

CENTRE FOR CRIMINAL JUSTICE STUDIES

FOURTH ANNUAL REPORT

1991-92

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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).

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THE WORK OF THE CENTRE

A Research projects

The following research projects are currently in progress.

(a) Reporting of Crown Court proceedings and the Contempt of Court Act 1981.

This project is funded by the Leverhulme Trust and is directed by Dr. Clive Walker with the assistance of Debra Brogarth (whose term of employment has now ended) and Ian Cram. The aim is 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 publication of Crown Court proceedings. The research was carried out at nine Crown Courts in 1989-90. A report has been prepared, and a shortened version of the findings is shortly to be published in the Modern Law Review.

(b) A study of sentencing in the Leeds Magistrates' Courts: The treatment of ethnic minority and white offenders.

Imogen Brown has researched into various aspects of the work of the magistrates in Leeds in association with Dr. Roy Hullin (Dept of Biochemistry). A summary of the completed work has been published in the British Journal of Criminology (1992, Vol.32 p.41).

(c) 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. A preliminary report has been published (at [1990] Criminal Law Review p.852). Further evaluations, which concentrate more on the impact of the programme rather than the selection of clients, are in preparation.

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

The Home Office has funded research into the working of the above. The research is concentrating on procedures in the Bradford and Leeds Magistrates' Courts and has been in progress since January 1990. The grant-holders are Ian Brownlee, Peter Seago and Clive Walker. Much of the fieldwork has been carried out by a full-time research officer, Aogan Mulcahy. The final report has now been submitted to the Home Office, and arrangements are in hand for wider publication of our findings.

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

This project, directed by Adrian Wood with assistance from Clive Walker and Allan Blake (Leeds Polytechnic), is supported by E.S.R.C. funding and is surveying four courts and their relevant Criminal Legal Aid Committees. The date for commencement was January 1992, when a full-time research officer, David Wall, was appointed.

(f) Special Constabularies (various projects)

Clare Leon is acting as consultant to the Home Office Research and Planning Unit in a project on "Wastage in Special Constabularies" which commenced in April 1991. She is also studying the role of special constables during the Second World War.

(g) 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, are to evaluate for the West Yorkshire Police Authority the 43 projects which are being set up pursuant to the Urban Crime Fund. Reflecting the diversity of the projects, a number of different research techniques and levels of evaluation will be applied. The study commenced in August 1992, and a full-time research officer, Christina Hart, is now in place.

B Postgraduate study

(a) 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.

(b) Current postgraduate research students

Ford, Lindy C., M.Sc, B.Sc. - Homelessness and persistent petty offenders (Ph.D., October 1988)

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)

Acharya, Neena, LL.B. - The Police and Race Relations (M.A., January 1990, part-time).

Harrison, Bronwyn, B.A. - The development of juvenile cautioning and its implications for police practice and procedure (M.A., February 1991).

Ghosh, Saumya, LL.B. - A comparative study of some exceptions to the hearsay rule with special reference to England and India (October 1991)

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 (M.Phil., September, 1992)

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

Davies, David Ioian, LL.B. - Identification evidence (M.A., October 1992)

Moraitou, Areti, LL.B. - The law and practice in relation to fingerprinting by the police with respect to England and Greece (October 1992)

Bottomley, Andrew, B.A., M.A., M.Phil. - The problems of policing in a post-1992 Europe with reference to drug crime (Ph.D., January 1993, provisional)

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

(c) Postgraduate research degrees 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)

(d) Postgraduate taught courses

The following schemes for taught postgraduate courses have now been approved by the University and should commence in 1993-94:

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 and later accreditation can be granted.

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: There is a compulsory course on research theory and methods and a compulsory dissertation. In addition, students must select from courses on criminal law; deviance; policing; criminal procedure; criminal justice institutions; philosophical aspects of criminal justice; terrorism, emergencies and national security; European aspects of criminal justice; international law aspects; criminal justice in history.

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.

Objectives: To enable students to acquire new theoretical perspectives on, and wider knowledge about, criminal justice systems.

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.

Objectives: To enable students to acquire new theoretical perspectives on, and wider knowledge about, criminal justice systems.

Contents: Students select from the courses listed for the M.A. scheme. There is no compulsory course or dissertation.

C. Relevant papers and publications by members of the Centre during 1991/2

(a) Courts and court procedures

Brown, Imogen and Hullin, Roy - A study of sentencing in the Leeds Magistrates' Courts (1992) 32 Brit. J. Criminol. 41

Mulcahy, Aogan, Brownlee, Ian and Walker, Clive - Pre-Trial Reviews in the Magistrates' Courts: Final Report (1992) Home Office

Seago, Peter - various papers in connection with work on Judicial Studies Board's Magisterial Sub-committee on the Appraisal of Court Chairman and the Board's Ethnic Awareness Advisory Committee.

Seago, Peter - Co-director of the annual conference for magistrates in the Manchester Area

Seago, Peter - Various papers on the role of magistrates, Detective training courses, West Yorkshire Police

Wall, David - Current trends in the administration of legal aid, paper at the Socio-Legal Studies Association, Keele University, April 1992

Wall, David - "The importance of the solicitor in the administration of legal aid",

paper at the Legal Aid Practitioner Group Annual Conference, London, May 1992

Wall, David and Wood, Adrian - "The importance of the solicitor in the administration of legal aid", Legal Aid Practitioner Group News, May 1992

Wall, David and Wood, Adrian - "An endangered species: the experienced criminal practitioner" Solicitors' Journal, 1992 p.767

(b) Criminal and evidence law

Brownlee, Ian - Domestic Violence and the Law of Contempt, Journal of Social Welfare Law, 1990

Davies, Howard - Papers on "The criminal liability of corporations" to M.B.A. students, Management Centre, Bradford University (September 1991)

Flynn, Leo - Statutory Liability for Culpable Mismanagement; Insolvency Law in Context, ed Harry Rajak (Sweet and Maxwell Ltd; forthcoming).

Flynn, Leo - Reckless Trading, Irish Law Times, 1991 Vol 9 No 8 186-192

Hogan, Brian - (with J.C. Smith) Criminal Law (7th ed, 1992, Butterworths)

Seago, Peter - All England Law Reports, 1992 Annual Review - Criminal cases; Butterworths pp 18.

Seago, Peter - Lecture on crimes of violence, Annual Conference for Magistrates, Manchester Area

Seago, Peter - Lecture to Thameside Magistrates, Principles of Criminal Law

Seago, Peter - (with Gibson, B., et al) Criminal Justice Act 1991 (Waterside Press, 1991)

Storey, Hugo - Rethinking UK Immigration Law and Policy; publ. I.P.P.R. (forthcoming 1992)

Wood, Adrian - The Children Act, seminars with the W. Anglian Magistrates and the S. England Senior Chairmen of the Magistrates, September 1991 and to Lancashire Social Services in January 1992

Wood, Adrian - The Child Support Act 1991; (1992) The Magistrate, July

(c) Criminology and penology

Brownlee, Ian - The Leeds Young Adult Offenders Project - A Second Evaluation Report (1991) N.C.H.

Brownlee, Ian - The Leeds Young Adult Offenders Project - A Third Evaluation Report (1992) N.C.H.

Brownlee, Ian - Hanging judges and wayward mechanics (paper to the Fullbright Colloquium on Penal Theory and Penal Practice (Stirling, 1992)

Davies, Howard - Review of Droit Penal des Affaires (Vols 1 and 2) by Mireille Delmas-Marty (1992, Vol 41 International and Comparative Law Quarterly 501 - 502).

Ford, Lindy - Paper on "Homelessness and the persistent petty offender" at British Criminology Conference, York (July 1991)

Hogan, Brian, Seago, Peter, and Wood, Adrian - Sentencing Practice and Procedure, Update for Yorkshire and Humberside Court Clerks, Wetherby, September 1991

Wood, Adrian - Sentencing issues in 1991, Yorkshire and Humberside Court Clerks, Scarborough, January 1992

(d) Evidence

Macnair, Michael - The Early Development of the Privilege Against Self-Incrimination, Oxford Journal of Legal Studies, 1990 Vol 10 66-84.

Ockelton, Mark - (with J.D. Heydon) Evidence; Cases and Materials (Butterworths) (1991)

Ockelton, Mark - Documentary Hearsay in Criminal Cases, 1992 Criminal Law Review 15-21.

(e) Policing and police powers

Leon, Clare - "Uniform trouble?" in Special Beat Vol 1 No.3 (1991)

Leon, Clare - "Special Constables in Wartime" in Journal of the Police History Society (1991)

Leon, Clare - Book review - Gill and Mawby, "A Special Constable" (British Journal of Criminology, 1991)

Leon, Clare - Book review - Jefferson, The Case Against Paramilitary Policing (Northern Ireland Legal Quarterly, 1992)

Leon, Clare - Book review - Green, Police & Class Consciousness in the Miners Strike (Northern Ireland Legal Quarterly, 1992)

Walker, Clive - "The role and powers of the Army in Northern Ireland" in B Hadfield (ed.), Northern Ireland: Politics and the Constitution (Open University Press, 1992)

Walker, Clive - Seminar on The reporting of Crown Court proceedings and the

Contempt of Court Act, Queen Mary & Westfield College, London, January 1992

Walker, Clive - Review: B. Dickson, Civil Liberties in Northern Ireland (1992, Northern Ireland Legal Quarterly, Vol.42 p.168)

Walker, Clive - Submission to the Royal Commission on Criminal Justice, The Prevention of Terrorism Act, 1992

Walker, Clive - Seminar on Terrorism in the British Islands, Queen's University, Belfast, February 1992

Walker, Clive - Submission to the Law Reform Commission of Ireland, Contempt of Court, February 1992

Walker, Clive - The Prevention of Terrorism in British Law (2nd ed., Manchester University Press) (1992)

D. Seminars, Conferences and Continuing Education

STAFF, STUDENTS AND VISITING SPEAKERS

The following events were arranged in conjunction the Centre:

- (a) Training programme for visiting Indian Senior Police Officers, August 1991 (in association with West Yorkshire Constabulary).
- (b) Conferences on "Road Traffic Law Update", January, March 1992
Speakers: Colin Moore and Mark Ockelton
- (c) Seminar on "The corroboration of confessions and the protection of the accused" by Chris O'Gorman (October 1991) (see Appendix 3)
- (d) Talk by Charles Kemp, Research Fellow, Cambridge University on "Police and Community" (January 1992)
- (e) A visit to the Police-Community Forum in Woodhouse, Leeds was arranged in January 1992
- (f) Seminar by Barry Loveday, Birmingham Polytechnic, entitled "Reading the runes - an assessment of government plans for the future structure of police forces in England and Wales (March 1992)
- (g) The Philip James Lecture was given by Richard Buxton Q.C. on "Reform of the criminal law" (March 1992)
- (h) An informal seminar on "The Los Angeles riots" was lead by Professor Russ Weaver, University of Louisville, June 1992

(i) A conference on Mentally Disordered Offenders and their diversion from the criminal justice system was organised in Harrogate in June 1992.

Speaker: Dorothy Tonak and other members of the Hertfordshire Project Team

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

Dr C.P. Walker (Director)

Mr I.D. Brownlee (Deputy Director)

Professor N. Jepson

Professor B. Hogan

Mr P.J. Seago (ex officio, Head of Department of Law)

2. Advisory Committee

His Honour Judge G. Baker

Councillor T. Brennan (W. Yorks Police Authority)

Sir L. Byford (ex-Chief Inspector of Constabulary)

Mr I. Dobkin (Barrister)

Dr D. Duckworth (Leeds University)

His Honour Judge Herrod

Mrs P. Hewitt (Stipendiary Magistrate)

Mr. E. Jenkins (Leeds University)

Mr. G. Kamil (Stipendiary Magistrate)

Mr Justice Kennedy
Mr G. Kenure (Probation Service)
Peter D.G. McCormick (Solicitor)
Chief Spt. T. Moran (Commandant, W. Yorks Police Training School)
Mr P. Nobes (Chief Constable, West Yorkshire Police)
Mr R. Otley (Chief Crown Prosecutor)
Rt. Hon. M. Rees (M.P.)
Mr C. Sampson (H.M. Inspector of Constabulary)
Mr P. Whitehead (Clerk to Leeds Justices)
Mr. J. Whitty (Prison Governor)

3. Research Officers

Christina Hart
Aogan Mulcahy
David Wall

APPENDIX 3
CENTRE PAPERS
SUBMISSION TO THE ROYAL COMMISSION -
THE CORROBORATION OF CONFESSIONS
THE CENTRE FOR CRIMINAL JUSTICE
STUDIES,
UNIVERSITY OF LEEDS (1992)

PREFACE

This submission is based on a seminar held in the Centre for Criminal Justice on the 29 October 1991. The seminar was attended by a variety of groups concerned with the criminal justice system, including the judiciary, the Crown Prosecution Service, and the police, as well as academic lawyers. The following paper was prepared for the seminar by Chris O'Gorman, LL.B. and Barrister, who is a postgraduate student at the Centre. The paper has since been edited and some conclusions added by Mr. O'Gorman in collaboration with Dr. Clive Walker, the Director of the Centre. The views expressed are those of the Centre and do not necessarily represent those of the seminar participants, though we were very much informed and assisted by their contributions and observations.

INTRODUCTION

The Royal Commission on Criminal Justice was set up in the wake of the release of the Birmingham Six, to examine "the effectiveness of the criminal justice system in England and Wales in securing the conviction of those guilty of criminal offences and the acquittal of those who are innocent". Thankfully, for our purposes, this wide remit is divided into more manageable issues considered of particular importance. One such issue raised by the Royal Commission (as Question 15 of Annex A of the Terms of Reference) is the following: "Should there be a requirement that confessions be corroborated? If so, what should count as corroboration?". It is the purpose of this

afternoon's seminar, by way of preparation for the making of a submission to the Royal Commission on behalf of the Centre, to address this issue. The paper will take the form of a description of the recent history of the debate on corroboration in this context, followed by an account of the corroboration requirements for confessions in Scotland (the model generally referred to by those arguing for change) and will end with a few suggestions for reform of the law.

It is assumed, for the purposes of this seminar, that our criminal justice system will continue to be adversarial/accusatorial in nature (although this can by no means be taken for granted given the width of the Royal Commission's remit). Furthermore, any proposals or recommendations made in the course of the seminar are understood to be in addition to those already provided for in the Police and Criminal Evidence Act 1984 (hereafter "PACE"), in particular the rules relating to the admissibility of confessions in section 76 and to evidence in general in sections 78 and 82.

Finally, the following discussion is intended to relate principally to situations which result in contested trials based on not-guilty pleas.

THE PRESENT RULES IN ENGLAND AND WALES

There is no requirement in England and Wales that an otherwise admissible confession be corroborated or supported by independent evidence. The case of *Wheeling* in 1789 decided that a person might be convicted solely on the basis of his confession. It would also appear to be the case that there is no rule requiring the trial judge to warn the jury of the dangers of convicting on the basis of an uncorroborated confession. However, there must be added one apparent exception. This is contained in section 77 of PACE, which applies in the following circumstances: the case against the accused depends wholly or substantially on a confession by him; and the court is satisfied that he is mentally handicapped; and the confession was not made in the presence of an independent person. In such a situation the court must warn the jury (or itself if a magistrates' court) that there is special need for caution before convicting the accused in reliance on the confession.

Section 77 clearly reflects the public concern which resulted from the circumstances of the *Confait* case, which gave rise to the Fisher Inquiry, itself in turn spawning the Royal Commission on Criminal Procedure.

RECENT HISTORY OF THE DEBATE

The Fisher Inquiry considered the issue of a corroboration rule for confessions. Included amongst its recommendations was a proposal that there should, in certain circumstances, be a requirement of law that a confession be supported by other evidence. The circumstances referred to comprise: whenever a confession has been obtained in response to police questioning by means of a breach of the Judges' Rules or Administrative Directions; or where a child, young person or mentally handicapped person has confessed in response to police questioning without the presence of a non-police adult. Fisher made no reference to "corroboration" for reasons that will become apparent later.

The Philips Royal Commission for its part rejected the idea that an accused person

should never be convicted solely on the basis of confession evidence for two reasons. Firstly and rather vaguely, the Report stated that it would not be in the interests of justice to introduce such rules of evidence. Secondly, the change would result in a person who had confessed not being charged unless and until other evidence of guilt had been secured. However, the Royal Commission did urge that ".....all concerned with a prosecution, the police, the prosecuting agency and the court should, as a matter of practice, seek every means of checking the validity of [any] confession".

The NCCL (now Liberty), in its submission to the Philips Royal Commission, advocated the introduction of a corroboration rule akin to that in Scotland. Thus, it would require every confession to be corroborated by some evidence of a material particular which tends to show that the confession is likely to be true. Since that time both it and the Legal Action Group have consistently favoured the introduction of such a rule.

The demands for some form of corroboration rules for confessions gathered momentum with the establishment of the May Inquiry in the wake of the release of the Guildford Four in October 1989. At almost the same time in the Irish Republic, the Irish Labour Party introduced a Private Members' Bill with the intention of creating a corroboration requirement for all extra-judicial confessions obtained by the police. It is now also the British Labour Party's policy, in the event of its return to power, to establish a corroboration requirement for confessions.

Finally, we are brought up to date by the recent Law Commission's Report on Corroboration of Evidence in Criminal Trials, which declined to consider confessions, expressly leaving the subject to the May Inquiry.

EXISTING SAFEGUARDS FOR SUSPECTS INTERVIEWED BY THE POLICE

The Police and Criminal Evidence Act 1984 established certain measures aimed, inter alia, at protecting the suspect and creating a counterbalance to the new powers of detention and questioning granted to the police by the Act. Principal amongst these safeguards are the requirements as to review of detention and supervision of treatment by the custody officer under Part IV of PACE and Code of Practice and the suspect's right of access to legal advice and/or the presence of a responsible adult, as the case may be, under sections 57 and 58, and the requirements relating to the recording of interviews, especially by the use of tape-recorders (Code E).

It is accepted that, provided a confession is obtained in compliance with all these procedures, including in the presence of the defendant's solicitor with the tape running, then a corroboration rule would appear to be superfluous. The chances of a confession being unreliable in such circumstances have been reduced adequately, and it is just that society should rely on the evidence obtained in those circumstances.

However, there are three situations in which the PACE safeguards may be absent and so there would be an argument for alternative modes of protection for the suspect. Corroboration will be considered as one such device. The first such circumstance concerns interrogation in the absence of legal advice. Most research shows that only between 20-25% of suspects actually receive legal advice, with the number of

suspects whose advisers are present during the interview being much lower. Secondly, the suspect is only informed of his rights under section 58 on reaching the police station, and the tape-recording provisions and supervision arrangements only become operative in the police station (and only a designated station to be precise). These limitations have given rise to concern over the incidence of "off the record" conversations between police and suspects prior to the suspects' arrival at the station. The third troublesome situation concerns the interrogation of terrorist suspects who have been arrested under section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989. The Guildford, Birmingham and Maguire cases amply demonstrate that these are a highly vulnerable category of suspects. Yet, many of the PACE safeguards are reduced or are wholly inapplicable to their detentions (for details, see the separate submission by Dr. Clive Walker). In all three situations, it should be considered whether there may be a requirement for corroboration, or at least a warning to the jury, when confessions are adduced as prosecution evidence.

WHAT IS MEANT BY "CORROBORATION" IN THIS CONTEXT?

With respect to the established categories of evidence requiring corroboration under English law, the corroborative evidence must be independent testimony which implicates the accused, that is, which confirms in some material particular not only the evidence that the crime has been committed, but also that the accused committed it (decided in *R v. Baskerville* [1916] 2 KB 658).

As has already been mentioned, the recent Law Commission Report declined to include confessions in its remit, partly for the reason that corroboration, in the sense of being evidence which goes to support the reliability and, accordingly, the truth of the confession is quite different from corroboration in its legal sense. Support is lent to this view of corroboration with regard to confessions when one takes into account the legal definition of corroboration in juxtaposition with the requirements in Scotland.

As indicated earlier, the Fisher Report preferred the term "supporting evidence" to "corroboration", claiming that the latter was too narrowly defined for their purposes. "Supporting evidence" was defined in the Report as encompassing not only "independent testimony which affects the prisoner by tending to connect him with the crime", but also, "any evidence which tends to show that the confession is true, whether or not it emanates from the confessor and even from the confession itself" It is to this definition that the Scottish rule approximates closest. It is submitted that, in the present circumstances of limited resources for both police and prosecutors alike, calls for an equivalent rule to the common law rule to be applied to confessions are unrealistic. The police would not be able in many cases to follow up a confession to obtain corroborative evidence. The result would be that relevant evidence would not be taken into account, and this could only have deleterious effects on police morale, community relations and the crime rate.

THE RULE IN SCOTLAND

It is a general requirement in Scots criminal procedure that the essential facts to establish the case against the accused be based on evidence derived from more than one source. This means, in terms of confession evidence, that the confession must be

corroborated by evidence which, in theory at least, comes from a source other than the accused. The Scottish courts generally still consider confessions as the best form of prosecution evidence, and this is sometimes reflected in the efforts they make in finding corroborative evidence. Lord Dunpark in *Hartley v. HMA* said that one may initially assume that a confession is true, and then "one is not....looking for extrinsic evidence which is more consistent with his guilt than his innocence, but for extrinsic evidence which is consistent with his confession of guilt. It was held in *Sinclair v. Clark* that the weight required of the supporting will vary according to the weight of the confessional evidence, which in turn will "depend on the facts of the case, and in particular, the nature and character of the confession and the circumstances under which it was made".

An accused cannot in law corroborate his own confession, either by confessing to more than one person or by repeating it on other occasions. The latter example suggests a secondary purpose for corroboration in this context. In addition to the main purpose of serving to strengthen the trustworthiness of the confession, the Scottish corroboration rule also requires the police to investigate other sources of evidence than simply questioning the suspect. Thus, there is a police policy issue as well as a reliability issue. The supporting evidence can, however, emanate from information supplied by the accused either by his indicating the location of items connected with the crime, or by disclosing information which only the perpetrator of the crime, or someone present during the commission of it could have known. For example, in *Manuel v. HMA* the High Court of Justiciary held that evidence that the body of a murder victim together with the fact that victim's shoe had been found in the very place indicated by the accused in his confession could constitute corroboration of that confession.

CONCLUSIONS AND RECOMMENDATIONS

There would seem to be four possible responses to the above discussion:

- (a) that no change should be made to the law;
- (b) that a blanket requirement for all extra-judicial confessions to be corroborated should be introduced along the lines of the Scottish model;
- (c) that the arbiter of fact at a given trial be warned of the risks involved in convicting wholly or substantially on the basis of uncorroborated confessions (along the lines of *R v. Turnbull* or as suggested by the Australian Law Reform Commission);
- (d) that changes be made which combine (b) and (c).

Our recommendation approximates to (d) above, but only in relation to certain suspects. Firstly, there should be a corroboration requirement in relation to those who have made confessions in circumstances when the PACE safeguards do not substantially apply because of exceptional legal rules. This would affect those who have been questioned outside the police station and terrorist suspects. In regard to those who have confessed in circumstances where the normal rules apply in theory but have not been fully observed in practice, for example, because the police have

breached the rules, there should be a warning about the reliability of the confession (assuming it is not excluded altogether under sections 76, 78, or 82). Equally, there should be a warning where the rules have been observed in theory and practice but a confession consists of the sole evidence. The concern here is that confessions are inherently unreliable.

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INTENSIVE PROBATION FOR YOUNG ADULT OFFENDERS EVALUATING THE IMPACT OF A NON-CUSTODIAL ALTERNATIVE

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Despite the generally sceptical mood among many academic commentators, (e.g. Bottoms 1987, Bottomley and Pease 1986) and some negative research findings of their own (Folkard et al., 1976), recent governments have persevered with attempts to provide non-custodial sentences which courts would be prepared to use at the "heavy end" of the sentencing tariff. This policy is presented as part of a general initiative to

reduce the crisis in prisons produced, at least in part, by chronic overcrowding. Current government commitment to this strategy as at least one "track" of penal policy has been spelt out in a series of official documents (Home Office 1988a, 1988b, 1990a, 1990b), which have sought to promote "punishment in the community" as a viable method of sentencing all but the most serious offences.

Implicit in this advocacy of non-custodial sentencing is a challenge to the assumption that custody is the only "real" punishment (Home Office 1990a:4.1). Paradoxically however, rather than confront traditional understandings of the meaning of "punishment", the government has chosen to present non-custodial penalties in ways which make them appear truly "punitive" in a traditionalist sense. In the discourse involved, therefore, the language is primarily punitive rather than reformatory, even if one is prepared to argue that specific outcomes may display more of the latter quality than the former. This focus has led, undoubtedly, to policy makers emphasising and, indeed, in several instances, increasing, the restriction of the offender's liberty that is associated with non-custodial sentences. For some of those involved in the provision and supervision of non-custodial punishments, this change of emphasis has been acceptable, if only on the pragmatic ground that it might indeed increase sentencers' use of non-custodial options. For others, however, the whole discourse amounts to a re-definition of the options themselves and the imposition of a different philosophy which some, at least, have resisted (Ryan and Ward 1991).

Strengthening the Probation Order

Among the non-custodial measures involved in this debate, the probation order, not surprisingly, figures prominently in the government's thinking (Home Office 1990a:4.10 et seq). In the light of what has been said above, it should not be surprising that attempts to re-enlist the probation order to the diversionist cause involved strategies designed to make it "tougher" and more "punitive" in the traditional sense of both of those words (Blagg and Smith 1989:92, Harris 1992:158, Home Office 1974).

Probation orders may be "strengthened" by being associated with other punishments such as a fine, or by having appended to them, "special requirements" including the requirement to attend at a probation centre or other place for period not exceeding sixty days (Ashworth 1992). It is this latter adjunct which is said to make the probation order particularly punitive, since it involves a certain loss of liberty in carrying out the terms of the order (Home Office 1990a:4.4). For this reason, it is felt that its use can be extended to sentence those whose offending is so serious as to merit some restriction of liberty, short of total incarceration. In other words, "strengthened" or "intensive" probation orders are intended to operate close to or at the top of the sentencing tariff, where they will serve to divert some, at least, of those offenders who would otherwise be sent to immediate custody.

This model for a diversion strategy is not a new one. Intensive probation schemes had been piloted already in the United States (Vass 1990). Although earlier English experience with intensive supervision of adults had not been encouraging (Folkard et al., 1976, but see Sheppard 1982), the considerable reduction in juvenile custody rates in England and Wales was thought in official circles to be the result, at least in part, of the impact of Intermediate Treatment and "supervision plus" schemes on sentencing

practices in that age group (Home Office 1990b, Allen 1991, Ball 1992). Encouraged by this perceived success, the government proposed to "target" the next age group, young adult offenders aged 17-20, as a group within which Intensive Probation schemes could work to effect a reduction in the use of immediate custody by the courts without adversely affecting the level of public protection that is supposedly represented by the incapacitation of offenders.

Targeting the Young Offender

In its 1988 Green Paper, *Punishment, Custody and the Community* the government signalled its concern about the numbers of offenders in this age group who were receiving custodial sentences. At that time young men aged 17-20 accounted for between one fifth and one quarter of all sentenced males in custody. It was hoped that the diversion from custody of an appreciable proportion of this group, who between them represented about 25% of all persons convicted of indictable offences, would contribute substantially to the reduction in the size of the prison population. In August 1988, therefore, the Home Office called upon each of the probation services in England and Wales to produce local action plans designed to "provide the courts with demanding non-custodial disposals which represent persuasive options for dealing with offenders [in the 17-20 age group] at risk of custody" (Home Office 1988b).

Setting up the Leeds Young Adult Offenders Project

Even before the publication of the 1988 directive, senior probation staff in West Yorkshire were investigating ways of reducing the numbers of 17-20 year olds going into custody. There was already some experience of Intensive Probation with adult offenders in the area: a "tracking" scheme involving close supervision and increased reporting requirements had been in operation in one area of Leeds since 1985. The Service had also anticipated the insistence in both the Green Paper and the *Tackling Offending* document that initiatives should be planned on an inter-agency basis (see also Home Office 1990c). Discussions, at least on an informal basis, had already taken place between senior management and regional representatives of the National Children's Home, a charity which had previously been involved in offender based work with juveniles throughout the country. The publication of the Home Office policy on community punishments and young offenders which brought with them the promise of funding for suitable initiatives seemed to provide a suitable opportunity to experiment with a probation-centred diversion scheme aimed at the "heavy end" of the 17-20 offender group.

As a consequence, the Leeds Young Adult Offenders Project was established in February 1989. "The Edge", as it is known, (from the name of its premises), was set up as a partnership project between W.Y.P.S. and N.C.H. with additional funding being provided by the Home Office, initially for two years, and then subsequently, for an additional year. The first referral was taken at the beginning of May 1989.

Working Practices

The policy of The Edge is determined by a management committee chaired by a local magistrate and comprising two senior probation managers, a principal officer from NCH and the Project manager. The committee meets on a monthly basis and carries

out formal joint reviews of the Project's work at six-monthly and annual intervals, the results of which are communicated to the parent bodies and to the Home Office.

Referrals to the Edge are made by probation officers either before, or as part of, the process of preparing a Social Inquiry Report for court. A preliminary screening takes place on the basis of the offender's risk of custody score (ROC), assessed using the Cambridgeshire scale version three, and an initial decision is taken on whether he or she is sufficiently at risk of custody to warrant further contact with the Edge. This is viewed expressly by the Project team as a "gate-keeping exercise": referrals who are seen to be in little risk of custody are normally declined unless special factors indicate that Project contact is particularly warranted. If the screening decision is positive, then provided sufficient time is available before sentencing, (and the willingness or otherwise of courts to grant adjournments for this purpose is one of the limitations on the Project's effectiveness), the offender's suitability for the project is assessed by one of the project workers. This assessment is based on at least two face-to-face interviews during which motivation, attitudes to offending and specific needs are addressed. If an offender is thought suitable and sufficiently motivated, a detailed programme of activities is drawn up and submitted in a report annexed to the SIR at the sentencing adjournment. It is the practice of the project workers to attend court in order to be on hand to support their recommendations or explain their implications, as required.

If the court is prepared to accept the recommendation in the SIR for a probation order strengthened by a requirement to attend at the Edge, the offender will then attend the project for sessions with his or her project worker, while remaining under the general supervision of the probation officer assigned to the case. Programmes are individually tailored to the perceived needs of the particular young offender, but characteristically involve one-to-one counselling sessions centred on offending behaviour and social skills training, stretching over eight weeks. Problems such as homelessness, unemployment and financial need are also addressed with assistance from the project worker. Attendances are frequent at the beginning of the order, less so towards the end of the 60 day requirement. Two review meetings are held during the programme at which progress is discussed with the probationer's field officer; ultimately the decision on the need for disciplinary action rests with the probation officer concerned. At the conclusion of each programme the sentencing court is provided with a report on the young offender's progress and response.

Scope and Methodology of the Evaluation

The rest of this paper reports the findings of an evaluation of the Edge Project during its first two years of operation. In line with the policy set out in the Tackling Offending paper, the Edge's management committee had arranged for the Project to be independently monitored and evaluated from its inception¹. The results of the first year's evaluation have been reported elsewhere (Brownlee 1990a, 1990b). The evaluation confines itself mainly to an examination of the impact of the Project upon court sentencing practice measured in terms of perceived tariff position of those being sentenced to a probation order with a requirement to attend the Edge, (hereafter, a "project order").

Table 1 summarises the outcome of all referrals by the eight probation teams which

use the Edge as a resource, during the first two years of the evaluation, while Table 2 shows the rate at which recommendations for a project order were accepted by the courts. As Table 1 records, during the research period SIR recommendations for a project order were made in respect of 156 offenders in the target age group. Of these, 82 were accepted by the courts. In the case of those offenders where a recommendation for a project order was not accepted by the court (n=74), a custodial sentence was imposed in all but eight cases, (two of which were recorded as 'deferred sentence' at the end of the research period). The average length of sentence imposed on this custodial group was just over 18 months.

Table 1
Outcome of referrals 1st May 1989-31 March 1991

Outcome	n	%
Referral declined by Project	59	26
Probation with Project	82	36
Custody despite recommendation	66	29
Other disposal	8	4
Court date awaited	12	5
Total	227	

This high reliance on custodial sentencing as a direct 'alternative' to a project order provides prima facie evidence that those who are being referred to the Project and accepted by it are in serious risk of custody. If this is so, then at least for those who are the subject of a Project recommendation which is accepted by the courts, the Project operates as a genuine replacement for custody. Following the methodology employed in the Home Office evaluation of Community Service Orders (Pease et al., 1975, 1977), one could talk of the Project having a 'diversion rate' of 89%, that is, for any given period 89% of those taking part in project order programmes would otherwise have been serving custodial sentences. ²

However, this hypothesis clearly operates on the assumption that those for whom the Project recommendation was accepted, (the 'Project' group), do not differ in any significant characteristic from those in Custody A who were sent to custody despite the SIR recommendation. In fact, univariate analysis of the Project Group versus Custody A revealed no significant difference in terms of previous convictions or most serious previous offence, nor in terms of age, previous history of custody or bail status. Those going to custody despite a project recommendation were, however, significantly more likely to have been dealt with by the Crown court than by the magistrates, a result which was reversed in the Project group.

Table 2
Outcome of SIR recommendation for Project Orders

Court	Made	Accepted	Congruity with S.I.R
Magistrates	40	26	65.0%
Crown Court	116	56	48.3%
All Courts	156	82	52.6%

The difficulties of establishing conclusively from indirect evidence that a particular disposal is operating as a genuine replacement for custodial sentencing are well documented elsewhere, (e.g. Pease et al., 1975, 1977, Raynor 1988, Roberts 1989, Mair 1988, Jones 1990). Essentially, our prime evaluative method followed a scheme which had been employed in earlier studies of this kind by comparing those who were given a project order with two other sample groups of 17-20 year olds who had received immediate custodial sentences from West Yorkshire, (particularly Leeds), courts during the same period. The comparison was based on a matrix of personal and offence characteristics thought to be significant in the sentencing process³. Further details of our methods and detailed results of our comparisons can be obtained from our two reports already available from the Project and in the forthcoming report to be published in July. What follows is an abbreviated summary of our findings in the first two years of evaluation.

In terms of the analysis offered above, the Edge appears to be attracting referrals of those in its target age group who are seriously at risk of custody. In fact, the median ROC score for all those given project orders was 95%. Those whom the courts sentence to probation with an attendance requirement differ little on relevant criteria from those sentenced to immediate custody, despite a project recommendation, a positive indicator when testing for diversion effect.

Any differences which do exist between the two groups relate primarily to level of sentencing court and to the principal offence for which the offender was sentenced. In respect of the first, while it is true that recommendations for project orders are more likely to be accepted by magistrates court than by the Crown court, it is also significant to note that more than three times as many project recommendations are made to the latter venue. This can be taken as evidence that the efforts of the Edge are being directed towards the "heavy-end" court, and given that one-in-two of the Crown court cases are "successful", it follows that the majority of those attending the project (68%) do so at the order of the higher, more custodially-oriented court.

As far as a difference in offending is concerned, it is unsurprising, perhaps, given the strong signals provided of late by the Home Office, that the probation alternative is more often used for burglary and theft offences than for offences of violence. A similar finding in relation to probation day centres is reported both by Vass and Weston (1990) and by Mair (1988). Both of those studies conclude nonetheless, albeit tentatively, that a genuine diversion effect is in operation in the centres that they examined. In fact, the Edge attracted the same proportion of violent offenders as the Probation Day Centres examined in Mair's study and almost twice as many burglars; and where an intensive probation recommendation was not accepted custody was the "alternative" outcome in a greater proportion of cases in the present study than in Vass and Weston's (89% as opposed to 56%). It is suggested, therefore, that the case for the Edge operating as a genuine replacement for custody is stronger than in either of those two studies, and at least equal to the strong case presented on behalf of the West Glamorgan project by Raynor (1988).⁴

Those referred to the Project, (whatever the outcome), did differ from those in the sample going to custody without referral, (Custody B), principally in terms of age but also in terms of current offence where, again violence was more predictive of custody

than project referral. This difference, of course, is a measure of probation officer activity, rather than court selection, and it may represent some element of 'second-guessing' of sentences and "playing safe" on the part of those preparing reports. One probation team, in particular, appeared to have a significantly greater than average number of project recommendations accepted by the court, while at the same time the overwhelming majority of their clients receiving custody did so without prior referral to the project.

In general, though, use of the project by the eight probation teams for whom it is a resource was fairly standardised. No team recorded a mean ROC score for those referred to the project of less than 75% and on average, over the two years of the evaluation two referrals were made to the project for every five custodial sentences imposed on the target age group. Other than on the two measures mentioned above, those receiving project orders did not differ significantly from those going to custody without referral. It would seem, therefore that the project has reached a high level of acceptability with its probation audience and that the resistance to Intensive Supervision and Probation reported, for instance, by Bullock and Tildesley in their study of "Coalton", (1984), has not had such an influence in Leeds.

Race, Referrals and Outcomes

The issue of use of the Project by young offenders from ethnic minorities threw up an interesting disparity. Very few offenders referred to the project were described on their referral forms as other than white european, but some analysis of the small number of non-whites was possible. As Table 3 records, this revealed that significantly more non-whites than whites received custody despite a recommendation for a project order.

Table 3

Outcome of recommendation for project by racial appearance

	Project n	Project %	Custody n	Custody %	Total
White	76	59.4	52	40.6	128
Non-White	6	31.6	13	68.4	19
				44.2	
Total	82	55.8	65		147

Chi²= 4.12, p-value= 0.042

A partial explanation for this might be that all but two of the non-white referrals were dealt with in the more custodially-oriented Crown Court. However, even among the Crown Court cases, (n=111), there was a sizeable, though less significant, (Chi²=2.63, p=0.105), variation in the proportions of the race groups being given custody despite a project recommendation, (white= 45.7%, non-white =70.6%). Further, there was no evidence of any significant difference between whites and non-whites in terms of current offence, most serious previous offence, number of previous convictions or bail status while non-whites had actually received somewhat fewer previous custodial sentences on average. Comparison between Custody A and Custody B revealed no significant difference between the proportions of whites and non-whites being sentenced to custody despite a Project recommendation and without referral. This issue of racial difference, while perplexing, and in line with difference reported by

Vass and Weston (ibid.,) and others (see NACRO 1988 for a general review of the literature), must remain inconclusive on the basis of the small amount of data so far collected. ⁵

Cost Effectiveness

The project has also been cost-effective in achieving its diversion effect. Over the two years of operation the average cost of providing each project order (including the notional costs of the two year probation order which is the norm in the Edge) has been ú4,286. Even allowing for a diversion rate of only 89% and full remission of sentence, the saving to the criminal justice system of not sending these young adult offenders to the local prison has been in the order of ú643,000 or ú7,840 each. Given the recent history of self-mutilation and even suicide in some custodial institutions, the saving to the individual offender in personal terms may have been a great deal more.

Public Protection

Of course one must not omit from this calculation consideration of the need for penal measures to provide protection for the public. Although the preventive effect of incarceration is currently being played down to a certain extent by the government (Home Office 1991) comparisons between custodial and non-custodial sentences inevitably take place around the seeming ability of each to suppress or postpone future offending.

A systematic re-conviction study involving the three sample groups constructed in the first year of the research is in hand but its results will not be known until the end of the next research period. In the interim, information gathered from the project and from probation sources suggests that those attending the project do not so frequently breach their probation orders by re-offending as those on "straight" probation nationally (64.4% of all project orders were completed without any recorded re-offending; breach proceedings were commenced in 15%, n=13, of cases at the Edge). In only three of the cases could the new offences be said to be definitely more serious than the offence for which the project order was made. The same data also suggests that those receiving a project order are not reoffending at the same rate as those released nationally from custody in this age group.

Both of these findings must obviously be treated as provisional, pending the outcome of the final year's study but whatever that outcome, it should be remembered that the project philosophy and working practices aim to address many aspects of an offender's life circumstances, not merely his or her offending behaviour. Therefore, while an analysis of subsequent re-offending is clearly an important indicator of the project's impact, it should not be assumed to be the only measure of success. Indeed, if the Project succeeds in one of its prime aims of attracting those who are among the most serious and committed offenders, then it is almost inevitably attracting also a high rate of recidivism. Cast in these terms, high rates of re-offending by those who undertake Project programmes need not be taken as an indication of `failure' on the part of the Project. With reconviction rates after custody among males in this age group running at about 62%, there is ample room for replacements such as the Project to demonstrate that they `succeed' at least as well, even on this measure. We would endorse the opinion of one commentator that:

"It is unnecessary to demonstrate, as most experimental projects appear pressured to do, that recidivism rates are lower when offenders are retained in the community. Given the fact that expensive and overcrowded institutions are not doing the job they are supposed to be doing, it is appropriate to expect that less costly, less personally damaging alternatives will be utilised whenever they are at least as effective as imprisonment" (Klapmuts 1973, cited in Jones 1990).

Conclusion

In our evaluation, we have attempted to demonstrate the impact of one Intensive Probation scheme in terms of its efficacy to divert from custody those who, in its absence, are at serious risk of a custodial sentence. We conclude that a genuine diversion-from-custody effect is taking place. This effect is strongest among those aged 17 and 18 who are sentenced for burglary or other property offences, particularly if they are dealt with in the Magistrates Courts. It is less strong, but still evident, among those aged 19 and 20 who are sentenced in the Crown Court for offences involving violence to the person or sexual offences.

Diversion is taking place in a way that is cost-effective and, so far as can be ascertained at the moment, without increasing the risk to the general public from re-offending. We have not attempted to evaluate, merely to suggest, the intrinsic benefit to the individual offender of being sentenced to the project rather than custody; such benefits certainly include a certain maintenance of liberty and dignity and may also involve, in some cases, an increase in the personal characteristics likely to discourage future offending.

Our study is a small and localised one and cannot, of itself, provide conclusive evidence either for or against the net-widening thesis in which, in Cohen's phrase, replacements for custody become merely the Trojan horse of the criminal justice system (Cohen 1985). However, our own conclusions incline us to support Vass and others (Vass 1990:114, Moxon 1988:73) in this debate, by suggesting that there may be more than just negative developments to come out of the search for alternatives to custody. The Edge, we feel, provides some grounds for optimism that intensive probation options may offer genuine prospects for diverting young offenders from custody and, perhaps, also from crime.

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1. The Home Office Research and Planning Unit are also evaluating aspects of the Project's work as part of a wider examination of Intensive Probation. Their report is awaited.
2. Compare the Home Office estimate for the early diversionary impact of the suspended sentence at between 40% and 50% (Bottoms 1987:183).
3. The variables measured were: age at referral, sex, race, principal current offence, court at which sentenced, which probation team, number of previous offences, most serious previous offence, risk of custody score, number of previous custodial sentences including care, and whether on bail or in custody. Fuller details of the methodology, selection of samples, statistical techniques and results obtained may be found in our second evaluation report published by NCH and available from The Manager, at The Edge, 11 Queen Square, Leeds LS2 8AJ.
4. For detailed comparison, see Brownlee 1990a.
5. Other recent studies of the influence of race and sentencing in Leeds Courts have not identified any significant difference in the use of custodial sentences between racial groups; see Walker et al., 1990, Brown and Hullin (1992).