeguarding the suspect and the role of the legal adviser (Ph.D., October 1989)

Pinkney, Ian, LL.B. - The taking of motor vehicles without consent (M.A., October 1991)

Okoye, Cyril, B.A., M.P.A. - Cross-cultural perspectives on the social disorganisation of prisons in Canada and the U.K. (Ph.D., October 1991)

Laing, Judith, LL.B. - Mentally disordered offenders and their diversion from the criminal justice system (Ph.D., September, 1992)

Boland, Fay, B.C.L. - Diminished responsibility as a defence in Ireland having regard to the law in England, Wales and Scotland (Ph.D., October 1992)

Gagic, Leanne, B.A. - A study of young women whose mothers are in custody (M.A., February 1993)

Joliffe, Paul, LL.B. - The use of interpreters in Magistrates' Courts (April 1993, part time)

Palfrey, Terry, B.A., - The development of an inquisitorial system in fraud investigation and prosecution (Ph.D., April 1993, part time)

Glew, Nigel, LL.B. - The evidence of children in the criminal justice system (M. Phil, September 1993, part time)

Ogden, Neil, LL.B. - The private security sector (MA, September, 1993)

English, James, LL.B., - The rise and fall of unit fines (Ph.D., September 1993)

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)

Ellison, Louise, LL.B. - A comparative study of the rape trial within adversarial and inquisitorial criminal justice systems (Ph.D., November 1993)

Binns, Derek, LL.B. - The police complaints system (MA, January 1994, part time)

Murray, Jade, LL.B. - A study of post-appeal procedures for dealing with miscarriages of justice (MA, September 1994)

Gammanpila, Dakshina, LL.B. - The Police Surgeon: Principles and Practice (Ph.D., October 1994)

McGuinness, Martina, MBA, Political Violence and Commercial Victims (Ph.D, October 1994)

Wade, Amanda - Children as Witnesses (Ph.D., pending 1994)

Moraitou, Areti, MA - Comparative study between English and Greek law regarding the crime of homicide (Ph.D., pending 1994)

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

(d) Postgraduate research degrees recently awarded

Shanks, Rachel, LL.B - Freedom of movement in the U.K. and France and the prevention of terrorism with special reference to European Community law (M.A., June 1992)

Ford, Lindy C., M.Sc, B.Sc. - Homelessness and persistent petty offenders (Ph.D., June 1993)

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

Ghosh, Saumya, LL.B. - A comparative study of some exceptions to the hearsay rule with special reference to England and India (M.A., June 1993)

Harrison, Bronwyn, B.A. - The development of juvenile cautioning and its implications for police practice and procedure (M.A., June 1993).

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

Moraitou, Areti, LL.B. - The law and practice in relation to fingerprinting by the police with respect to England and Greece (M.A., June 1994)

(e) Postgraduate taught courses

The following schemes for taught postgraduate courses commenced in 1993-94. The MA finalists from the 1993-94 course are as follows:

Jeannie Fraser,

Dakshina Gammanpila

Jenny Johnstone

Emma Jones

Deborah Michael

Gordon Whiting

The programmes, as modified, will be as follows for 1994-95.

M.A. (Criminal Justice Studies)

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.

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.

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)

The optional courses (students must select 20 credits):

4. Policing (20 credits)
5. Philosophical aspects of criminal law (10 credits)
6. Proof (10 credits)
7. Emergencies and emergency laws (20 credits)

8. European aspects of criminal justice (10 credits)
9. International law aspects of criminal justice (10 credits)
10. Forensic medicine and forensic science (10 credits)
11. Theories of Crime and Punishment (10 credits)

Plus as a compulsory element:

12. Dissertation of up to 15,000 words (40 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.

Certificate in Research Methods and Skills for Socio-Legal Studies

Duration: 9 months part time.

Entry requirements: This course is designed to train postgraduate research students in research skills.

C. Relevant papers and publications by members of the Centre during 1993/4

(a) Courts and court procedures

Bell, J 'The French Pre-trial system' in C. Walker & K. Starmer (eds.), Justice in Error Blackstone Press, London 1993, pp. 226-45.

Mulcahy A; Brownlee I D; Walker C P; Final Report on Pre-Trial Reviews in the Bradford and Leeds Magistrates' Courts, HMSO, 1993.

Mulcahy A; Brownlee I D; Walker C P; 'An Evaluation of Pre-Trial Reviews in the Bradford and Leeds Magistrates' Courts (1993) 33 Home Office Research Bulletin 10-14

Walker, C P; Starmer, K; Justice in Error, Blackstone Press, 1993, 257pp + xiv

Walker, CP, Paper on Contempt of court and the media, University of Louisville, August 1994

Wall, D S; (1993) 'How Independent will the Royal Commission's New Criminal Cases Review Authority be?', LAPG News, Summer 1993.

Wall, D S; 'Buying time for the debate over criminal legal aid' New Law Journal, March 1993

Wall, D S, 'Press, lies, and the Criminal Justice Act', LAPG News, Spring 1993.

Wall, D S; (1993) 'Wither Legal Aid', The Magistrate, June 1993.

Wall, D S, (1993) 'The Legal Aid Trade,' New Law Journal, July 1993, pp 1096-1097.

Wall, D S, (1993) 'Legal Aid Decisions' Magistrates Clerks Conference, Scarborough, 8-9 Jan. 1993.

Wall, D S, (1993) Submission to the House of Commons Select Committee on Legal Aid, 24 Feb. 1993

Wall, D S, (1993) Submission to the Lord Chancellor's Department on the Legal Aid Board's Proposals for the takeover of Criminal Legal Aid, April 1993

Wall, D S; (1993) 'Access to Justice Compared: Canadian and British Legal Aid Delivery Models', British Association of Canadian Studies Conference, Cambridge University, 27 March 1993.

Wall, D S; (1993) 'Access to Justice or Justifying Access,' Socio-Legal Studies Association Annual Conference, Exeter, 31 March 1993.

Wall, D S; (1993) 'Court in the Act,' Crown Prosecution Service Conference, Harrogate, 4 April 1993.

Wood, A; (1993) 'Wither Legal Aid', The Magistrate, June 1993.

Wood, A, (1993) 'Legal Aid Decisions' Magistrates Clerks Conference, Scarborough, 8-9 Jan. 1993.

Wood, A; 'Buying time for the debate over criminal legal aid' New Law Journal, March 1993

Wood, A, 'Press, lies, and the Criminal Justice Act', LAPG News, Spring 1993.

Wood, A, (1993) Submission to the House of Commons Select Committee on Legal Aid, 24 Feb. 1993

Wood, A, (1993) Submission to the Lord Chancellor's Department on the Legal Aid Board's Proposals for the takeover of Criminal Legal Aid, April 1993

(b) Criminal law

Reed, A; 'Complex Crimes', Solicitors Journal, Vol. 137 No. 35, September 1993 pp. 908-909.

Reed, A; 'Murder - Joint Unlawful Enterprise', Journal of Criminal Law, Vol. 57 Part 4, November 1993 pp. 366-368.

Reed, A, 'Attempted Rape', Journal of Criminal Law, Vol. 57, Part 4, November 1993, pp. 364-365.

Seago, P., Criminal Law, All England Annual Review, 1993

Walker C P; 'Paramilitary Displays and the Prevention of Terrorism Legislation (1993), Juridicial Review 90-94.

Walker, C P; Reid, K; "The Offence of Directing Terrorist Organisations', 1993, Criminal Law Review pp 669-677

Walker, C P; Review article, Vercher, A., Terrorism in Europe (1993) 13 Legal Studies, 415-423.

(c) Criminology and penal matters

Brownlee, ID, 'Intensive probation for young adult offenders', British Journal of Criminology, (1993) Vol.33.1, pp.216-230

Cram, I G; 'Interfering with Gaol Mail - Prisoners' Legal Letters and the Courts' 1993 13 Legal Studies 356-370

Walker, CP, Paper at the Crime and justice Programme Day, Leeds Common Purpose, February 1994

(d) Policing and police powers

Crawford, A., The partnership approach: corporatism at a local level?, paper at the Socio-Legal Studies Association Conference, Exeter University, April 1993

Crawford, A., (with Jones, M.), Researching inter-organisational contexts: a study of community based crime prevention, paper presented at the British Sociological Association Conference, Essex University, April 1993

Crawford, A., (with Jones, M.), Inter-agency co-operation and community-based crime prevention: some reflections on the work of Pearson and colleagues, paper presented at the British Criminological Conference, University of Wales, Cardiff, July 1993.

Crawford, A., Crime prevention and the multi-agency approach: attitudes and experiences of police and probation officers, Report by the Division of Social Sciences, University of Hertfordshire, 1993

Crawford, A., Book review: Stenson and Cowell (eds.), *The Politics of Crime Control*, *British Journal of Criminology* 33(2)

Hogan, B., Co-ordinator of Papers by members of the Centre and others, Indian Police Senior Command Course, August 1993

Hogan, B., (with Leonard, D A.), *Justice and Society*, Occasional Paper no.13, Sir William's Foundation, York, September 1993

Lawson, A; 'Whither the General Arrest Conditions?' 1993, *Criminal Law Review* pp. 567-571.

Leon, C K; 'Rank Outsiders' in *Policing*, vol 9 Winter 1993 pp 280-301

Leon, C K; 'Rank Outsiders: administrative grades in the special constabulary' *British Criminology Conference*, Cardiff, 30 July 1993

Leon, C K; 'In dead men's shoes: the special constabulary promotions structure' *National Association of Special Constabulary Officers*, 18 September 1993, Rex Centre, Birmingham.

Leon, C K; "What the Dickens!" in *Special Beat* vol 3, No 1, 1993, pp 18-20

Leon, C K; "The Special Relationship" in *Special Beat* vol 3 No 2, 1993, pp 14-16

Walker, C P, Brownlee I D; Hart, C; 'Second Interim Report on the Evaluation of Urban Crime Funding in West Yorkshire, 1993

Walker, CP, Paper on the Prevention of Terrorism Act, Law and the Irish, at Sheffield Irish People's Forum, April 1994

Wall, D S; 'The Open Secret', *Police Review*, 8 January, 1993, pp 22-23

Wall, D S, (1993) 'The Outsiders', *Police Review*, 30 July.

Wall, D S; (1993) 'Controlling the Police: The Home Office, The Chief Constable and the Police Authority', *British Criminology Society Conference*, Cardiff 29 July 1993.

Wall, D S; (1993) Review of *The Politics of the Police*: 2nd Edition by Robert Reiner, *The Howard Journal of Criminal Justice*, Vol. 32, No. 1, May 1993.

(e) Evidence

Walker, C P; Stockdale, R; 'Forensic Evidence' in Walker, C P and Starmer, K, *Justice in Error* (above) pp 75-100.

D. Seminars, Conferences and Continuing Education

STAFF AND VISITING SPEAKERS

Adam Crawford, Centre for Criminal Justice Studies, University of Leeds, "*Crime Prevention and the Multi-Agency Approach: Corporatism at the Local Level?*", Wednesday 3rd November 1993 - 1.00 p.m.

David Wall, Centre for Criminal Justice Studies, University of Leeds, "*Who Commands the Police: Internal or External Recruitment?*", Wednesday 10th November 1993 - 1.00 p.m.

P.A.J. Waddington, Director of the Centre for Criminal Justice, Reading University, "*Policing South Africa - the View from Biopatong.*", Tuesday 23rd November 1993 - 5.00 p.m.

Clare Leon, Centre for Criminal Justice Studies, University of Leeds, "*It's Not Part of Their Culture to Volunteer: Racism and Special Constabulary.*", Wednesday 8th December 1993 - 1.00 p.m..

Adrian Howe, Department of Legal Studies, La Trobe University, Australia, "*Feminist Foucauldian Approaches to Penalty*", Wednesday 15th December 1993 - 1.00 p.m.

Sandra Walklate, Sociology Department, University of Salford, "*Victims Charter: A Victim Oriented Criminal Justice System?*", Wednesday 19th January 1994 - 5.00 p.m.

Ian Brownlee, Centre for Criminal Justice Studies, University of Leeds, "*Persistence and the Distribution of Punishment in England and Wales: The Fall of Section 29 of the Criminal Justice Act 1991.*", Wednesday 16th February 1994 - 1.00 p.m.

Barbara Hudson, Director of the Centre for Criminal Justice Studies, University of Northumbria, "*Beyond Proportionate Punishment: Difficult Cases and the Criminal Justice Act 1991*", Wednesday 2nd March 1994 - 1.00 p.m.

Matthew Jones, Division of Social Sciences, University of Hertfordshire, "*We Want Miracles and They Just Want an Easy Life: Community Representation in Local Crime Prevention Initiatives*", Tuesday 15th March 1994 - 1.00 p.m.

Cyril Okoye, Sociology and Social policy Department, University of Leeds, "*The Demystification of Prison Guards' Culture*", Tuesday 22nd March 1994 - 1.00 p.m.

Ben Rose, Director of Youth at Risk and Solicitor, Hickman & Rose, "*Youth at Risk: Creating a New Future*", Tuesday 10th May 1994 - 6.00 p.m.

Professor Brian Hogan, Faculty of Law, University of Leeds, Workshop to prepare a response to the Law Commission Consultation Paper, '*Consent and Offences Against the Person*'. Tuesday 21st June 1994: 12.30 a.m.

CENTRE FOR CRIMINAL JUSTICE STUDIES POSTGRADUATE SEMINARS

Amanda Wade, Postgraduate Researcher, "*Children as Witnesses in Court: A Workshop*", Tuesday 26th April 1994 - 1.00 p.m.

Neil Ogden, Postgraduate Researcher, "*Why Privatise the Criminal Justice System?*", Wednesday 4th May 1994 - 1.00 p.m.

James English Postgraduate Researcher, "*The Genesis of Unit Fines: Doomed to Fail or Generally*

Misunderstood?", Wednesday 4th May 1994 - 1.00 p.m.

Judy Laing, Postgraduate Researcher, "*The Diversion of Mentally Disordered Offenders*", Wednesday 18th May 1994 - 1.00 p.m.

Fay Boland, Postgraduate Researcher, "*Diminished Responsibilities as a Defence: A Cross-Cultural Perspective*", Wednesday 18th May 1994 - 1.00 p.m.

Dominique Healey, Postgraduate Researcher, "*International Obligations, Human Rights and Criminal Justice in China*", Wednesday 25th May 1994 - 1.00 p.m.

Emma Thorpe, Postgraduate Researcher, Faculty of Law, "*The Theories of Justice of John Rawls*", Wednesday 25th May 1994 - 1.00 p.m.

Louise Ellison, Postgraduate Researcher, "*The Ordeal of the Rape Survivor: A Comparative Study of Inquisitorial and Adversarial Systems*", Wednesday 1st June 1994 - 1.00 p.m.

Leanne Gagic, Postgraduate Researcher, "*The Effects of Incarceration on Children whose Mother's are in Custody*", Wednesday 1st June 1994 - 1.00 p.m.

CENTRE FOR CRIMINAL JUSTICE STUDIES CONFERENCES

Indian Police Senior Command Course, August 1993 - The following papers were produced:

Avate, S, and Sharma, L, *Control room management*

Chadha, A, and Balasubramanian, KS, *Police recruitment, training and career planning in the UK vis a vis India*

Dutta, RK and Sayed, MA, *The police beat patrol system in UK: A comparative study with the system in India*

Mahapatra, S, *Research and development activities in UK police - some lessons for India*

Manhas, DS, and Sinha, S, *Civilianisation and Privatisation in Police Services: A comparative study of UK and Indian Police*

Ramanujam, K, and Mehra, V, *Police image: A comparative study of India and the UK*

Sinha, SC, and Singh, S, *A study of the structure, role and functions of the Police Federations in England and Wales and of Unionisation of Policemen in India*

APPENDIX 1

CONSTITUTION OF THE CENTRE

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 members of the academic staff of the Department of Law may be a member of the Centre.

2.2 Other individuals may be appointed to 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 membership of the Centre.

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.

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 a Deputy Director.

3.4 The Executive committee shall consist of the Director and the Deputy Director together with the Head of the Department of Law, and up to six others who shall be appointed by the Director, Deputy Director and head of the Department of Law and up to two of whom may be members of the teaching staff 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.

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

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

APPENDIX 2 **MEMBERSHIP OF THE CENTRE FOR** **CRIMINAL JUSTICE STUDIES**

1. Executive Committee

Professor C.P. Walker (Director)
Mr I.D. Brownlee (Deputy Director)
Mr I Crawford
Professor B. Hogan
Emeritus Professor N. Jepson

Ms C Leon
Mr P Seago (ex officio Head of Department of Law)
Mr D Wall

2. Advisory Committee

Emeritus Professor N. Jepson (chair)
His Honour Judge G. Baker
Sir L. Byford (former Chief Inspector of Constabulary)
Mr I. Dobkin (Barrister)
Dr D. Duckworth (Leeds University)
Professor M Green (University of Sheffield)
Mr. K. Hellowell (Chief Constable, West Yorkshire Police)
His Honour Judge D Herrod
Councillor P Jarosz (W. Yorks Police Authority)
Mrs P. Hewitt (Stipendiary Magistrate)
Professor E. Jenkins (Leeds University)
His Honour Judge G. Kamil
Lord Justice P. Kennedy
Mr G. Kenure (Probation Service)
Chief Spt. D Lloyd (Commandant, W. Yorks Police Training School)
Mr P.D.G. McCormick (Solicitor)
Miss AE Mace (Probation Service)
Rt. Hon. M. Rees (M.P.)
Mr JS Robertson (Assistant Chief Crown Prosecutor)
Mr C. Sampson (former H.M. Inspector of Constabulary)
Mr P. Whitehead (Clerk to Leeds Justices)
Mr. J. Whitty (Prison Governor)

3. Lecturer in Criminal Justice Studies

David Wall

4. Research Officer

Christina Hart

5. Visiting scholar

Professor Sato, Kobe Gakuin (University), Kobe, Japan

APPENDIX 3
CENTRE PAPERS
THE ETHICS OF PRESENT LAWS ON
FINGERPRINTING
ARETI MORAITOU

**(M.A., CENTRE FOR CRIMINAL JUSTICE STUDIES,
UNIVERSITY OF LEEDS, June 1994)**

Fingerprinting as a method of personal identification has been used since the dawn of this century and it is nowadays a well-established procedure followed by the police world-wide. The value of fingerprint identification cannot be denied, since experience showed that it is an infallible method of identification, due to the uniqueness of each person's prints. Nonetheless their use in the criminal investigation implicates further considerations concerning human rights because of the inferences drawn by their presence at crime scenes. It is agreed that the taking of fingerprints from an individual affects his/her right to personal liberty and imposes restraints upon this recognised right. It is argued that the practice of the taking of fingerprints forcibly amounts to an assault on the individual subjected to this procedure; consequently the reasons for this to be done have to be justified to protect civil rights.

Before PACE 1984 s.40 of the Magistrates' Courts Act 1980[1] provided that in order to obtain the fingerprints of an individual who did not consent to it, the police had to acquire the authorisation of the Court. However, in 1981, the Royal Commission on Criminal Procedure[2] proposed sweeping changes to police powers relating to the criminal investigation. Two main reasons contributed to that decision: the increase and diversification of crime; and the need to secure the public trust in the police when conducting investigations lawfully and openly. Among other issues fingerprinting was discussed.[3] The Committee acknowledged the use of fingerprinting as a helpful means to the criminal investigation. It considered possible powers of compulsory fingerprinting before charge as a helpful investigative power.

The Commission's proposals suggested that the power to obtain fingerprints forcibly from a person must be retained and possibly widened, but several safeguards would be preserved in favour of the citizen. Firstly the decision whether a person should be fingerprinted should be based upon "reasonable grounds" according to the circumstances and on condition that fingerprints would be of help to the investigation. However, this test, the Commission suggested, should be placed on the police themselves without the involvement of the courts. Therefore the Magistrates' Court's authorisation as it existed since 1948 was to be removed for two reasons: firstly because it did not provide adequate degree of supervision over the police because the discretion attributed to the judges was not exercised properly;[4] secondly because this procedure delayed a suspect's release since the police withheld bail and therefore constituted considerable pressure on him/her. Nevertheless, the Commission thought that the police should be accountable for their decisions, so they recommended that the power to obtain fingerprints compulsory should be exercised upon the authority of a sub-divisional commander - in other words an office with some seniority and experience.

Following the Committee's recommendations section 61 of the Police and Criminal Evidence Act was passed in 1984 and came in force in 1986. Parliament, in giving its designated approval to this Act, has vested the police officer with legal powers to obtain fingerprints by force, but at the same time the suggested safeguards are provided to avoid undue curtailment of a person's rights. But the criticism is that instead of providing a better system where by control over the police would operate

more effectively and efficiently, the result of PACE is to leave the police with uncontrolled discretion. The justification of fingerprinting can still be considered in a later state during court proceedings, where the admissibility of evidence will be determined.[5] But in most cases especially those where criminal proceedings will not eventually take place, it is solely a police matter, and no compensation or explanation will be given to those subjected to such a treatment. The venues available to those who wish to ask for compensation are limited, and no further action may be taken in the vast majority of cases.[6]

In conclusion, the police should be able to fulfil their duty to detect crime, but at the same time efficient and workable safeguards should be provided. Both principles could be secured by the oversight of fingerprinting by a judicial authority, which would signal that the law treats rights to bodily integrity as important as property rights[7] or the privacy of communications.[8]

SUBMISSION TO LAW COMMISSION **CONSULTATION PAPER NO.134**

**Faye Boland (Rapporteur),
Ph.D. research student, Centre for Criminal Justice Studies, 21 June
1994**

The following comments arose from a Centre for Criminal Justice Studies discussion group meeting held on 21/6/94 under the chairmanship of Professor Brian Hogan. The group met to discuss the Law Commission's Consultation Paper no. 134 on *Consent and Offences against the Person* and to answer the specific questions raised for consultation by the Commission .

(I) Is it agreed that the law should place some limit on the degree of injury to which a victim may consent?

We regretted that the Law Commission did not raise issues of principle from which to argue the limits of the criminal law. Our discussion was based on variants of the liberal harm principle. Proponents of the most radical harm principle proceeded on the basis that the law should proscribe only unwanted harms. Because of the possibility of duress and the evidential difficulties which might arise if consent were allowed to operate as a defence to homicide however, we were all of the opinion that the law should not allow consent to operate as a defence here. As a result we concluded that the law should place some limit on the degree of injury to which a victim may consent. The majority favoured drawing the line at injuries which are likely to result in serious brain damage such that future choice is impaired.

We also regretted the Commission's failure to raise homicide and boxing for consideration. We felt that the Commission might have concluded that boxing is *sui generis* had it addressed this issue.

(II) If so, do consultees support the present general limit, as stated by the majority in *Brown*, that consent is no defence in respect of an act that is intended or likely to do actual bodily harm, or injury?

Certain members doubted the legal correctness of the decision in *Brown*. All eleven members of the group disagreed with the present limit on consent which operates as a defence to assault only at the lowest possible level.

(III) If consultees do not support, or are doubtful about, the rule stated in question II, they are invited to comment on all or any aspects of the alternative rule provisionally proposed, as summarised in paragraph 22.1 above:

1. The defence of consent would extend to consent to the likelihood (see paragraph 18.2) of injury, but not of serious injury. This fundamental change is explained in paragraphs 16-17 above.

2. Because it excludes consent to serious injury, the defence of consent would be potentially available in respect of charges of assault and inflicting injury, but necessarily not in charges of inflicting serious injury (paragraph 19.2 above).

1 & 2 In the interests of freedom of choice and individual autonomy certain members felt that the law should allow consent to operate as a defence to any injury which leaves (future) ability to choose intact. This philosophy coupled with the difficulty of discerning what exactly constitutes really serious harm (especially in light of the recent decision in the case of *Christopher Gelder*[1] at Chester Crown Court) and the difficulty of drawing a line through the middle of s20 of the Offences Against the Person Act 1861, led the majority of the group (6:4) to favour the operation of a defence of consent up to and including s18 of the Offences Against the Person Act 1861 subject to the requirement that ability to choose is not impaired.

The minority favoured the Law Commission's proposal which would not allow consent to operate as a defence to serious injury.

3. The defence would equally not be available where the defendant intended to cause serious injury, whatever offence he was actually charged with (paragraph 18.3 above).

The group found it puzzling that intention to cause serious injury should give rise to conviction for a less serious offence. We were of the opinion that the situation envisaged by the Commission is a classic attempted s18 case and should be charged as such.

4. Although the defence discourages consent to serious injury, it would be available even if the victim had consented to serious injury if the defendant only inflicted injury (paragraphs 19.4-19.5 above). We suggest, however, that in any case where the defendant *knows* that the victim is consenting to serious injury he should not be able to rely on the defence of consent (paragraph 19.6 above).

We agree with the Commission's first proposition that consent should provide a defence if the victim had consented to serious injury if the defendant only inflicted

injury. However we felt that a defendant should have a defence in the second situation envisaged by the Commission if he does not intend to cause and is not reckless as to serious injury. We doubted the deterrent value of a provision like this and felt that where the defendant intends to cause serious injury he should be liable to be convicted of an attempted s18 offence.

5. The defence would be subject to the normal rule that the defendant's liability should be judged on the facts as he believed them to be. The defendant would therefore have the benefit of the defence where he believed the victim to be consenting, even if in fact he was not (paragraph 20.2 above).

The majority (10:1) favoured a subjective approach, agreeing that the defendant's liability should be judged on the facts as he believed them to be. This is reconcilable with the subjectivist approach which pertains in relation to mens rea and self-defence.

6. The law should be the same whether the acts complained of take place in public or in private (paragraph 21.1 above).

We agree.

(IV) Do consultees wish to retain the present rules as to the reality of consent, and the matters that render consent ineffective in law (see paragraph 24 above)? Comment is invited on the alternative scheme summarised in paragraph 31 above:

1. In deciding whether the victim has consented to the injury or risk involved, "consent" should be given its normal meaning (paragraph 25.1).

We agree.

2. That consent will however be rendered ineffective in law by the presence of a number of defined circumstances (paragraph 25.5). Those circumstances are provisionally proposed in sub-paragraphs 3 to 8 below.

3. Where the victim's consent is obtained by fraud on the part of the defendant as to any aspect of the transaction (paragraph 26).

4. Where the victims consents because of a mistake as to any aspect of the transaction, and the defendant is aware of that mistake (paragraph 27.2).

3. & 4. While obviously concerned to prevent recurrence of the result in **Bolduc and Bird**, we considered the Commission's proposals on fraud and mistake to be very wide-ranging. Fraud or mistake "as to any aspect of the transaction" would have the inevitable consequence of rendering liable for rape the client who gives a prostitute a forged bank note. Since rape by its very nature means non-consensual sexual intercourse we do not think that this is an appropriate charge. We do not advocate the extension of fraud or mistake to cover any aspect of the transaction and feel that the defendant envisaged here should be liable for an offence of obtaining by deception. Similarly we feel that the voyeur in **Bolduc and Bird** should have been liable as a secondary party to assault.

5. Where the victim consents because of force or a threat of force exercised by the defendant against any person (paragraph 28.2).

We agree but wonder whether, if given its normal meaning, this could be described as "consent".

6. Where the defendant, in order to obtain the victim's consent, exercises force or a threat of force against any person, irrespective of whether that force or threat was causally effective in obtaining the victim's consent.

The group felt that in the absence of any causal connection consent should be effective and a charge should not lie to assault. We noted that the situation proposed is analogous to that of blackmail for which a charge might properly lie. We also considered attempted assault to be an appropriate charge.

7. Where the victim consents because of any threat made by the defendant (paragraph 29.3), or because of any exercise of authority by the defendant (paragraph 29.4).

We agree subject to our observation in Q.5.

8. Where consent is given by a person under the age of sixteen who does not have sufficient understanding and intelligence to be capable of giving consent (paragraph 30.4). Comment is invited whether other such groups should be identified.

We agree. The group felt that any person who does not have sufficient understanding and intelligence to be capable of giving consent should be included here. This would encompass the mentally disordered as well as persons under sixteen years of age.

(V) Comment is invited on the proposals for the special cases that are summarised in paragraph 48 above.

The group felt that the extension of the defence of consent to serious injury would obviate the need for many of the special categories. We felt that the Commission was blinkered by the issue of sado-masochism and regretted its failure to discuss consent to homicide and boxing.

EVALUATION OF URBAN CRIME FUNDING
IN WEST YORKSHIRE EXTRACT FROM
FINAL REPORT TO THE WEST YORKSHIRE
POLICE AUTHORITY 1994

**Ian Brownlee, Christina Hart and Clive Walker WOMEN'S SAFE
TRANSPORT, LEEDS (UCF Project no.48)**

Origins of Project

The origins of the project pre-date the UCF initiative by some way. Interest began with the establishment in 1989 of the Homerunner scheme in Bradford. The Homerunner scheme is funded by Metro (the main West Yorkshire bus company) and Bradford Safer Cities and is operated by the Homerunner Steering Group of the Holmewood Community Council. Based on the perceived success of this scheme, a bid had been prepared for funding from the Equal Opportunities Unit of Leeds City Council for council funding in October 1991 with a view to commencement in April 1992. The appearance of the UCF was therefore fortuitous.

The experience of Bradford very much informed the Leeds bid. One specific example concerns the decision in Leeds, after some discussion, to institute a rule that unaccompanied women under 16 are not admitted since the experience from Bradford suggested that the result would be usage by middle class girls on recreational outings (such as Guides). We have been assured that this was not meant to exclude middle class women as such (the same rule does of course apply equally to girls from other social classes), but rather to target those without access to private transport and so most dependent upon Nightlink. The Leeds scheme has on the same basis targeted other groups of women who are perceived as especially in potential need of Nightlink, such as older women or women living in areas with a relatively low car ownership per head of population. At the same time, it should be noted that Homerunner and Nightlink also differ significantly. The Leeds scheme is much more ambitious in the sense that it caters for a much larger group of women not confined to any single location within Leeds, and so it also had (at least during the UCF funding period) four buses rather than three. The Bradford scheme remains more a community venture linked to a specific area.

As well as learning from the operation of the Homerunner scheme and similar schemes elsewhere, the Nightlink designers were very much affected by the advice of Metro and Steer, Davies and Gleave, Transport Consultants. In summary, the managers were well-informed and put greater effort and imagination into the design of this project than most others of the non-police variety, though they did have the advantage of a running start.

Organisational Structure

To avoid infringement of the Sex Discrimination Act 1975 but to retain the explicitly positive discriminatory aspects of the scheme, the Equal Opportunities Unit realised that they had to transfer the operation of the service to a voluntary group. No existing group was prepared to help, so they convened a meeting of interested parties from their mailing list. Out of this meeting emerged Nightlink, which has since been founded as an independent charity with the objective of safe transport for women and with the bus service as its predominant business.

There is a contract between Nightlink and the council for the provision of the service. Thus, Nightlink is formally independent from the council, but relies on the council for advice and administrative assistance. For example, the buses are actually maintained by Social Services. The Council has a co-ordinator who keeps detailed records about pick up and delivery. The Nightlink organisation is monitored by the Women's Committee of the Equal Opportunities Unit, and the council representative attends meeting of Nightlink.

To avoid the inefficiency of a separate ticketing system, Metro deals with that aspect of the operation and also keeps a record of numbers of users. It also publicises the scheme, as does the Council, especially through Social Services and libraries.

Though the bulk of the revenue for Nightlink was provided by the UCF in 1992-93, other sources of finance have been sought. As a result, Metro sponsored the scheme to the tune of [[sterling]]10k. Sponsorship from other sources has been worth [[sterling]]1.4k. Since March 1993, the scheme has been funded mainly by the Leeds City Council.

Operations

The scheme commenced in September 1992, the delay being attributable to the complication of establishing the organisational infrastructure, as outlined above. On the other hand, the late start meant that there was UCF funding to perpetuate operations until May 1993.

The service consisted during the UCF period of four 10-seater buses and four drivers. Two drivers are men, which is viewed as undesirable as a matter of policy but unavoidable owing to the requirements of the Sex Discrimination Act 1975 and also because of the lack of employable women with PCV (passenger carrying vehicles) licences. Some funding is being used to train women in this skill.

As mentioned at the outset, the area covered is mainly that part of Leeds within the outer Ring Round. Consequently, there are significant population areas not covered by the service. This omission seems to us quite defensible given the limited resources and current operational strategy of the scheme, but whether alternative models of rationing might be adopted is something considered later in this report.

The service runs from 6-11 p.m., and each journey costs a flat fare of [[sterling]]1. The users have to book a seat between 5-8 p.m. on Monday to Friday, with 48 hours' notice where possible.

The usage of the service has risen steadily, from just 21 passengers in the first week of operation to an average of about 250 in late 1992. It was expected that Nightlink would carry 330-400 women per week, so the actual load is somewhat lower than expected. Nevertheless, the service is running more or less at capacity in terms of vehicles on the road for much of the time.

Assessment

Strategy and Implementation

Nightlink was by no means the first special transport system for women within West Yorkshire. Homerunner was, as already mentioned, an established precursor, and an even longer-established scheme had been run by Leeds University Union for female students.^[1]

The existence and longevity of such schemes suggests that there is a gap in the transport service which such special schemes can fulfil. The primary gain from them

is more in terms of the reduction of fear of crime rather than of actual crime,[2] which is statistically more likely, so we were assured by the police, against male transport users than females.

Management

Owing to the work which had already been carried out before the UCF came into being, Nightlink avoided the excessive delays commonly associated with the non-police projects we have commonly encountered. Nevertheless it did take until September to set the scheme in motion, though this meant that the system was in place in time for the darker winter months.

The management structure devised for this project was somewhat indirect. However, the legal reasons behind this arm's length approach are understandable, and the project workers were closely and effectively monitored by the Council.

Since the project has been funded by Social Services until 31 March 1994, there has been no exit strategy as such, though the funding situation has produced some trimming of the service to three buses and the drafting in of council drivers rather than the use of drivers employed solely for Nightlink work.

Crime analysis

The figures made available to us by the West Yorkshire Police (returns throughout the Leeds area for assaults, indecent assaults and rapes) do not enable us to discern whether any impact has been made in regard to offences against women travelling at night. These statistics were too general for our purposes and would individual incidents to which they relate would have to be scrutinised to see if the crime was transport-located. It is almost certain that when the figures are so refined, any reduction in crime brought about by Nightlink is likely to be very small since its incidence in the first place is rare.[3] Furthermore, even if a patterned reduction could be detected, its interpretation would be problematical without further analysis - it may show that vulnerability has decreased or that women have become more afraid to venture into public places at night.

We have not sought to pursue this matter, as crime reduction is in any event not the main basis for the scheme. Thus, the primary objective is a reduction in the fear of crime or more general feelings of vulnerability so as to encourage greater socialisation amongst women.

Outcomes - Survey of users

The operators of Nightlink commissioned a report by Steer Davies Gleave, transport consultants in Leeds, into the usage of the service. In the light of the full and very professional report disclosed to us, we did not think it worthwhile to duplicate this research and so simply describe the main findings below. The report itself is appended to our report.

The survey involved the use of self-completion questionnaires distributed by drivers and an interview of a sample of users. Fieldwork took place over a two week period in

early December 1992, and a total of 120 face to face surveys were completed during this time, plus 54 self-completed forms. The main findings of that study are as follows.

In terms of a profile of users, the purpose for which they were travelling did to some extent dictate their categorisation. Thus, the purposes for travel are mostly work (43%), social/recreation (30%) and education (16%). Work also accounted for the most frequent trip making. It follows the main age range is between 25 to 59 and that many are socio-economic class C1 nurses, cleaners and health care helpers. Since the survey, the Nightlink group has produced statistics of passengers from 31 August to 28 December 1992. During those dates, there were 3174 passenger trips, of which 43.4% were for work purposes, 18.1% educational and 38.6% for other (mainly social/recreational) purposes.

The consultant's survey revealed that 95% of Nightlink users have some fear of travelling after dark. Even amongst the small number of respondents not feeling at risk when travelling after dark, some stated that they would avoid putting themselves in a position of risk by using public transport or walking after dark. The main anxieties women expressed about travelling after dark were fears of attack and lack of safety (78%), though to reiterate the point made earlier, experience of actual attack is relatively uncommon (8%). By contrast, Nightlink was popular with women of all ages and socio-economic groups. Safety and security were expressed as the most important aspects of Nightlink (87%). However, it was felt that the service had some shortcomings. Better publicity would have helped (41%), though it may be commented that it had been good enough to attract these users. Perhaps more sustainable complaints were the lack of available buses (36%) and the difficulties of booking and planning a trip so far in advance (46%).

The main alternative mode of travel which would have been considered by Nightlink users was the bus (67%), followed by taxis or minicabs (30%). These proportions tended to reflect the choice of transport modes for journeys outside the evening period, when three quarters of Nightlink users travelled by bus for their 'outward' journey. By contrast, only a third of passengers travelling after 6 p.m. actually used the bus for a journey when Nightlink was available.

Typically, bus travel was considered to be the least safe transport mode after dark, as it involved walking through badly lit 'unsafe' areas and waiting at bus stops at vulnerable locations. Although bus travel was considered least safe, it was, of economic necessity and feasibility, the main alternative considered for 67% of Nightlink users. This stark choice does highlight the need for alternatives along the lines of Nightlink.

The depth of fears and anxieties experienced by women when travelling by conventional transport modes, most particularly by bus, was clearly demonstrated by 19% of women currently using Nightlink who would not otherwise have travelled. A third of women (36%) making discretionary trips for social or recreational reasons would not have ventured forth without Nightlink, whereas only 9% of those making more essential trips for work and education would not have wished to travel. Overall, 16% would not have travelled, and 5% would even have to change jobs.

In summary, Nightlink has afforded a valuable service to a potentially large body of users whose fear of crime has been significantly reduced. In this respect, it can be reported that UCF money has been properly spent on relevant purposes. However, the very depth and breadth of the need for dedicated transportation suggest that some targeting of resources is necessary otherwise those with the most need will not be properly catered for. On the basis that Nightlink is seen as decisive in the case of many social trips but is more a matter of preference, convenience (and perhaps economy) in the case of work or educational trips, it seems clear that the former ought to be preferred, though not exclusively, since the report also shows that the availability of acceptable alternative means of transport[4] is more likely in the case of social trips (47%) than educational (35%) or work (29%) trips. At the same time, it might be possible to cater efficiently for some work or educational trips, since hospital shifts or the opening and closing hours of, say, adult education centres, are quite predictable. These conflicting considerations will be considered further in our conclusions.

The findings of the users' survey might be compared with a similar survey conducted by Steer Davies & Gleave in respect of the Homerunner service in Bradford in 1990.[5] The survey found that usage of the system was for similar reasons as Nightlink; 59% were work journeys, 38% were social/recreational and 10% educational. The main benefit of the scheme was said to be its safety, and 24% viewed it as vital in terms of whether the journey was made at all (again there was a higher rate for social/recreational trips).

Outcomes - Non-user survey

In the light of the very full and informative Steer Davies Gleave report, we concentrated our efforts on potential users - women in the Leeds area who could use Nightlink but had so far chosen not to do so. In order to target women who could fairly be described as potential users, Nightlink analysed for us the data on pick-up and destination locations in the first week of February 1993. From this information, we discovered that the two of the commonest distinct locations (as opposed to suburbs or areas) were St James' Hospital and Park Lane College.[6] We therefore decided to hold our survey at those locations in order to discover why most of the women present had not yet availed themselves of the service on offer despite the fact that they were attending a location commonly visited by the buses.

The questionnaire was administered at each location during the same week in late April 1993. Each location was surveyed on one evening (chosen after consultation with administrators at the location). The canvassers were two female postgraduate students. Overall, we talked with 163 respondents (St James' Hospital = 50.3%, Park Lane College = 49.7%), who were surveyed on successive evenings between about 6 to 9 pm in late April 1993 by female research workers.

Our questions were directed at women aged 16 or over who had not in fact used the service. Some of the questions provided us with personal details in order to establish the profile of our sample. We found that the largest age group was the 16-24 category (43.6%), then 25-34 (29.4%) (question 18). As for the racial origins of our sample (question 19), 85.9% described themselves as white (90.2% at the College, 81.5% at the hospital). Our sample also contained 2.5% Afro-Caribbeans and 8.6% Asians. [7]

The questionnaire was also directed towards establishing the nature of the visit and the way in which it is achieved. The purpose of visiting St James' Hospital (question 1) was, as expected mainly for work ((37.8%) or to visit someone (50%). The purpose of visiting the college was mainly either staff work (33.3%) or student work (55.6%).

Table A

Purpose of visit to hospital

	Frequency	Valid Percent	Cum Percent
Work	31	37.8	37.8
Visiting	41	50.0	87.8
Other	10	12.2	100.0
Total	163	100.0	100.0

Valid cases 82

Table B

Purpose of visiting College

	Frequency	Valid Percent	Cum Percent
Staff Work	27	33.3	33.3
Student Work	45	55.6	88.9
Other	9	11.1	100.0
Total	163	100.0	100.0

Valid cases 81

Question 2 showed that most people were travelling from predictable locations - in other words either home (71.4%) or work (17.4%). This predictability is important as some preplanning must be made to use Nightlink. We were therefore assured by this question that the circumstances of the visit meant that most people interviewed could fairly be categorised as potential users. This point was further confirmed by question 3 about the area of origin. Most came from within the Leeds areas served by Nightlink. We cannot, however, exclude the 23 (14.1%) who did not, since they might have made a linking journey within Leeds.

We discovered that most respondents (question 4) had arrived by car (62.4%), and most intended to return by that mode of transport (69.3%). The sole other major transport user was bus (16.8% for journey in and 14.8% for journey back). The only notable difference between the two locations was that a higher proportion of homegoers at the College intended to use a bus (21% compared to 8.6%).

Question 5, about the frequency of visits by the respondent, also establishes the appropriateness in potential of Nightlink. Again, we found that a substantial

proportion (85.9%) visited weekly or more often, and 34.4% visited most evenings of the week. As might be expected, there were many more occasional visits to the hospital than to the college (25.6% compared to 2.5%).

In summary, we seem to have captured a very suitable group of women who fit all the predicted characteristics of potential users of Nightlink. The next series of questions tries to establish their attitudes towards the service and why they have not in fact used it.

An obvious obstacle to user is ignorance about its existence. This was indeed a fundamental problem (question 6), with 52.8% of the sample unaware of its existence. There was no evidence that either older women or ethnic minority women were better aware of the service. Clearly, this problem raises questions about the publicity given to the scheme and whether it needs to be expanded. That publicity can have an effect is evident from further analysis by location, which showed that 60.5% of persons at the College were aware of Nightlink but only 31.7% at St James'. We discussed this finding with the operators and found that they had made a special effort to distribute leaflets to students at the College. Furthermore, the College had included a notice about Nightlink in their orientation pack for new students. This effort was reflected in question 7.

Of those who had heard about the scheme, a wide variety of methods had conveyed the message ("Other" means was our largest category = 41%). However, the College goes do appear to have been informed more effectively, as 33.3% mentioned sight of leaflets on the subject compared to 14.8% for St James.

Of those who had heard of the service, 43.4% had considered using it, but 56.6% had not (question 8). It would have been interesting to know whether there was greater willingness on the part of ethnic minorities to use the service, but the numbers involved were too small to make any inferences. We asked those who had heard of the service why they had not used it so far (question 9). Two possibilities are that its attractions have not been clearly conveyed or that it is not attractive. In fact very few women answered this question, but those who gave a substantive reason relating to the use of the service mentioned the difficulty of pre-booking.

Of those who had heard of the service and had considered using Nightlink (question 10), 87.9% did have a firm intention to use it (17.8% of the whole sample). Thus, some progressive increase in user can be expected, though not on a large scale.

Questions 11 and 12 were designed to elicit comments about Nightlink from those who had heard about it. To some extent, the adverse comments about prebooking in question 9 were reinforced. There was also criticism of the hour of termination of the service. The most popular usage was envisaged as trips to the city centre for social purposes

We then asked about general perceptions of women-only transport schemes - their good points and bad points (questions 13, 14, 17). The overwhelming good feature was safety - the reduced vulnerability to attack by men. This point was heavily reinforced by the answers to question 17. The main difficulty is the segregation involved from male companions which may cause great inconvenience to parties

wishing to travel together and was also viewed by some as wrongful discrimination in principle. At the same time, as many see the main virtue of the system as the exclusion of threatening males, there is a dilemma here which cannot easily be resolved to the satisfaction of all.

The next few questions were addressed to all respondents and asked about their attitudes to safety and transport.

How common are feelings of insecurity (question 15)? There is evidence of a considerable problem, with 27.8% being in constant fear, 11.7% often in fear and 40.7% occasionally so. Only 19.8% perceived no danger.

Table C

Feelings of insecurity when travelling after dark

	Frequency	Percent	Valid Percent	Cum Percent
All / most of the time	45	27.6	27.8	27.8
Often	19	11.7	11.7	39.5
Ocasionally	66	40.5	40.7	80.2
Never	32	19.6	19.8	100.0
No response	1	0.6	Missing	
Total	163	100.0	100.0	

Valid cases 162 Missing cases 1

The sample sizes were again too small to detect with certainty any extra fear amongst ethnic minority women.[8] However, we did see different perceptions according to age which very much reflects the Steer Davies survey. Thus, the young (16 to 34) saw less danger to themselves in more cases than average (21.1% for 16 to 24, 23.4% for 25 to 34, falling to 16.7% for those over 45).

When asked to identify the times of particular danger and fear in respect of various transport modes (question 16), the risks were seen as multiple, though the emphasis differed according to the vehicle. For example, the following were picked out: walking to a bus stop; riding in a car or taxi; waiting for a cab or train. We then cross tabulated the modes of transport actually used (question 4) with answers to this question. The results show that there are no startling differences between car and bus travellers. Presumably, those who travel regularly by a given route (as do most of our respondents) have selected a method which does not give rise to unacceptable levels of fear, though may not obviate all problems.

In conclusion, our survey shows a receptivity to the idea of special transport schemes for women and an unmet need. The present scheme fails to comply with all the demands of the potential consumer. In particular, prebooking seems a problem, and many potential users have simply not heard about it.

Many of these findings replicate those of the Steer Davies & Gleave study of Homerunner in 1990 which likewise considered the attitudes of non-users. Lack of information (49% of our interview sample were unaware of the scheme's existence) and perceptions of inconvenience from pre-booking and slowness tend to be what stood in the path of wider usage. Further research into the attitudes of women using other transport modes (taxis, buses and so on) would have been helpful to complete the picture and identify special needs and fears but was not possible in the time available to us.

Conclusions

A radical interpretation of crime prevention measures such as Nightlink is that they court the long term danger of institutionalising further mechanisms of control over women's lives and further restrictions on their autonomous movements. Thus, the permanent segregation of women travellers and other aspects of the system such as pre-booking might be viewed as forms of subjugation, male paternalism and the normalisation of the vulnerability of women. A more direct and radical response to the concerns about women's safety on public transport would be to address the causes of the concern for safety, namely male aggression, rather than to encourage defensive reactions amongst women. Consequently, a preferable transport policy in the light of this analysis might be more security measures to police males on regular transport services and at transport locations,^[9] thereby affording much wider choice and opportunities for women. However, such an approach was well beyond the remit of the Nightlink project and would almost certainly prove to be beyond the budgets or inclinations of central or local government or the police. Therefore, Nightlink must be judged on the more limited aims on which it was founded, and must be judged to be an acceptable transitional measure, pending a more thorough reassessment of the transport needs of women.

On that basis, it has provided substantial relief from fear of crime for its users, and so it can be confirmed that UCF money has been spent appropriately. To this extent, we would endorse the generally supportive report of Steer, Davies Gleave. However, whether the scheme has been as effective as possible in terms of crime prevention for the money available is perhaps more debatable. There may be two arguments to suggest that it has not and where we would take issue with the conclusions of the Steer Davies Gleave report.

The first point is that its actual impact on the broad target group, predominantly women users of public transport after dark, has been very limited. Thus, we would disagree with the assertion by Steer Davies Gleave that Nightlink 'provides a key means of overcoming fear and apprehension of travelling which almost all women have.'^[10] Those who utilised the system were satisfied (to a fair degree), but the vast majority^[11] did not use the system at all and even the majority within that category did not, according to our survey, feel tempted to do so in the future. So, the system did not address the fears of most women.

Secondly, Nightlink has no conceivable prospect of catering for all needs in the light of its meagre resources. The project managers were in mid-1993 still seeking to

increase demand through further publicity, as encouraged by Steer Davies Gleave,^[12] but it is difficult to see how any increased business so elicited can in fact be satisfied without detriment to existing users. It is, as mentioned in the final report by the project co-ordinators to the police in March 1993, already the case that up to 90 or more requests are being turned down each week, and our surveys show that many more women are already discouraged from making a booking in the first place by inconvenient features of the service. Thus, even with much more publicity, most single women journeys could not be catered for by Nightlink and might even, without more buses, cause disenchantment amongst users and potential users. It should be emphasised that the causes of non-usage relate at least as much to features of Nightlink (especially pre-booking) as ignorance of its existence, so that more publicity is clearly not the whole answer. In summary, there is a very large potential market for safe transport which the present scheme cannot hope to satisfy. This conclusion may be taken to be a criticism more directed at the limited funds available than the way in which Nightlink operated. However, whilst accepting that limited funds are the major problem, it is arguable that, given the stark reality of those limited resources, more relevant targeting and prioritising of resources could produce a better (in the sense of qualitatively addressing the greatest need) or fuller (in the sense of quantitatively addressing the need of more women) response to women's fear of crime.

Now that Nightlink is no longer police funded, it is quite legitimate for the council-funded operators to change the nature and aims of the scheme for the future. However, so far as the scheme's erstwhile existence as a crime prevention measure is concerned and just in case any future crime prevention transport scheme may be devised, the following suggestions try to build on the experience of Nightlink and to improve the particular service intended to be delivered. It should be emphasised that these suggestions for improvement do not imply that the existing scheme was not already providing a valuable and necessary service for its users. Our concern is more to consider whether it might be possible in the future to provide a better service for the women we encountered, in other words non-users.

As a crime prevention strategy, the Nightlink model was arbitrary in some respects. Firstly, the coverage of areas of Leeds was partial and left out important communities. The response of the managers would no doubt be along the lines that the buses could not cover more ground, but then that assumes a model of what might be called "fire-brigade" transportation which responds to haphazard demand within a very large target area. Secondly, the actual choice of customers and routes covered, again subject to certain planned exclusions, was equally a matter of chance in that the route is fixed by whichever customer phones first, second, third and so on. Such a scatter-gun approach not only fails to cater for many needs (significant numbers are already being turned away), but it also caused dissatisfaction amongst those who wished to use the system or actually did use the system. Thus, the problems of pre-booking and lengthy journey times are inherent in a working practice of this kind.

One possible approach to these problems would be a more proactive approach. In short, a more predictable and readily available service would be desirable, and these features might better be achieved by concentrating on the servicing of women's needs at specified locations.^[13] In that way, the buses could more effectively serve a narrower constituency and for narrower purposes. A mixture of work and

social/recreational destinations should be catered for, since the latter are elective trips which might not otherwise be made and the former are less likely to be achieved by alternative modes of transport. A model might be a service confined to public service locations (colleges, hospitals, leisure and sports facilities, transport centres). Several advantages would follow: the geographical area covered might be widened since more predictable journeys should result; some prebooking could be avoided, at least on the return journey; better publicity would be possible (often as part of the publicity for the facility rather than for a discrete transport scheme) to an audience which can understand the relevance and availability of the scheme. At the same time, delivery to and from the door of the women's house is an important advantage of the system, and so pre-booking on the outward journey and the inconvenience of a circuitous journey home may be an unavoidable price. Conversely, it may be necessary to limit the servicing of pre-booked journeys from home, otherwise buses will be unavailable to make predictable journeys from known locations. This limit would be undesirable but would tend to impact on journeys in the early evening and so may not be as serious an obstacle to mobility as limitations on availability at the end of the evening. An incidental but beneficial effect of this proactive model would be an emphasis on the encouragement of the use of local public facilities.

Public transport systems inevitably are forced to choose between desirable policies rather than being able to pursue all the objectives they would wish. Our suggestions above should be read in that light. In other words, Nightlink has provided a valuable service for its users but may need to consider whether more could be done for the much larger constituency of non-users without wholly undermining the service already provided. The answers provided by current non-users at least suggest that a more imaginative approach than simply more publicity is required.

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[1] For the earlier development of the law of fingerprinting, see the Criminal Justice Act 1948 s.40, The Magistrates' Courts Act 1952 s.40, and the Prison Act 1952 s.16.

[2] The Royal Commission on Criminal Procedure, Cmnd 8092, 1981.

[3] *Ibid*, see para. 3.125, 3.126 and 3.127.

[4] See the cases of *R v Jones (Yvonne)* [1978] 1098, *R v Surrey Coroner, ex parte Campbell* [1982] 2 All ER 545, the Commissioner for the Metropolis *ex parte Ryser* [1985] Crim L.R. 735.

[5] See PACE 1984 s.78 and the case of *R v Mason* [1987] 3 All ER 481.

[6] See PACE 1984, part IX and *R. Clayton & H Tomlinson, Suing the Police*, 1989 for civil action of trespass, false imprisonment or negligence brought against a police officer.

[7] See PACE 1984 s.8 and 9.

[8] See Interception of Communications Act 1985.

[1] *The Times* 25th May 1994

[1] The University service started in 1981 (at the height of the Ripper murders) and was replicated in 1992 by the Leeds Metropolitan University after the rape of a student.

[2] Several studies have shown that fear of crime in general is greater amongst women and the elderly: Maxfield M, *Fear of Crime in England and Wales* (1984, HORS 78); Hough, M and Mayhew, P, *The British Crime Surveys* (1983, HORS 76, 1985 HORS 85); McConville, M. and Shepherd, D., *Watching Police, Watching Communities* (Routledge, 1992) p.52, 54.

[3] The totals for the most relevant crimes recorded and detected in April to March 1991/2 and 1992/3 (with % change) were as follows:

	Recorded crime			Detected crime		
Rape	46	58	(+26.1)	69	69	(0)
Indecent assault	174	154	(-11.5)	257	153	(-40.5%)

[4] Our definition of "acceptable" comprised cars or taxis but not buses or foot.

[5] A further survey, by the Harris Research Centre on "Women in Transport" commissioned by Metro and other PTEs and conducted in 1988 at eight different locations by way of group discussions, also found widespread fear of physical assault, especially amongst older women. This fear was rarely the result of direct experience of attack (7%).

[6] The two chosen locations accounted for 34 out of 288 pick-ups or deliveries (11.9%), with Park Lane College comprising 9 journeys and St James 25. The other most popular was Meanwood Park Hospital with 11 (3.8%).

[7] According to the 1991 census returns for the Armley, Beeston, Bramley, Burmantofts, Chapel Allerton, City, Harehills, Headingley, Hunslet, Kirkstall, Moortown, Richmond Hill, Roundhay, Seacroft, University, Weetwood and Wortlet wards, there were 170, 913 female residents. 90.2% were white, 5.5% Asian and 4.5% Afro-Caribbean.

[8] The extra vulnerability of minorities is reported elsewhere: Home Office, *The 1988 British Crime Survey* (HORS 111, 1989).

[9] The Harris survey found this option being voiced.

[10] Report, para.5.2.

[11] Census returns in relevant areas for 1991 reveal that there were 137, 016 females aged 16 or over, of whom 71, 322 were single, 66, 846 economically active, 33, 355 retired and 5, 429 in full-time education. Users of the system could number no more than 3, 000 and in reality would be far fewer when account is taken of repeated travel.

[12] Report, para.5.5.

[13] The Steer Davies Gleave report on Homerunner did include a non-user survey but did not produce similar recommendations for targeting in the same way as here. Of course, the Homerunner scheme is already targeted in comparison to Nightlink, as described earlier, and so these differences in approach are understandable.