

**Centre for Criminal
Justice Studies**
SCHOOL OF LAW



UNIVERSITY OF LEEDS



Criminal Justice Review 2008/9

Twenty First Annual Report



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Centre for Criminal Justice Studies
CRIMINAL JUSTICE REVIEW 2008/9
Twenty First Annual Report

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THE CENTRE FOR CRIMINAL JUSTICE STUDIES

The Centre for Criminal Justice Studies (CCJS) is an interdisciplinary research institute located within the School of Law. It was established in 1987 to pursue research into criminal justice systems and criminological issues. It has since grown in critical mass and become recognised as one of the leading criminological centres of its genre with an established international profile and a range of international networks. It also draws membership from staff outside the School of Law – notably Sociology and Social Policy, Geography, Politics and International Studies and the Leeds Social Science Institute. The Centre fosters an active and flourishing multi-disciplinary academic environment for teaching and research, organises a seminar programme and hosts national and international conferences. It has developed a cohesive and supportive research environment and attracts international visitors. Staff working in the Centre excel in the production of empirically rich, conceptually sophisticated and policy relevant research. The Centre is recognised by the University of Leeds as a ‘peak of research excellence’. Its work is supported by a Board of Advisors drawn from key senior positions within criminal justice research users and sponsors, as well as academics and researchers. The Advisory Board helps to sustain good relations with local and regional research sponsors, attract prospective research students and facilitate knowledge transfer. Further information about the activities of the Centre can be accessed via our web pages at:

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

The CCJS runs both undergraduate (**BA in Criminology and Criminal Justice**) and post-graduate teaching programmes. Postgraduate Programmes include:

MA Criminal Justice

MA Criminology

MA Criminological Research

MA Criminal Justice & Policing

MA International & Comparative Criminal Justice

LLM Criminal Justice & Criminal Law

All postgraduate programmes are available on a full-time and part-time basis. In addition, a Diploma route is available. The Centre also attracts domestic and international research students registered for a Ph.D, M.Phil or MA by Research. Anyone interested in information about postgraduate opportunities should contact Karin Houkes, Postgraduate Admissions Tutor, lawpgadm@leeds.ac.uk or Tel: 0113 3435009.

Members of the Centre for Criminal Justice Studies

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Sarah Blandy
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David Wall
Emma Wincup
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Associate Members

Ian Brownlee, *Crown Prosecution Service & formerly University of Leeds*
Dr Jo Goodey, *European Fundamental Rights Agency, Vienna & formerly University of Leeds*
Dr Philip Hadfield, *Alcohol and Drug Consultant & formerly University of Leeds*
Peter J. Seago OBE JP, *Life Fellow of the University of Leeds*

Members of the Advisory Board

Jeremy Barnett *Barrister*
Sir Norman Bettison *Chief Constable, West Yorkshire Police*
Ian Brownlee *Crown Prosecution Service & Associate Fellow*
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David Hinchliff *Her Majesty's Coroner's Office*
Jim Hopkinson *Manager of Leeds Youth Offending Service*
His Honour Geoffrey Kamil *Judge*
Robert Kellett *Governor, HM Prison Armley, Leeds*
Lord Justice Paul Kennedy *Judge*
Geoffrey Kenure *Consultant & Ex Probation Service*
Richard Mansell *Barrister*
Dave McDonnell *Director HM Prison Wolds*
Andy Mills *Leeds Community Safety*
David Oldroyd *Director of Training, West Yorkshire Police*
Michelle Parry-Sharp *Deputy Justices' Clerk, Leeds Magistrates' Court*
Robert Rode *Solicitor*
Steven Rollinson JP *West Yorkshire Police Authority*
Fraser Sampson *Chief Executive of West Yorkshire Police Authority*
Professor Gill Valentine *School of Geography, University of Leeds*



INTRODUCTION

It gives me great pleasure to introduce this review of the publications, work and activities of the Centre for Criminal Justice Studies (CCJS) covering the period from 1st October 2008 to 30th September 2009. It has been another significant year in our development and continued growth. As the pages that follow testify, once again, there have been a large number of diverse achievements throughout the period under review. Let me just highlight a few that stand out. Once again the record of publications and new research awards remains impressive. A number of the publications reflect the growing international and comparative themes within much of the research conducted by staff in the CCJS. With no fewer than 10 books and 25 peer reviewed articles in journals the volume and quality of outputs is striking.

We continue to host major international events. In June 2009 the CCJS hosted a major international colloquium, with the generous financial support from the Law School Strategic Development Fund. The colloquium brought together a number of eminent social scientists, social psychologists, criminologists and lawyers to consider and debate issues concerning the role of legitimacy, trust and compliance in relation to criminal justice and allied systems of regulation. We were joined by three highly distinguished international scholars - Professors Tom Tyler (*New York University*), Valerie Braithwaite (*Australian National University*) and Sonja Snacken (*Free University of Brussels*) – and a significant number of leading academics from across the UK. The two-day event was a celebration of research at the CCJS in which staff and PhD researchers participated in contributed to lively interdisciplinary dialogue and debate. Papers first presented at the colloquium will be published by Willan Publishing in late 2010.

Also thanks to the generosity of the Law School Strategic Development Fund, we held a staff ‘away day’ in the heart of Headingley in July 2009 (attended by 16 member of staff) in which collectively reflected upon our developments and considered future initiatives. One of the conclusions of our deliberations was to re-organise our research clustered under four broad headings of: (i) Security governance and regulation; (ii) Criminal behaviour and desistance; (iii) Criminal justice processes, compliance and the management of victims and offenders; and (iv) International and comparative crime and justice. This re-organisation is reflected in our new web pages. Furthermore, in the light of the ‘away day’, a team of colleagues at the Centre in September 2009 successfully bid for and were awarded the editorship of the prestigious academic journal *Criminology and Criminal Justice* (published by Sage). This is the journal of the British Society of Criminology and the transfer of the editorship to Leeds for an initial period of four years commencing in mid-2010 is a reflection of the standing that the Centre and its staff have assumed within British criminology.

Finally, the ESRC funded research seminar series ‘Governing Anti-Social Behaviour’ which brought together researchers, policy-makers and practitioners in a national dialogue and debate about the implementation and future direction of the ‘anti-social behaviour’ and ‘Respect’ agendas, that was managed through the CCJS came to an end in 2009. It concluded with a national conference held at

King's College in April and the publication of a short summary findings document entitled *Situating Anti-Social Behaviour and Respect* (which is available via the CCJS web pages). The series also resulted the publication of a special issue of the academic peer reviewed journal *Criminology and Criminal Justice*, 'Urban Safety, Anti-Social Behaviour and the Night-Time Economy' with articles to which five members of the Centre contributed. Considerable thanks go to Anna Barker for organising the various events and administering the project with the utmost efficiency and good humour.

On a different note and less happily (for us at least), the period under review has also seen the departure of a number of colleagues. The year began with the retirement of Professor Jim Dignan, we wish him well in his new ventures. The end of the year saw Dr Phil Hadfield leave us to take a bold step into private research and consultancy work specialising in the field of alcohol and drugs. Nevertheless, we will retain formal links with Phil – who will assume the title of Associate Fellow and Visiting Researcher – as he has also agreed to join our Advisory Board. We hope that there will be future opportunities for us to collaborate in relation to research and consultancy opportunities. After some 16 years in Leeds Dr Yaman Akdeniz returned to Turkey, where he has taken up a new academic post as Associate Professor in Law at Istanbul Bilgi University. Like Phil Hadfield he has retained a visiting position within the Law School and we look forward to maintaining research links with Yaman as well. On a different note, Dr Carole McCartney has temporarily left us to return to pursue research in Australia. As detailed in the research project in this review, Carole is the successful recipient of a three year Marie Curie International Outgoing Fellowship which will see her based at Centre for Forensic Excellence at Bond University on Australia's Gold Coast for the first two years (2009-2011) before returning to Leeds for the final year of her Fellowship (2011-12). No doubt Carole will be missed during her absence – although as she has already reminded us she is only the click of a mouse away(!) - and we look forward to her return.

I am particularly pleased to mark the arrival of a significant number of new staff to the Centre. Professor Susanne Karstedt joined us as Chair in Criminology and Criminal Justice from Keele University where she had been a Professor since 2000. Before that, she researched and taught at the universities of Bielefeld and Hamburg in her native Germany. Susanne brings considerable expertise in the fields of international and comparative criminology and will be a great asset in our expanding international work. Her particular research interests relate to cross-cultural and cross-national studies on a broad range of topics including a recent project on middle-class crime. Dr Subhjit Basu joined the School as a Senior Lecturer in Information Technology Law from Queen's University Belfast, having graduated from University College of Law, Calcutta University (India) in 1997. He will add to our existing expertise in cyber-crime – in particular given his research in the field of e-commerce crime as new form of white-collar crime and the implications of information and communication technologies on the growth of criminal and deviant identities and behaviour on the Internet. Dr Catherine Appleton, who initially joined us as a temporary Lecturer in Criminology and Criminal Justice in January 2009, has since become a permanent member of staff. Catherine was previously a research officer at the Centre for Criminology at the University of Oxford. Her current research explores 'ultimate penalties' and the question of how societies respond to their most serious crimes. Colin King joined us as a Lecturer in Criminal Law and Evidence from the University of Limerick where he was teaching and completing his PhD. His research interests focus on substantive and institutional responses to the problem of serious and organised crime. Dr Susan Wiltshire has joined us as a Lecturer in Criminology on a part-time basis from her previous posts at the Universities of Strathclyde and Edinburgh. Susan has a wide range of interests including the regulation of anti-social behaviour and sectarian violence.

These additions to the Centre staff reinforce our strength in number of areas that are central to our research and teaching. I am also pleased to welcome new members of our Advisory Board that have joined in the last year including Fraser Sampson Chief Executive of West Yorkshire Police Authority, David Oldroyd Director of Training at West Yorkshire Police, Michelle Parry-Sharp Deputy Justices' Clerk at Leeds Magistrates' Court and Phil Hadfield (our ex-colleague).

Despite the rather gloomy current economic environment and the financial stringencies within the University and higher education sector more generally, the next academic year looks like being another busy year for the CCJS and colleagues. Our undergraduate programme remains extremely popular and our PhD numbers continue to expand. The next year will see us play host to a growing number of visiting research fellows. In June this year we were awarded a Commonwealth Fellowship for 2009/10 as a result of which Dr K. Jaishankar, Senior Assistant Professor in the Department of Criminology & Criminal Justice at Manonmaniam Sundaranar University in Tamil Nadu, India will visit us from November 2009 until the end of April 2010. He will be working Professor David Wall on research into cyber-victims. In addition, the Worldwide Universities Network (WUN) ICCJnet Visiting Fellow for 2010 will be jointly hosted between the CCJS and the Centre for Criminological Research at Sheffield University. As the holder of this Fellowship, Dr. Ilaria Bottiglierio a Senior Researcher at the International Development Law Organization in Rome will join us during May and June 2010. This initiative will give us an opportunity to forge closer links with our colleagues in Sheffield with whom we are already establishing collaborative ventures under the umbrellas of the White Rose Consortium and the Worldwide Universities Network, thus solidifying our regional as well as our international collaborations.

The forthcoming year also presents significant challenges as research funds become more scarce and more highly competitive and funding for postgraduate studies is in increasingly limited supply. In addition, there are a variety of major initiatives on the horizon which undoubtedly will shape and influence our work and capacity to deliver a world class teaching and research environment in the future. These include the changes to the domestic funding for PhD students through the ESRC's new Doctoral Training Centre proposals and the new Research Excellence Framework (REF) which replaces the Research Assessment Exercise (RAE). No sooner had the ink dried on the RAE 2008 - in which the Law School as a whole received an outstanding rating of 55% of its research activity as ranked either 'world-leading in terms of originality, significance and rigour' or 'internationally excellent in terms of originality, significance and rigour' - than the rules were amended to introduce the new and as yet poorly understood notion of 'research impact'. Nevertheless, these are challenges which the CCJS well placed to meet. Central elements of our mission include both our aim to engage with the worlds of policy and practice and to produce research findings that have an impact on public debate, policy reform and its evaluation. We can therefore look forward to the vagaries of the uncertain future with a considerable degree of confidence in our ability to weather the changes and continue to excel in all our teaching, learning, research and knowledge transfer endeavours.

Finally, let me take this opportunity to congratulate my colleagues Professor David Wall on his appointment as the next Head of the Law School, a post he assumes in August 2010, Professor Clive Walker on his AHRC Fellowship grant, Dr Emma Wincup on the arrival of her second child, Amelia, and Dr Teela Sanders on the birth of her first son, Ruben!

Professor Adam Crawford
Director, Centre for Criminal Justice Studies
November 2009

RESEARCH PROJECTS

SECURITY GOVERNANCE AND REGULATION

The Orientation and Integration of Local and National Alcohol Policy

This research project funded by the Alcohol Education Research Council (AERC) was successfully completed in 2008-09. The research team comprised Dr **Phil Hadfield** (Principal Investigator), **Stuart Lister** (Co-investigator) and **Peter Traynor** (Research Officer). The project aimed to explore:

1. how different local and national actors perceive alcohol policy and seek to influence policy formation;
2. how national policy frameworks, priorities and guidance interact and/or integrate with local policy statements, objectives and practices;
3. what areas of divergence and convergence exist between the trajectory of local and national alcohol policy;
4. what factors inhibit effective policy formation, implementation and partnership, and
5. relations of power between stakeholder groups variously located within and outwith officially sanctioned partnership structures.

The project combined intensive twin-site case studies of anonymised areas with broader exploration of the national dimensions of alcohol policy. 80 qualitative interviews were conducted with key actors in central and local government, the drinks and leisure industries, policing, health care, treatment services, the legal system, and other professional and non-government organizations, including charities and pressure groups. The team also conducting on-going analyses of relevant documentary sources, such as legislation, policy statements, official guidelines and agency records across the various domains upon which alcohol policy impinges. The findings of the research have been published in the funders Alcohol Insights series (no. 65), available at:

<http://www.aerc.org.uk/insightPages/libraryIns0065.html>

The Impact of Anti-Social Behaviour Interventions on Young People

A research team led by Professor **Adam Crawford** and supported by Dr **Sam Lewis** and **Peter Traynor** (Research Officer) is exploring how Anti-Social Behaviour-related interventions for young people and their families direct young people into, through and away from youth justice in a study funded by the Nuffield Foundation. The use of three key interventions – formal Warnings, Acceptable Behaviour Contracts and Anti-Social Behaviour Orders – is being examined in the context of the wider prevention and support strategies used in research sites in the North of England, the Midlands and London. The research aims to identify the extent to which enforcement and / or prevention strategies promote resilience amongst young people and their families, assisting them to navigate away from contact with formal institutions. It is intended that the research will generate empirically grounded understandings of decision-making processes and any differential impacts by: gathering and analysing quantitative data on the use of prevention and enforcement measures with young people over a two-year period in each research site and mapping young people's trajectories into, through and away from youth justice; mapping the use of Anti-Social Behaviour interventions by area using GIS mapping techniques; examining practitioners' views about the use and impact of Anti-Social Behaviour and prevention strategies; exploring the experiences of these measures as described by young people and their families; and observing key decision-making meetings in each site to study the decision-making process. The fieldwork began on 1st October 2008

and will continue for 18 months. The project is due to report its findings in August 2010. Further information is available at:

<http://www.law.leeds.ac.uk/LeedsLaw/GenericPage.aspx?ID=363&TabID=4&MenuID=39&SubMenuID=180>

Governing Through Anti-Social Behaviour

Led by Professor **Adam Crawford**, the Centre managed a network of researchers, practitioners and policy-makers who met as part of an ESRC funded research seminar series on Anti-social behaviour policies, practices and research. The series brought together over 150 delegates to five meetings and a final conference to explore different aspects of the anti-social behaviour agenda and interventions in diverse areas of social life. The series conclude with a final conference entitled 'Situating Anti-Social Behaviour and Respect' on 22 April 2009 at Great Hall, King's College London. The conference disseminated the principal findings of the seminar series which were published as a short summary report. The final dissemination conference was designed to stimulate a debate and dialogue between practitioners, policy-makers and researchers, about the shape and future direction of measures to tackle anti-social behaviour. It was attended by 85 delegates, who represented a mix of policy-makers, practitioners and researchers. Delegates heard from 3 plenary speakers, 27 contributors to 5 workshops and 6 panel members in a policy debate (including the head of the Youth Taskforce in the Department of Children, Schools and Families; the Chief Constable of South Wales Police; and representatives from Scottish Government; the Metropolitan Police; the Children's Society; an academic) chaired by a prominent media correspondent (Jon Silverman).

The research seminar series overseen by a steering committee including: **Sarah Blandy** (University of Leeds); **Adam Crawford** (University of Leeds); John Flint (Sheffield Hallam University); Gordon Hughes (Cardiff University & British Society of Criminology); Andy Mills (Safer Leeds & National Community Safety Network); Stephen Moore (Anglia Ruskin University); Judy Nixon (Sheffield Hallam University); David Prior (University of Birmingham); and Peter Squires (Brighton University). The seminar series is being administered by **Anna Barker** in the CCJS at Leeds. For further information visit the network website: www.law.leeds.ac.uk/esrcASB/. Key papers presented at the seminars will be published in two special editions of leading journals in 2009/10: *Criminology and Criminal Justice* (2009) 9(4) special issue 'Urban Safety, Anti-Social Behaviour and the Night-Time Economy' and *Social Policy and Society* (2010).

CRIMINAL BEHAVIOUR AND DESISTANCE

Assessing the Impact of Circles of Support and Accountability on the Reintegration of Adults Convicted of Sexual Offences in the Community

This four-year research project is the result of a partnership between the University of Leeds, the University of Nottingham and Circles UK with Dr **Catherine Appleton** (Principal Investigator), Dr **Anthea Hucklesby** and Birgit Völlm (University of Nottingham) Circles UK is a charitable organisation that has been set up to oversee a number of Circles of Support and Accountability (COSA) projects in England and Wales and it is these which are the main focus of the study. Circles UK have received funding from the Wates Foundation in order to assess the extent to which COSA projects contribute towards the reintegration of sex offenders in the community. A number of complementary methods will be used during the research period, including the following: a literature review; the collection and analysis of administrative data held by all COSA projects across England and Wales; interviews with sex offenders or 'Core Members', volunteers, and a number of key

stakeholders including the police, probation, and Multi-Agency Public Protection Panels. Attached to this research project is a three-year fully funded PhD studentship, based at the Centre for Criminal Justice, which is due to commence in January 2010.

Offender and Post-Court Disposal Courses

This research project is funded by the Department for Transport, Road Safety Division; with Dr Kathryn Chorlton (Institute of Transport Studies, University of Leeds) and Dr Kris Beuret, Social Research Associates. The Road Safety Act 2006 makes legal provision for four post-court educational interventions for serious traffic offenders. The study aimed to inform the design of such programmes. Dr **Emma Wincup** acted as a consultant on this project, offering her expertise on conducting qualitative interviews with offenders and offending behaviour programmes. The final report was submitted to Department of Transport in October 2009.

Life after Punishment of sentenced Nazi war criminals

This project led by **Susanne Karstedt** analyses 30 cases of Nazi war criminals – from members of the elite who have been sentenced at the Nuremberg Trials to concentration camp guards – and traces their biographies after their release from prison. Archival and biographical methods are used, and secondary sources analysed. The findings demonstrate the intricate relationship between individual and collective memories in a society in transition. Findings have been presented at various seminars (including an ESRC Seminar, Keele, Warwick, and the Flemish Academy in Brussels).

Cybercrime: The Organisation of Crime Online

In this project Professor **David Wall** analyses known forms of crime organisation to understand the relationship between networked technologies and the organisation of crime online. In particular it focuses upon the impact of changes in networked technology upon the organisation of crime online. Its methodology is structured (in addition to a broader literature analysis) around an analysis of structure of known ‘cybercrime gangs’ and is augmented with interviews with key players (police, threat analysts in the cybersecurity industry, policy makers). It was the subject of a fellowship at the CEPS, Centre for Excellence in Policing and Security at the Australian National University Canberra and Griffiths University, Brisbane, Australia in April and May 2009 and also at the Max Planck Institute in 2008 and 2009. The project was recently extended, via a funded collaboration with Symantec, to explore the economy of malicious software (scareware) and its organisation. Various articles are emerging from this research.

Intellectual Property Crime

This project involving Professor **David Wall** and **Jo Large** is an ongoing project in two parts exploring intellectual property crime relating to the counterfeiting of fashion goods in the UK. Arising from Wall and Large’s COUTURE project into Counterfeit Luxury Fashion Goods (EU FP6) the first part is a study of the policing of counterfeit goods by various criminal justice agencies and their relationships with the councils, police, courts and also the brands. The second is an empirical study of the consumption of fashion goods and counterfeits. The latter involves a survey of about 1000 consumers and will report in late 2010.

CRIMINAL JUSTICE PROCESSES

Exploring Deliberation Dynamics in (Mock) Rape Juries

In this ESRC funded study Dr **Louise Ellison** and Vanessa Munro (University of Nottingham) investigated the dynamics of jury deliberation in the context of a mock rape trial. The aim was to explore the structural processes (including the presence of a foreperson, inter-personal dynamics, and the deployment of various persuasive strategies) that framed the tone and direction of collective discussion. In so doing, the study generates further insight into what may go on behind the closed doors of the jury room in rape cases, and sheds light on the ways in which differently composed juries faced with the same stimulus may not only reach divergent verdicts but may embark upon radically different routes to reach the same destination.

Exploring the influence of witness preparation on eye-witness accuracy

Dr **Louise Ellison** and Jacqueline Wheatcroft (University of Liverpool) are currently conducting research into witness familiarisation. This AHRC funded project specifically aims to empirically examine the influence of standard witness preparation techniques on eye-witness accuracy and comprehension monitoring. The project is due to report its findings in June 2010.

An Evaluation of the Effective Bail Scheme

Dr **Anthea Hucklesby** was commissioned by the Ministry of Justice to evaluate the Effective Bail Scheme in Yorkshire and Humbershire. The scheme is funded through Invest to Save and is managed by Nacro. It provides bail support with accommodation when necessary to defendants who would otherwise be remanded in custody. The scheme has been operating since November 2006. The evaluation commenced in June 2007 and was completed in November 2008. Two researchers worked on the project. An evaluation report is due to be published by the Ministry of Justice in 2010.

The Future of Forensic Bio-Information

Dr **Carole McCartney** has been funded by the Nuffield Foundation to explore the future of forensic bio-information. The project is critically examining current patterns of forensic bio-information utilisation within the justice system. It will assess the recent trajectory of forensic science policy. The project will use the Nuffield Council on Bioethics report on forensic bio-information as the stimulus for further research and expert deliberation. There is a lack of robust evidence and critical assessment of the benefits and costs of rapidly increasing expenditure in this area. This prevents informed decision-making and the prioritising of investment in forensic bio-information within the legal system domestically and trans-nationally.

Data collection will inform a series of expert meetings to examine what is known about forensic processes within the justice system, and the operation and governance of forensic bioinformation databases. The aim of the project is to produce concrete proposals informed by operational and policy viewpoints, resulting in a 'handbook of internationally valid good practice' for use by policy makers, legislators, forensic scientists, police staff and prosecutors. Dr McCartney is the Principal Investigator working with other researchers notably, Professor Robin Williams, Emeritus Professor of Sociology, University of Durham and Tim Wilson, University of Northumbria.

Forensic Identification Frontiers

Dr **Carole McCartney** has been awarded an EU Marie Curie International Outgoing Fellowship from 2009 to 2012, which will see her returning to Australia for two years (from August 2009),

where she will be based at the Bond University Centre for Forensic Excellence. This research will look at the issues confronting policy makers and practitioners engaging in international exchange of DNA and fingerprints for forensic use and determine best practice for implementing interdisciplinary research. The project will entail multidisciplinary research to address the challenges at the frontiers of forensic identification, including the legitimacy, acceptability and viability of forensic identification practice and policy. It will identify the obstacles to EU harmonisation on the use and exchange of forensic DNA /fingerprints, producing original data for policymakers. The project will involve researching at the Centre for Forensic Excellence in Australia, a unique and internationally unrivalled research centre for forensic studies, and the Centre for Criminal Justice Studies in Leeds.

The project will result in a map of legal regimes setting out the current utilisation and exchange of forensic bioinformation across Australia and EU, enabling comparisons and potential for lessons to be drawn from the Australian experience. The research will focus upon transcending disciplines, to arrive at new solutions to common challenges. The project will utilise advanced quantitative and qualitative research methods to analyse EU and Australian: forensic identification science; law; practice; social and political context; and policy.

The project will involve interviews as well as documentary analysis to ensure the contextualisation of data and the opportunity to assess future policy and aspirations. The research will be undertaken within a dedicated research Centre among experienced multi-disciplinary researchers, enabling the researcher to develop new skills to facilitate much needed multi-disciplinary research at an EU level. It will contribute to EU competence in the development of innovative and collaborative approaches to comparative and multi-disciplinary evaluation research, particularly in the context of forensic science. It will commence the essential work on constructing a dialogue between scientists; lawyers; ethicists; sociologists and others with the overarching aim to help the Community develop policies which will facilitate collaboration across the Third Pillar.

Police National Legal Database Consortium

A team from the West Yorkshire Police has established a wide-ranging database of legal information of relevance to police officers. The Centre for Criminal Justice Studies has agreed to act as auditors of the data, and Professor **Clive Walker** is the principal grant holder, the co-ordinator of the auditing process and the primary researcher.

Terrorism and the Law: The Construction and Application of Laws and Legal Policies in the United Kingdom

Professor **Clive Walker** has successfully secured an AHRC Fellowship grant which allows him to undertake research for a book contract with Oxford University Press, for a book entitled *Terrorism and the Law*, which is due to be published in 2011. The book will provide an authoritative and comprehensive description and analysis of the relevant laws, legal policies, and practices which impact within the United Kingdom.

INTERNATIONAL AND COMPARATIVE CRIME AND JUSTICE

Restorative Justice and Crime Prevention

European Commission and Italian Juvenile Justice Department are funding research into the connections between restorative justice and crime prevention across Europe which is being conducted by the European Forum for Restorative Justice based at the Catholic University of Leuven. Professor **Adam Crawford** is contributing to this European project by providing a

conceptual overview and analysis of points of connection and links between restorative justice and crime prevention. He will present a draft report to an expert seminar in Leuven on 21-23 October 2009. The project commenced in July 2009 and will end in spring 2010.

Democracy, Crime and Justice

This project led by Professor **Susanne Karstedt** aims at exploring the impact of democratic values and institutions on crime and justice, including interpersonal and state violence, corruption, imprisonment rates and prison conditions. A data base including nearly 80 countries has been established bringing together a wide range of large secondary data sources. Multivariate and hierarchical models are presently established for a range of topics. Findings have been presented at the American Society of Criminology and British Society of Criminology conferences, the German Sociological Congress (in 2008), the European Society of Criminology conference (in 2008), and the International Conference on the Sociology of Law, Onati, (in 2009).

The European Moral Economy

The project analyses the respective module of the European Social Survey round 2, 2004, co-authored by **Susanne Karstedt** and Stephen Farrall at Sheffield University. He is also collaborator in the project, in which hierarchical modelling techniques will be used for the exploration of middle class crime and market anomie in 25 European countries. Findings have been presented at the German Sociological Congress in 2008.

Assessing Deviance, Crime and Prevention in Europe CRIMPREV

The CRIMPREV co-ordination Action project funded under the EU Framework 6 which has been running for 3 years with significant contribution from colleagues in the CCJS at Leeds University concluded in July 2009. Professor **Adam Crawford** was a steering committee member in this extensive European-wide project, which was coordinated by the leading French criminological institute network GERN. He was also the co-organiser of one of the workpackages concerned with 'public perceptions of crime and insecurity'. The concluding meeting was held in Milton Keynes in June 2009. For further information on CRIMPREV see www.crimprev.eu

International and Comparative Criminal Justice

This research network co-lead by Professors **Mark Findlay** and **Adam Crawford** combines WUN and non-WUN partners with interests in a range of inter-related themes that coalesce around the internationalisation of crime control, by exploring questions of comparison (both convergences and divergences) in the development of policy, norms and institutional infrastructures. The network is interested in both the development of international institutions and processes, as well as comparisons between national and sub-national developments. Questions about policy transfer, lesson-drawing and international trends in the coordination and delivery of modes of criminal justice and crime control are at the forefront of research concerns within this network. The ICCJnet has secured funding for an annual fellowship to be held at different member institutions 2009-1011. The first fellowship was awarded to James Cockayne a Senior Associate at the International Peace Institute, New York – a major NGO advising governments and the UN on peace and security issues. His fellowship commenced in August 2009 and is hosted by the Institute of Criminology at Sydney University. In 2010 a second fellowship will be co-hosted by the universities of Leeds and Sheffield. For further details about ICCJnet, see <http://www.wun.ac.uk/iccjnet/>

Racism and Social Marginalisation Amongst Young People

The EU Fundamental Rights Agency has funded Dr **Susan Wiltshire** together with colleagues Susan McVie, Cristina Rechea- Alberola and Catherine Blaya to conduct a study of racism and social marginalisation amongst young people in three EU Member States. This is a collaboration between the University of Castilla-la-Mancha in Spain, the University of Bordeaux in France and the University of Edinburgh in the UK. The study aims to explore the relationship between young people's experiences of discrimination and social marginalisation and their attitudes towards using violence and engagement in using actual violence towards others. It involves a survey of 1,000 young people within each Member State, sampling approximately equal numbers of males and females between the ages of 12 and 18 from Muslim and non-Muslim backgrounds. Controlling for other aspects of discrimination, marginalisation and peer group characteristics, coming from a Muslim background bears little or no relevance to attitudes towards and involvement in violence.

TEACHING-RELATED INITIATIVES

Legal Advice Clinic

Lydia Bleasdale-Hill has established the School of Law Legal Advice Clinic with the assistance of funding (£3,000) from the White Rose Centre for Excellence in Teaching and Learning in Enterprise. Undergraduate students will, under the supervision of local solicitors, interview and advise members of the public with legal problems in specific areas, including housing and employment law. The intention is to provide a free, valuable service to the local community, whilst also helping students to enhance and develop skills which will be of use to them in the professional world post-graduation. The Clinic will be the subject of an interactive presentation the University's Learning and Teaching Conference in 2010 (with students being invited to take part).

The 'Innocence Project'

In late 2005, the University of Leeds set up an Innocence Project (UoLIP). Since its establishment, the UoLIP has grown: in student numbers; resources; and size of premises, and refined its operating procedures. There were 19 second and third year students working on the project in 2009. At the commencement of their year, they receive a UoLIP Handbook, which provides them with all the information they need. In addition to initial training and handbook, there are a series of guest speakers, from: victim's groups; miscarriages of justice organisations; the Criminal Cases Review Commission; forensic scientists; and police investigators. The primary role of the project remains to assist those who have been wrongly convicted of a criminal offence, with writing a high-quality application to the Criminal Cases Review Commission (CCRC). During their time on the project, each member will become an integral part of an investigation team, at the same time as being responsible for the running of the project with all the administrative work and correspondence completed by the project teams, with oversight from the Director. Two students on the project this year have attended a one day conference at Strathclyde University: they compiled a resource about miscarriages of justice and Innocence Projects. A number of students attended the annual United Against Injustice event in Leeds in October 2009, where they were able to gain more information about the rules surrounding non-disclosure of evidence, and to hear directly from those with experience of the criminal justice system (including journalists and the recently pardoned Michael Shields). **Lydia Bleasdale-Hill** has assumed the role of supervising the University of Leeds Innocence Project in the absence of its founding Director, Dr **Carole McCartney** (who has been awarded a Marie Curie international research fellowship from 2009-2012 – see above).

PUBLICATIONS

Books

Crawford, A., (2009) (ed.) *Crime Prevention Policies in Comparative Perspective*, Cullompton: Willan Publishing.

Hadfield, P. (2009) (ed.) *Nightlife and Crime: Social Order and Governance in International Perspective*. Oxford: Oxford University Press.

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Hadfield, P. (2009) 'Nightlife Horizons: Some Further Thoughts and Conclusions' in Hadfield, P., (ed.) *Nightlife and Crime: Social*

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Hucklesby, A. (2009) 'The Prosecution Process' in A. Hucklesby and A. Wahidin (eds.) *Criminal Justice*, Oxford: Oxford University Press

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Refereed Articles

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Wincup, E. (2008) 'Criminal Justice Administration Act 1914', in P. Senior (ed.) *Moments in Probation*, Crayford: Shaw and Sons Ltd.

Wincup, E. (2009) 'Addressing homelessness through effective partnership working', in R. Carnwell and J. Buchanan (eds)(2nd ed.) *Effective Practice in Health, Social Care and Criminal Justice*, Buckingham: Open University Press.

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- Ellison, L.**, (2009) 'The Use and Abuse of Psychiatric Evidence in Rape Trials', *International Journal of Evidence & Proof*, 13(1), 28-49.
- Hadfield, P., Lister, S., and Traynor, P.** (2009) 'This Town's A Different Town Today: Policing and Regulating the Night-time Economy', *Criminology and Criminal Justice*, 9(4), 465-86.
- Hadfield, P.** and Measham, F. (2009) 'Shaping the Night: How Licensing, Social Divisions, and Informal Social Controls, Mould the Form and Content of Nightlife', *Crime Prevention and Community Safety*, 11(3), 219-34.
- Hadfield, P.** (2009) 'Too Hard to Bear? : People and Large Carnivores in Slovakia', *ECOS: A Review of Conservation*, 30(2), 76-84.
- Hucklesby, A** and Sarre, R. (2009) 'Bail in Australia, the United Kingdom and Canada: an introduction', *Current Issues in Criminal Justice*, 21(1), 1-2.
- Hucklesby, A.** (2009) 'Keeping the lid on the prison remand population: the experience in England and Wales', *Current Issues in Criminal Justice*, 21(1), 3-23.
- Hucklesby, A.** (2009) 'Understanding offenders' compliance: a case study of electronically monitored curfew orders', *Journal of Law and Society*, 36(2), 248-71.
- Karstedt, S.** (2009) 'The Endurance of Collective Memory: Germany 1950-1980', *Polish Sociological Review*, 165(1), 27-38.
- Karstedt, S.** and Eisner, M. (2009) 'Introduction: Is a General Theory of Violence Possible?' Special Issue, *International Journal of Conflict and Violence*, 3 (1).
- Lennon, G.** (2009) 'Police Powers: Article 5 and Crowd Control', *Web Journal of Current Legal Issues*, 3.
- Lennon, G.**, and **Walker, C.**, (2009) 'Hot money in a cold climate', *Public Law* 37-42.
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- McCartney, C.** and Cassella, J. (2008) 'When science doesn't meet the law: addressing the absence of forensic skills in law degrees', *New Directions*, Issue 4, 1-4.
- Sanders, T.** (2009) 'Controlling the Anti-Sexual City: Sexual Citizenship and the Disciplining of Female Sex Workers' *Criminology and Criminal Justice* 9(4), 507-25.
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Doward, J., and **Walker, C.**, (2008) 'An unwinnable battle of wills', *The House Magazine: The Parliamentary Weekly* 33.

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Crawford, A., (2009) 'Anti-Social Behaviour', in Wakefield, A. and Fleming, J. (eds) *The Sage Dictionary of Policing*, London: Sage, pp. 4-6.

Karstedt, S. and Farrall, S. (2009) 'Calls for Service', in Wakefield, A. and Fleming, J.

Lister, S. (2009) 'Daylight Robbery', *Unite*, 12-13.

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Crawford, A., (2009) *Policing Insecurities and Marginal Groups in the Shadow of Terrorism* CRIMPREV Newsletter 28, Guyancourt: GERN. Available at www.crimprev.eu

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CONFERENCE PRESENTATIONS AND PUBLIC SEMINARS

Appleton, C. 'Living a "normal" life: Lifers' narratives of change', British Society of Criminology Conference, Cardiff, 29th June - 1st July 2009.

Barker, A. with **Crawford, A.** 'Responding to local perceptions of insecurity through intensive neighbourhood management' paper to CRIMPREV meeting on 'Local Public Policies in Response to Contemporary Insecurities', University of Porto, 16-17 January 2009.

Basu, S. with Duffy, J 'Access to Legal Information for the Older People' () The Senior Citizens Consortium Sperrin Lakeland AGM and Annual Conference Wednesday, 24th June 2009

Basu, S. with Duffy, J. and Davey, H. 'Digital Divide Older People and Online Legal Advice' CAP, Queen's University Belfast. NICVA, Belfast. June 2009.

Basu, S. 'Digital Ethics in Bridging Digital Divide' 24th Annual BILETA Conference. University of Winchester, April 2009.

Blandy, S. 'Law's Contribution to a Research Framework for Exploring Private Urban Spaces and Urban Governance', paper for the conference, 'Redefinition of Public Space within the Privatisation of Cities', Santiago, Chile, 30 March-2 April 2009.

Blandy, S. Invited seminar presentation: 'Just legal niceties'? Use, ownership and management of the urban public realm. The Manchester Institute for Social and Spatial Transformations, Manchester Metropolitan University, 19 March 2009

Blandy, S. Invited plenary presentation: 'Governance Issues in Enclave Urbanism: Why Law Matters', paper for the conference, Enclave Urbanism as Problem or Solution – European And Asian Perspectives, Utrecht, Netherlands, 11th-13th June 2009.

Crawford, A., 'Governing Freedom's Children: Choice, Responsibility and the Politics of Behaviour', plenary presentation to the 'International Youth Justice' conference, British Society of Criminology, University of Liverpool, 25 September 2009.

Crawford, A., 'Governing Perceptions of Crime and (In)Security in an Age of Uncertainty', Keynote presentation to CRIMPREV final conference, Open University, Milton Keynes, 17-19 June 2009.

Crawford, A., Keynote presentation to the National Community Safety Network Annual Conference, Royal Armouries Museum Leeds, 9-10 June 2009.

Crawford, A., Keynote presentation to ESRC/Police Foundation Public Policy Seminar 'What role for policing in securing economic and social well-being?', Dynamic Earth Conference Venue, Edinburgh, 8 May 2009.

Crawford, A., 'Governance, Security and Knowledge', Keynote presentation to School of Criminology Conference 'Scientific Research and Public Policies', University of Porto, 15 January 2009.

Crawford, A., 'Searching for Principles and Values in the Anti-Social Behaviour Agenda', presentation to the Independent Commission on Youth Crime and Anti-Social Behaviour, Urbis Centre, Manchester, 1 July 2009.

Crawford, A., 'Governing through Anti-Social Behaviour: Regulatory Challenges to Criminal Justice', British Society of Criminology Conference, Cardiff University, 29 June - 1 July 2009.

Crawford, A., 'Rethinking Compliance: Sticks and Carrots... and Sermons in the Regulation of Anti-Social Youth Behaviour', presentation to the 'Legitimacy and Compliance in Criminal Justice' conference, University of Leeds, 25-26 June 2009.

Crawford, A., Keynote presentation to ESRC National Conference 'Situating Anti-Social Behaviour and Respect' Great Hall, King's College London, 22 April 2009.

Crawford, A., Panel member to a debate 'Scared of the Kids: The rising panic about youth crime', Battle of Ideas, Royal College of Art, London, 1-2 November 2008, video available at:
http://www.battleofideas.org.uk/index.php/2008/session_detail/1192/

Ellison, L. and Munro, V., 'Exploring Deliberation Dynamics in (Mock) Rape Juries,' Annual Socio-Legal Studies Association Conference, De Montfort University, 7-9th April 2009.

Ellison, L. and Munro, V., 'Regulating the Use of Psychiatric Evidence in Rape Trials' Invited paper Annual Meeting of the Royal College of Psychiatrists, Liverpool, 4th June 2009.

Ellison, L. and Munro, V., 'Exploring the Influence of Rape Beliefs in (Mock) Jury Deliberation' Invited Paper Criminal Justice Responses to Sexual Assault International Workshop Potsdam, 10th-12th September 2009.

Ellison, L. and Munro, V., 'Assessing the Impact of Educational Guidance on Juror Assessments of Complainant Credibility in Rape Trials' Invited Paper Criminal Justice Responses to Sexual Assault International Workshop Potsdam, 10th-12th September 2009

Ellison, L., 'Closing the Justice Gap' Opening Address, Investigating and Prosecuting Rape Conference, London, 23rd September 2009.

Hadfield, P., 'Sailing the Seas of Alcohol: Frantic Steering and Creative Rowing', Australian Drug Foundation: Thinking Drinking 3 Conference Hilton Hotel, Brisbane, 5 August 2009.

Hadfield, P., 'Strategy Meeting: Lessons from the UK' a briefing given to senior decision makers in the state of Victoria, key sponsors of the ADF conference, Australian Drug Foundation headquarters, Melbourne, Australia, 19 August 2009.

Hadfield, P., 'The Criminal Justice Turn in English Alcohol Policy: Recent Developments and Future Prospects' Victorian Substance Use Research Forum, Melbourne, 17 August 2009.

Hadfield, P., Workshop Discussant-Respondent 'Public Health and Community Wellbeing in the Night-Time Economy, Australian Drug Foundation: Thinking Drinking 3 Conference. Brisbane, Australia August 2009.

Hadfield, P., Presentation to Strategy meeting on the night-time economy, Brisbane City Council, 4 August 2009.

Hadfield, P., 'Third Party Policing and Philanthropic Action in the UK night-time economy', Department of Criminology, Griffith University, 3 August 2009.

Hucklesby, A. 'Keeping the lid on the prison remand population: the experience in England and Wales', Invited keynote speaker, Ontario Department of Corrections Annual Conference, North Bay, Canada, October 2008.

Hucklesby, A. 'Remand Issues in England and Wales', Invited speaker, Ontario Department of Corrections Annual Conference, North Bay, Canada, October 2008.

Hucklesby, A. 'Tackling the drugs/crime link through the remand process: some findings from the Restriction on Bail pilots', Socio-legal Studies Association Annual conference, De Montfort University, Leicester, April 2009

Hucklesby, A. 'Improving the efficiency of electronic monitoring: some thoughts on good practice' Invited speaker at 6th European Conference on Electronic Monitoring, CEP European Organisation for Probation, Egmond aan Zee, May 2009.

Hucklesby, A. 'Compliance with electronically monitored curfew orders: some empirical findings', Symposium on compliance and legitimacy in criminal justice, Centre for Criminal Justice Studies, University of Leeds, June 2009.

Hucklesby, A. 'The Nightlife of Electronic monitoring officers', British Society of Criminology Annual Conference, University of Cardiff, June-July 2009.

Hucklesby, A. Rapporteur for 6th European Conference on Electronic Monitoring, CEP European Organisation for Probation, Egmond aan Zee, The Netherlands May 2009.

Karstedt, S. 'The Strength of Institutions: Corruption, Culture and Institutions'. Invited plenary address, Plenary Panel on Corruption, 38th German Congress of Sociology, October 2008.

Karstedt, S. '(Re)Defining criminals and constructing memories: Sentenced Nazi war criminals in West Germany in the early post-war years', Invited conference paper, 'Transitional Justice and Rule of Law: Institutional Design and the Changing Normative Structure of Post-Authoritarian Societies', Royal Academy for Science and the Arts, Belgium (Flemish Academic Centre (VLAC)), the University of New South Wales, Leuven Institute of Criminology (LINC), Brussels, 5-7 June 2009.

Karstedt, S. 'Do trusted governments imprison less?' European Conference of Criminology, Edinburgh 2008.

Karstedt, S. 'Trust in justice and the police: Embedding the UK experience in the European context', British Criminology Conference, Cardiff, 2009.

Karstedt, S. 'Democratic values and state violence', International Conference on the Sociology of Law, Onati, July 2009.

Karstedt, S. 'Trust and punishment', lecture at the Law Department, Universitat Pompeu Fabra, Barcelona, December 2008.

King, C. 'Nameless, Faceless Officials and the Confiscation of Criminal Assets', British Society of Criminology Conference, Cardiff University, 30 June 2009.

Lennon, G., 'The history of stop and search' Socio-Legal Studies Association Conference, April 2009.

McCartney, C. 'DNA: Legal Development and Issues' Northumbria Forensic Centre/ Law School, Research Seminar, 6th July 2009.

McCartney, C. 'The NAS Report and UK Forensic Standards', Forensic Regulators Office, Birmingham, 29th June 2009.

McCartney, C. 'Reaching the Parts that Other Forensic Educators Don't Reach', FORREST 5th Annual Conference, Liverpool, 30th June 2009.

McCartney, C. 'Fingerprints: under the ethical spotlight', Fingerprint Society Annual Conference, Manchester, 30th March 2009.

McCartney, C. 'DNA: The Legal Framework, Issues and Development' DNA Conference London, 25th February 2009.

McCartney, C. ‘Carl Henry Piggott: Guilty or Not Guilty?': Addressing the absence of forensic science skills in law degrees, Learning in Law Annual Conference, Warwick, 23rd January 2009.

McCartney, C. ‘Policing at the Frontiers of Science: The Forensic use of DNA’, The 2009 Nuffield Lecture, Association of Science Educators Annual Conference, Reading university, 10th January 2009.

McCartney, C. ‘Australian developments’, Forensic Science Advisory Council Meeting, Harperly Hall, Durham, 1st December 2008.

McCartney, C. ‘The National DNA Database in England and Wales: Recent Challenges and Ethical Issues’, 19th International Symposium on the Forensic Sciences, Melbourne, Australia, 8th October 2008.

McCartney, C. ‘Quis custodiet ipsos custodes?: The UK’s New ‘Forensic Regulator’, 19th International Symposium on the Forensic Sciences, Melbourne, Australia, 8th October 2008.

Sanders, T. Workshop contributor to Gender and The Family: ‘Governing Through Anti-Social Behaviour’ ESRC Seminar Series, Kings College, London, 22nd April 2009.

Sanders, T. ‘Sex Work Spaces’ London Women’s Planning Forum, Queen Mary’s, 19th February 2009.

Sanders, T. Critical Sexology Network, Ethics in Research on Sex and Sensitive Issues, Queen Mary’s London 3rd April 2009.

Sanders, T. ‘Rehabilitating Sexual Deviance: The Victim, The Kerb Crawler and New Labour’, University of Lincoln, Policy Studies Institute, 25th March 2009

Sanders, T. ‘Male Sexual Scripts: Intimacy, Sexuality and Pleasure in the Purchase of Commercial Sex’, Institute of Wales, Cardiff, 2nd March 2009

Sanders, T. with Barb Brents ‘The Mainstreaming of the Sex Industry: Economic Inclusion and Social Ambivalence’, Socio-Legal Studies Association, DeMontfort University, 8th April 2009.

Walker, C., ‘Responses to Jihadist radicalisation and the prospect of anti-terrorist community policing’, Faculty of Law, UiTM, Kuala Lumpur, 2008.

Walker, C., ‘Cyber-Terrorism and Cyber-Crimes’, International Cyber-crime Conference, Indonusa University, Jakarta, 2008

Walker, C., ‘The strengths and limits of legal regulation of the CNI: "We won’t make a drama out of a crisis"', Royal United Services Institute, Conference on Protecting the Critical National Infrastructure, RUSI, 2008

Walker, C., ‘Terrorism and community safety’, Conference on the Crime and Disorder Act, Centre for Criminal Justice Studies, Leeds, 2008.

Walker, C., ‘The threat of terrorism against the Critical National Infrastructure’, World Criminology Conference, Barcelona, 2008.

Walker, C., ‘The Counter-Terrorism Act 2008’, JUSTICE 10th Annual Conference, The Human Rights Law Conference 2008, London, 2008.

Walker, C., ‘Responses to jihadi extremism in the United Kingdom’, CRIMPREV – Marginal groups and policy insecurities in the shadow of terrorism, University of Leeds, 2008.

Walker, C., ‘Liberty in the face of terrorism under United Kingdom law and practice’, Israeli Defence Institute and International Committee of the Red Cross Conference on Restrictions of Liberty of Terror Suspects, Jerusalem, 2008

Walker, C., 'Modernization meets cultural imperialism: The development of a law school in the Gulf', Association of American Law Schools, San Diego, 2009

Walker, C., 'The Anti-terrorism legislation and the right to a fair trial', 25 Bedford Row Annual Symposium, Article 6: Enshrined of Undermined?, Law Society's Hall, 2009.

Walker, C., 'Responses to Jihadist extremism in the United Kingdom', Police National Legal Database, 4th Annual Conference – First Line in the Frontline 2009, Birmingham, 2009

Walker, C., 'The impact rights to due process on the treatment of terrorists in the United Kingdom', British Society of Criminology Annual Conference, Cardiff, 2009.

Walker, C., 'Prosecuting Terrorism', seminar presentation at the Institute of Advanced Legal Studies, University of London, May 2009.

Walker, C., 'The right to a fair trial and the responses to terrorism', paper at the Society of Legal Scholars, Annual Conference, Keele September 2009.

Walker, C., 'The ethics of terrorism prosecution: The gains of criminalisation and the pains of the right to a fair trial', 5th European Consortium for Political Research General Conference, Potsdam, September 2009.

Wall, D.S. 'Cybercrime Organisation: Changes in the organisation of crime online', Paper to the 2009 UKAIS Cybercrime Workshop, University of Wolverhampton 8th September 2009.

Wall, D.S. 'Micro-Fraud-The Perfect Crime?': Micro E-Frauds and emerging cybercrime threats. Paper to the First International Conference on Information Security and Digital Forensics 2009 (EPSRC), City University, London. 8th September 2009.

Wall, D.S. 'Counterfeiting Fashion Goods and The Public Interest Policing Intellectual Property Crime', British Society of Criminology Conference, Cardiff, 30th June 2009.

Wall, D.S. 'The Organisation of Cybercrime', British Society of Criminology Conference, Cardiff, 1st July 2009.

Wall, D.S. (2009) "The evolution(s) of cybercrime: Is the email of the species still more deadlier than the mail?" Keynote Speech to the *Cybercrime and Digital Evidence* Conference at the Faculty of Law, Ljubljana, Slovenia, 4th June. Video of speech at http://videlectures.net/kkdf09_wall_teocc

Wall, D.S. 'The organisation of cybercrime', *Current Issues in IT Security: An interdisciplinary conference*, Max Planck Institute for Foreign and International Criminal Law, Freiburg im Breisgau, Germany, 12th - 14th May 2009.

Wall, D.S. 'The transformation of crime in the information age', University of Wollongong, Australia, 4th May 2009.

Wall, D.S. 'Crime in the information age', School of Law, University of Sydney, Australia, 4th May 2009.

Wall, D.S. 'Policing Cybercrimes: Situating the public police in networks of cybersecurity', Canberra and also Centre for Excellence in Police Studies, Griffiths University, Brisbane, Australia, 1st May, 2009.

Wall, D.S. Respondent and expert contributor, Online Protection Panel, *G8 Global symposium for examining the relationship between online and offline offenses and preventing the sexual exploitation of children*, Paul J. Rizzo Conference Center, Chapel Hill, University of North Carolina, USA, 5-7 April 2009.

Wall, D.S. 'The Constitutional Position of the Chief Constable', Home Office, Strategic Command Course Workshop, New Scotland Yard, 21st January 2009.

Wall, D.S. 'Organized crime and the organisation of cybercrime', Centre for Excellence in Police Studies, Australian National University, Canberra, Australia. 28th April 2009.

Wall, D.S. 'The evolution of Identity theft as a cybercrime', Information in the Digital Age: Security, Identity and Management (INDIA-SIM 2009) Indian Institute of Information Technology, Bangalore, India - 23rd January 2009.

Wall, D.S. 'Understanding and Regulating Cybercrime', University of York, UK, 3rd December, 2008

Wall, D.S. Cybercrime 101: v2, Ryerson University, School of Management, Toronto, Canada. 27th November 2008.

Wall, D.S. 'Cybercrime and the Culture of Fear: Constructing Cybercrime in the Public Imagination', Centre for Criminology/ Centre for Law and Innovation, Faculty of Law, University of Toronto, Canada. 26th November 2008.

Wall, D.S. 'Cybercrime', School of Social Sciences, Loughborough 19th November 2008.

Wall, D.S. 'Ubiquitous Crime in the Information Age: Understanding and regulating Cybercrimes', Keynote Speech, *International Cybercrime Seminar*, Korean Institute of Criminology and The Korean Association of Criminology, Yonsei University, Seoul, Korea, 1st November 2008. (Published)

Wall, D.S. 'Intellectual Property and the Public Domain', *Protecting Intellectual Property/ Securing E-Crime seminar*, Tipping Point/Federation Against Copyright Theft (FACT), Coventry, 15th October 2008.

Wall, D.S. '(Preventing) The Perfect Crime: Micro E-Frauds as emerging threats', *Protecting Intellectual Property / Securing E-Crime seminar*, Tipping Point/Federation Against Copyright Theft (FACT), Coventry, 15th October 2008.

Wall, D.S. 'Micro E-Frauds and emerging cybercrime threats to the business sector', Yorkshire & Humber Fraud Forum (YHFF), Cedar Court Hotel, Wakefield, Tuesday 7th October 2008.

Wall, D.S. 'The Cultural Construction of Cybercrime', Research Seminar, School of Law, Liverpool John Moores University, 1st October 2008.



Professor Adam Crawford delivers the key findings of the ESRC ‘Governing Anti-Social Behaviour’ at the final conference at King’s College, London 22 April 2009



Members of the CCJS enjoy a break at the ‘away day’ 2009 in the heart of Headingley!

CONFERENCE ORGANISATION

'Legitimacy and Compliance in Criminal Justice': An international colloquium, 25- 26 June 2009, School of Law, University of Leeds

This colloquium brought together a number of eminent social scientists, social psychologists, criminologists and lawyers to consider and debate issues concerning the role of legitimacy, trust and compliance with normative systems and decision-making concerning individual behaviour. These are particularly topical issues in the context of criminal justice, tax avoidance and other forms of rule adherence or rule-breaking. Invited contributors included Tom Tyler (*New York University*), Tony Bottoms (*Cambridge University*), Valerie Braithwaite (*Australian National University*), Doreen McBarnet (*Edinburgh and Oxford Universities*), Mike Nellis (*Strathclyde University*), Sonja Snacken (*Free University of Brussels*), Mike Hough (*King's College*), Jon Jackson (*London School of Economics*), Richard Sparks (*Edinburgh University*), Susanne Karstedt (*University of Keele*), Joanna Shapland and Stephen Farrall (*Sheffield University*), Fergus McNeil (*Glasgow University*) and Gwen Robinson (*Sheffield University*). It was also attended by representatives of the National Policing Improvement Agency (Tony Munton and Andy Myhill) and 4GS (. The conference was organised by Adam Crawford and Anthea Hucklesby with assistance and input from Sam Lewis and Stuart Lister. Papers first presented at the conference will be published in a forthcoming book by Willan Publishing. The conference was generously supported by the School of Law Strategic Development Fund.

'Situating Anti-Social Behaviour and Respect', ESRC national conference, 22 April 2009 King's College London

This conference presented a debate and dialogue between practitioners, policy-makers and researchers, about the shape and future direction of measures to tackle anti-social behaviour. It provided a opportunity to disseminate and debate the findings from the 'Governing Through Anti-Social Behaviour' seminar series, funded by the ESRC. The conference explored the philosophies and politics that inform the contemporary governance of anti-social behaviour and the practical lessons derived from implementation of the diverse new technologies and mechanisms of control. Workshop sessions were held covering the main areas explored by the seminars: housing; gender and the family; young people; the night-time economy; and diversity. A policy round table and discussion was held on the shape and future of policy in England, Scotland and Wales. The conference was organised by Adam Crawford with assistance and input from Anna Barker, Sarah Blandy, Phil Hadfield, Sam Lewis, Teela Sanders and Peter Traynor.

'Gated Communities and Private Urban Governance', International Conference 30 March - 2 April 2009

Sarah Blandy was a member of the Scientific Committee of the Gated Communities and Private Urban Governance International group, and co-organiser of the group's biennial academic conference: 'Redefinition of Public Space within the Privatisation of Cities', 30 March-2 April 2009, held in Santiago, Chile.

Socio-Legal Studies Association, DeMontfort University 7-9 April 2009

Teela Sanders, together with Jane Scoular, organised a thematic stream of papers on 'Regulating Sex' at the Socio-Legal Studies Association (SLSA) annual conference in Leicester.

Sex Work Research Postgraduate Conference 22nd January 2009

The University of Leeds hosted the Sex Work Research Postgraduate Conference on 22nd January 2009. Teela Sanders organised the event.



Some of the delegates at the international colloquium on 'Legitimacy and Compliance in Criminal Justice' held at the Centre on 25-26 June 2009.



Professor Valerie Braithwaite, *Australian National University*, delivers her paper on 'Dismissive and Resistant Defiance' at the international colloquium.

KNOWLEDGE TRANSFER

Work for Governments, Statutory Agencies, NGOs, Professional Bodies

Catherine Appleton

- Member of Circles UK Research and Evaluation Group
- Member of HM Prison Grendon Research Advisory Group
- Member of expert panel for the national evaluation of 'Transition to Adulthood' pilot schemes, carried out by Dr Ros Burnett and Dr Gisella Hanley Santos at the Centre for Criminology, University of Oxford and commissioned by the Barrow Cadbury Trust.

Subhajit Basu

- Member of Strategic Advocacy Project Board (Advisory Board) of Northern Ireland Council for Ethnic Minorities (NICEM)
- Executive Committee Member of British & Irish Law, Education and Technology Association (BILETA)

Adam Crawford

- Invited to provide evidence to the Independent Commission on Youth Crime and Anti-Social Behaviour, 1 July 2009.
- Contributor to ESRC/The Police Foundation Public Policy Seminars and Brochure 'What is Policing for?' 2009. Available at:
<http://www.esrc.ac.uk/ESRCInfoCentre/about/CI/events/esrcseminar/whatispolicingfor.aspx>

Louise Ellison

- Member of expert panel on rape reform chaired by Solicitor General.

Philip Hadfield

- Advised the City of London on the development of their Statement of Licensing Policy.

Sam Lewis

- Peer reviewer for the National Probation Research and Information Exchange (NPRIE) Research Officer's group.

Susanne Karstedt

- Scientific Advisory Board of the Kriminologisches Forschungsinstitut Niedersachsen (KFN) (Criminological Research Institute of Lower Saxony), Hanover, since July 2009
- Advisory Board of the Institut für Rechts- und Kriminalsoziologie (*Institute for the Sociology of Law and Crime*), Vienna, since 2008

Stuart Lister

- Invited Expert Roundtable Discussion on Skills and Professionalism in policing, Workforce Modernisation Conference, National Policing Improvement Agency, Queen's Hotel, Leeds, March 25.

Teela Sanders

- Consultation on Association of Chief Police Officers review of Prostitution Strategy April 2009.
- Consultation on Policing and Crime Bill, January 2009.
- Consultation Response to Department of Work & Pension on Advertising Adult Entertainment Industry Vacancies at Jobcentre Plus, January, 2009,
- Response to Proposed Changes to Prostitution Legislation October, 2008,

Clive Walker

- Submissions to official reviews:
- Cabinet Office review of the Civil Contingencies Act 2004: I was called to be interviewed by the Cabinet Office during 2008 as part of its Civil Contingencies Act Enhancement Programme.
- Pitt Review, Learning Lessons from the 2007 Floods, 2008
- Home Office, Consultation on Terrorism Act 2000 section 44, 2008
- Lord Carlile, Annual Review of Terrorism Acts 2008
- Home Office Review of the Police & Criminal Evidence Act, 2008
- House of Lords Select Committee on the Constitution, Fast Track Legislation, 2009

David Wall

- Member Economic and Social Research Council (ESRC) Research Grants Board.

Susan Wiltshire

- Funded by University of Strathclyde Knowledge Exchange and Education Fund to construct CPD for teachers and third sector organisations dealing with religious hatred and discrimination in Scotland.

Emma Wincup

- Peer reviewer for the National Offender Management Service
- Panel member for the ESRC programme – *Multiple Exclusion Homelessness*

Media-related work

Sarah Blandy

- Adviser to The Gate Theatre, London, for their production of *State of Emergency* by Falk Richter, trans. David Tushingham, November-December 2008.

Adam Crawford

- Invited Letter to the Editor in response to Sir Ian Blair's resignation, The Evening Standard, 6 October 2008.

Stuart Lister

- Discussant on alcohol and transport, Richard Bacon, BBC Radio Five Live, 1 October 2009.

Carole McCartney

- *Policing at the Frontiers of Science: The Forensic use of DNA*, Café scientifique, Headingley, 1st June 2009.
- 8th May 2009, Yorkshire Post interview/ article on DNA research.

- April 2009, videoed interview on forensic science/ miscarriages of justice for the Guardian website.
- 4th December 2008 - Radio 5Live interview on ECtHR ruling on the DNA Database.

Teela Sanders

- BBC Radio Leeds Comments on Culture, Media and Sport Committee announcements on lap dancing venues, 14th May 2009.
- Times Higher Education: 'A Tangle of Lust, Lace and Unintended Consequences', 11th December 2008.

David Wall

- Interview in *The Independent*, see Cavaglieri, C. (2009) 'Four pence - that's the price of your credit card number', *The Independent*, 27 September, <http://www.independent.co.uk/money/spend-save/four-pence-ndash-thats-the-price-of-your-credit-card-number-1793741.html>
- Guest Blogger, BBC Digital Revolution, Programme two, breaking the web, "Why can't we just switch it off?", Wednesday, 26 August 2009, <http://www.bbc.co.uk/blogs/digitalrevolution/2009/08/why-cant-we-just-switch-it-off.shtml>
- Guest Participant speaking about Cybercrime in UNISYS Workshop on "The Future of Fighting crime". Press coverage and citations in: Jane's Product Review special on Surveillance, Mason, G. (2009) 'Big Brother is watching, Searching, Listening, Jane's Product Review, 7 August: Ashford, W. (2009) 'Businesses can give police headstart in busting cybercriminals', Computer Weekly, <http://www.computerweekly.com/Articles/2009/06/24/236604/businesses-can-give-police-headstart-in-busting-cybercriminals.htm>
- Participated on BBC Radio 4's Today Programme "Cyber-crime specialist Professor David Wall of Leeds University, discusses how an email account could be accessed", 25 February 2009, available at: http://news.bbc.co.uk/today/hi/today/newsid_7909000/7909638.stm

Editorial Work

Adam Crawford

- Editorial Board the *British Journal of Criminology*
- International Advisory Board of the *European Journal of Criminology*
- Editorial Advisory Board of *Criminology and Criminal Justice*
- Editorial Committee of *Déviance et Société*.
- Guest co-editor (with John Flint) of *Criminology and Criminal Justice* special issue 'Urban Safety, Anti-Social Behaviour and the Night-Time Economy', 2009, 9(4).

Mark Findlay

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

Philip Hadfield

- Guest co-editor (with Fiona Measham and Tammy Anderson) of a Special Edition of the Spanish Med-line journal *Addiciones* - selected papers from the Club Health 2008 conference, Ibiza.

Anthea Hucklesby

- Guest editor of, *Current Issues in Criminal Justice*, Special Issue on 'Bail in Australia, the UK and Canada', 2009, 21(1).

Susanne Karstedt

- Editor British Journal of Criminology
- Editorial Board, *Zeitschrift für Soziologie* (Journal of Sociology)
- Editorial Board *Regulation and Governance*
- Editorial Board *Studi Sulla Questione Criminale*
- Editorial Advisory Board *European Journal of Criminology*
- Editorial Board *Monatsschrift für Kriminologie und Strafrechtsreform* (oldest and leading criminology journal in German language)
- Guest co-editor (with Manuel Eisner) of *International Journal of Conflict and Violence* Special issue on 'Is a General Theory of Violence Possible?', 2009, 3(1).
- Editor Series of Publications of the Association for the Sociology of Law,
- Editorial Board *Soziale Probleme* (Social Problems), , since 2001
- Editorial Advisory Board *Zeitschrift für Rechtssoziologie* (Journal of the Sociology of Law)

Sam Lewis

- Specialist assessor for the *Probation Journal*

Teela Sanders

- Editorial Board *The International Journal of Work, Organization and Emotion*
- Editorial Board of *Sexualities*

Clive Walker

- Board of editors of the *Journal of Civil Liberties*
- Board of editors of the *International Journal of Risk Management*
- Consulting editor (with J. Parkinson) for Staniforth, A., *Blackstone's Counter-Terrorism Handbook* Oxford University Press, Oxford, 2009.

David Wall

- Editorial Board member of the *Security Journal*
- Editorial Board member of the *International Journal of Cybercrimes and Criminal Justice*
- Editorial Board member of *The Internet Journal of Criminology*
- Editorial Board member of *Policing and Society*
- Editorial Board member of the *Criminal Justice Matters*
- Associate editor of the *International Review of Law Computers and Technology*

Emma Wincup

- Co-Editor of the *Journal of Social Policy* (until December 2008)
- Editorial Board member, *Social Policy and Society* (until December 2008)
- Editorial Board member *Qualitative Research*

VISITING FELLOWSHIPS

Catherine Appleton Research Associate, Centre for Criminology, University of Oxford.

Subhajit Basu Honorary Visiting Professor National University of Law, India.

Adam Crawford Visiting Fellow to the Frans Denkers research programme on 'Safety, Security and Citizenship', Free University of Amsterdam (2008-11).

Susanne Karstedt Visiting academic, teaching on the International Master Course at the International Institute of the Sociology of Law, Onati, November - December 2008.

Susanne Karstedt Visiting Professor, Catholic University Leuven, Faculty of Law, Leuven Institute of Criminology, April/May 2009.

Clive Walker Visiting Fellowship within the Institute for Advanced Legal Studies, University of London, 2008/9.

David Wall Visiting Fellow Centre of Excellence in Policing and Security, Australian National University and Griffiths University, April/May 2009.

David Wall Visiting Fellow, Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany 2008/2009.

VISITING SCHOLARS

Anabel Rodríguez Basanta researcher at the Catalan Civil Servant Office and in the Centre of Security Studies Association (ACES), Barcelona (September 2008) visited the Centre to conduct research in her areas of interest which focus on the construction of security problems - especially those related to young people - and institutional responses to these constructions. During her visit she contributed to the ESRC seminar series on Anti-social behaviour and the CRIMPREV meeting on public perceptions of crime and insecurity.

Fatih Birtek lecturer on Criminal and Criminal Procedure Law at the Turkish National Police Academy visited the Centre for two months between August and October 2009. His research focused on the regulation of the interception of communications and intrusive surveillance systems. It explore both the UK and Turkish legal frameworks and the manner in which they apply Article 8 of the European Convention on Human Rights (ECHR). One of the aims of the research is to inform debate in Turkey about possible legal reform notably to article 135 of Turkish Criminal Procedure Act and Act of Missions and Authorities of Police. His research resulted in a report on *The Comparison of Turkey and U.K. Interception of Communication Systems according to Reports of European Commission*, which is to be published as an article in a Turkish refereed journal.

RESEARCH STUDENTS

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

- **Tae Jin Cheung** 'Proactive Policing in the UK and Korea: A Comparative Study' - Supervisors David Wall & Clive Walker.
- **Stefan Fafinski** 'Computer Use and Misuse: The Constellation of Control' - Supervisors Clive Walker & David Wall.

The following research student successfully graduated with an MPhil during the period of review:

- **Richard Bean** 'The Role of the In-house Lawyer' - Supervisor David Wall.

The following research student successfully graduated with MA by Research during the period of review:

- **Lee Johnson** 'Discrimination of Minority Ethnic Prisoners in the Prison Systems in England and Wales' - Supervisor Anthea Hucklesby.

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

- **Abdul Razak Ahmad** 'Terrorism and the Rule of Law: Rethinking the ASEAN Way and Responses'. Supervisors Clive Walker & Amrita Mukherjee.
- **Khulood Al-Bader** 'Domestic Violence: A Comparative Study between Kuwait and England and Wales' - Supervisors Louise Ellison & Sam Lewis.
- **Suhail Almerdas** 'Computer Crimes: A Comparative Study of Laws in Saudi Arabia and UK' - Supervisors David Wall & Subhajit Basu.
- **Noura Al-Oumi** 'Suspect's rights and the problems of police malpractice in the Criminal process: A comparative study between the Kuwaiti and English laws' - Supervisors Clive Walker & Anthea Hucklesby.
- **Saad Al-Mutari** 'An Evaluation of the Forensic Science Services of Saudi Arabia' - Supervisors Clive Walker & Carole McCartney.
- **Zainal Ayub** 'Digital Evidence: A study of the search and seizure of digital evidence in Malaysia and the UK' - Supervisors David Wall & Nick Taylor.
- **Anna Barker** 'Perceptions of Local Insecurity: Increasing Public Reassurance and Confidence through Intensive Neighbourhood Management - Supervisors Adam Crawford & Stuart Lister.
- **Kerry Clamp** 'The Receptiveness of Societies in Transition to Restorative Justice' – Supervisors Adam Crawford & Phil Hadfield.
- **Rick Graham** 'Jury interpretation of DNA evidence presented in court' – Supervisors Louise Ellison & Carole McCartney.
- **Wendy Guns** 'Recognising Sexual Violence as a Crime against Humanity in International Law' - Supervisors Amrita Mukherjee & Steven Wheatley.

- **Kathy Hampson** ‘Emotional Literacy and Youth Crime’ - Supervisors Emma Wincup & Adam Crawford.
- **Jeremy Harmer** ‘Is Internet Privacy Doomed? An international, comparative study’ – Supervisors Yaman Akdeniz & Nick Taylor.
- **Ella Holdsworth** ‘Women’s experiences of electronic monitoring’ - Supervisors Anthea Hucklesby & Emma Wincup.
- **Leena Janahi** ‘Cyberspace Auditing for Data Protection and Privacy: a comparison study between EU and GCC States’ - Supervisors David Wall & Peter Dew (Computing).
- **Joanna Large** ‘Criminality and the Counterfeiting of Luxury Fashion Goods’ – Supervisors David Wall & Emma Wincup.
- **Genevieve Lennon** ‘Policing Risk: Stop and Search under the Terrorism Act 2000’ - Supervisors Clive Walker & Nick Taylor.
- **Chiung-Ju Lin** ‘Shaping an Effective Criminal Justice Response to Domestic Violence in Taiwan’ – Supervisors Louise Ellison & Julie Wallbank.
- **Andy Lloyd** ‘Philanthropy, Reform and Contemporary Youth Justice’ - Supervisors Adam Crawford & Sam Lewis.
- **Ravinder Mann** ‘The Impact of Restorative Justice Interventions upon Victims of a Common Assault Offence’ - Supervisors Adam Crawford & Sam Lewis.
- **Sylvia Ngane** ‘The position of witnesses before the International Criminal Court’ – Supervisors Steven Wheatley & Sarah Blandy.
- **Jompon Pitaksantayothin** ‘Regulating Sexually Explicit Content on the Internet: towards the reformation of the Thai regulatory approach’ – Supervisors Ian Cram & Yaman Akdeniz.
- **Jessica Read** ‘Older prisoners’ experiences of resettlement’ - Supervisors Anthea Hucklesby & Catherine Appleton
- **Kaniz Sattar-Shafiq** ‘The law on terrorism and the British Muslim Kashmiri communities’ - Supervisor Clive Walker.
- **Joshua Skoczylis** ‘The local prevention of terrorism in strategy and practice: ‘Contest’ a new era in the fight against terrorism?’ - Supervisors Clive Walker & Adam Crawford.
- **Ho Hai Truong** ‘The Development of a Human Rights Culture in Vietnam’ - Supervisors Clive Walker & Steven Wheatley.
- **Siu-Takkelvin Wong** ‘Refining the Concept of “Fairness” in Criminal Law Practice’ - Supervisors Nick Taylor & Jim Dignan.

PUBLIC SEMINAR PROGRAMME

Frank Dawtry Memorial Lecture

Wednesday 1 October 2008, 5.30 pm, Yorkshire Bank Lecture Theatre
'Prisons and the Prevention of Re-Offending'

Dame Anne Owers CBE, *Her Majesty's Chief Inspector of Prisons*

The full text of this presentation was published in last year's annual report.

Tuesday 28 October 2008, 5 pm.

'Cops Talking About Use of Force in Six Countries'

Professor P.A.J. Waddington, *Police Research Institute, University of Wolverhampton*

Professor Waddington explained how one finds significant differences between the cultural milieux in which police in different countries work. This begs the question: what impact does this have on their normative expectations about the use of force? Nine criminologists in six countries tried to find out, using virtually identical methods in England, the Netherlands, Germany, Australia, Venezuela and Brazil. One might imagine that there would be a huge gap between England and the two South American countries, but things turned out to be more complex than that! In this seminar, Professor Waddington described and discussed the findings of this research.

Tuesday 11 November 2008, 5 pm

'Governing Sex and Prostitution in an Age of Uncertainty'

Dr Joanna Pheonix, *School of Applied Social Sciences, University of Durham*

In this paper Dr Pheonix addressed the changing conditions for the governance of prostitution. Over the course of three decades, significant policy changes and burgeoning voluntary sector interventions with and for adult women in prostitution have borne witness to substantial shifts in the manner in which they are governed. In particular, there has been a marked shift towards more, supposedly, welfarist interventions which have been simultaneously and contradictorily underpinned by a strengthening of criminal justice responses. In this way, smaller and smaller groups of more identifiable women have been targeted for deeper and more punitive regulation. This paper explored some of the economic, ideological, political and social conditions of late modernity which shape those shifts and explored the question of why the shifts in governance that have (and are) occurring have taken the specific shape and direction they have.

Tuesday 25 November 2008, 5 pm

'Inside the Youth Justice Board: Power, Ambiguity and the Governance of Youth Crime'

Dr Anna Souhami, *School of Law, University of Edinburgh*

This paper drew on a year-long, ethnographic study of the operation of the Youth Justice Board for England and Wales (YJB) to explore the changing shape of youth justice 10 years after the Crime and Disorder Act 1998. In particular, it focused on the new and complex series of relationships between central government and localities that the formation of the YJB has set in place: the ambiguities and insecurities that these have created; the possibilities that they have opened up; and their impact on the nature of English and Welsh youth justice.

Tuesday 3 February 2009, 5pm

‘Women, Crime and Criminal Justice’

Dr Loraine Gelsthorpe, *Institute for Criminology, University of Cambridge*

There was a significant increase in the number of women in prison - a rise of 126% - between 1995 and 2005. How can this increase best be explained? Ministry of Justice (Home Office) statistics show that there have been increases in violent crimes committed by women in the last few years, and there have been increases in drug-related offences (as for men), but neither of these things suggest seismic changes in patterns of crime (women’s deeds) which would justify the increased use of imprisonment. Moreover, since most women serve under a year in custody, and given the low seriousness of their offences, and the low risks they pose in terms of re-offending, there are real questions as to how many of them need to be in custody. Following this wave of apparent ‘punitiveness’ towards women, the Government now seems intent on responding to women’s needs more appropriately (via the creation of Together Women Programme ‘one stop shops’ and the Corston Report recommendations), but we are still left with some ambiguities and uncertainties in sentencing. In this seminar, Loraine Gelsthorpe offered a critical commentary on recent developments, with a focus on the links between criminal justice and social justice.

Tuesday 3 March 2009, 5pm

‘Inside “Doorwork”’: Gendering the Security Gaze’

Dr Kate O’Brien, *University of Kent*

This paper drew on ethnographic fieldwork carried out in UK nightclubs whilst employed to work as a member of security teams and focuses on the gendering of private policing and governance. The main concern is with epistemology and a reflexive account of the negotiation of fieldwork relationships and dilemmas; especially the negotiation of gender within a highly masculinised and heteronormative occupational environment. Secondly, drawing on participation in work tasks, such as searching female bodies and monitoring female-only spaces, some of the ‘hidden’ aspects of door culture, or ‘back regions’, were exposed revealing a set of highly gendered occupational codes and unofficial work practices operating beneath the public face of one important section of the private security industry. The presentation concluded by considering the consequences for female consumers, in terms of issues such as risk and blame.

Tuesday 17 March 2009, 5pm

‘Penal Transformations and Local Prison Cultures in England, 1877-1914’

Dr Helen Johnston, *University of Hull*

This paper will examine the experience of local imprisonment in the late nineteenth and early twentieth centuries in light of the penal transformations at this time. During this period, local prisons were centralised and after the Gladstone Committee Report in 1895, it has been argued that a major shift occurred in the penal system. Whilst the changes in the broader penal system are evident, this paper will argue that prison conditions and the experience of local imprisonment by ordinary prisoners, changed very little and remained largely wedded to the regimented, timetabled and silent regime of the late Victorian prison system and conditions and practices only began to change in the 1920s and 1930s.

Tuesday 28 April 2009 5pm

**‘Closing the Credibility Gap?:
Assessing the Impact of (Mock) Juror Education in Rape Trials’**

Dr Louise Ellison, *University of Leeds*

In 2006, the Office for Criminal Justice Reform proposed introducing expert testimony in rape trials to counter defence strategies that discredit a complainant by suggesting that her behaviour in, for example, failing to physically resist an attack, delaying a police report, or remaining composed during testimony, should be seen as ‘suspicious’. The fate of these proposals is still being debated, but clearly this suggested evidentiary initiative is based on two foundational assumptions: (1) that certain behavioural cues on the part of the complainant adversely impact upon jurors’ perceptions of credibility; and (2) that expert testimony is a useful vehicle for addressing these inferential shortcomings in jurors’ understandings. In this paper Louise Ellison presented and evaluated findings of an ESRC funded project (conducted with V. Munro, *University of Nottingham*) which scrutinised both of these assumptions by drawing upon a series of mock juror deliberations.

Tuesday 13th October 2009, 5 pm

**‘Crime and the Camera:
Making Prison Documentaries’**

Rex Bloomstein, *Film producer and director*

Rex Bloomstein will be showing excerpts from films such as **Release, Prisoners’ Wives, Parole, Strangeways, Lifer – Living With Murder** and **Kids Behind Bars**, which have exposed the realities of prison life and addressed aspects of the English penal system previously closed to public scrutiny. He reveals the dilemmas of the documentary filmmaker, discusses the ethics of filming inmates and asks whether these encounters with the camera provide a necessary humanising perspective when we talk of the prison population or the criminal justice system.

Tuesday 3rd November 2009, 5 pm

**‘Imprisonment and Penal Culture:
The Australian Prison Project’**

Professor David Brown, *University of New South Wales*

David Brown is emeritus Professor in the Law Faculty at the University of New South Wales in Sydney and currently visiting fellow at the Centre of Criminology at Oxford University. David will discuss the Australian Prisons Project, funded by the Australian Research Council, which is exploring the expanding use of prison in Australia, in order to understand the defining features of contemporary penal culture(s) across Australian states. In particular, it is concerned with exploring how penal cultures impact on particular vulnerable groups including indigenous people, women and people with mental illness. For further information see: www.app.unsw.edu.au

Tuesday 10th November 2009, 5 pm

**‘Groups and Violence in the Night-time Economy:
Watching drinkers police themselves’**

Dr Mark Levine, *Psychology Department, Lancaster University*

Why do humans fight? When they do, what stops the violence from spiralling out of control? This presentation explored the informal regulation of violence in the night-time economy. It

described a systematic behavioural analysis of 42 episodes of public aggression (none of which involve police or bouncers, some of which end in violence) captured on a single city-centre CCTV surveillance system. Drawing on recent developments in the social psychology of group processes, it showed that, contrary to popular belief, group members are more likely to conciliate than escalate violence, and that this tendency increases as group size increases. It also outlined the pattern of third party behaviours that is most likely to prevent aggression from becoming violence. Finally, it showed that third party intervention in violence is more successful when carried out by multiple third parties than by a single intervener. It concluded that, when it comes to developing practical solutions for tackling night-time economy violence, groups should be seen as part of the solution and not simply part of the problem.

Tuesday 24th November 2009, 5pm

**‘Death and Life of a Great European Standard:
Crime Prevention by Urban Planning and Design’**

**Dr. Guenter Stummvoll, European Research Fellow, Centre for Criminological Research,
Keele University**

On behalf of the Council of the European Union, the European Committee for Standardisation (CEN) produces norms and standards for quality assurance for products in a variety of economic fields such as transportation, pharmacy, electronics, food-production and the building industry. Supported by the industrial sector and driven by powerful businesses, market mechanisms have become increasingly influential in local governance in European countries. However, the process of quality assurance entails the promotion of very particular and universal safety policies that shall be applied in different European settings. This also applies for the policy of securitisation in the field of urban planning and environmental design. In 1995 security consultants and architects started to work towards a European Norm on “Crime Prevention by Urban Planning and Building Design” in order to promote design-led crime prevention more widely in Europe. These experts were aiming at a European Norm that should force national governments to consider the issue of crime prevention in their planning policies and building laws. This idea of crime prevention is based on the concept of rational offenders who consider certain opportunities for crime, which are inherent in the urban structure and in the design of buildings. This presentation reviewed the work process of this expert group in the CEN and drew some conclusions on the particular outcomes: What kind of design-guidelines did they suggest to national urban planning authorities? What kind of obstacles were they confronted with during their work? Did they succeed? Was this project a failure? Is this form of crime prevention compatible with the strategy of “governance through norms and standards”? What is the future for design-led crime prevention in Europe?

CCJS Working Papers

The Future of Forensic Bio-Information

Carole McCartney, with Robin Williams and Tim Wilson¹

Dr Carole McCartney has been funded by the Nuffield Foundation to explore the future of forensic bio-information (DNA and fingerprints). The project is critically examining current patterns of forensic bio-information utilisation within the justice system and assessing the recent trajectory of forensic science policy. The project has used the influential Nuffield Council on Bioethics 2007 report on forensic bio-information as the stimulus for further research and expert deliberation. Preliminary data collection has informed a series of meetings held throughout 2009 culminating in a two-day international symposium at Oxford University. These meetings have drawn together experts to examine what is known about forensic processes within the justice system, as well as questions of the operation and governance of forensic bioinformation databases.

The collection and use of bioinformation in support of criminal investigations and counter-terrorism measures is an important feature of contemporary efforts to ensure ‘security’. The two most important forms of bioinformation - fingerprints and DNA profiles - were both initiated by British scientists and police officers, and the UK commitment to forensic bioinformation has been unrivalled internationally. The National DNA Database (NDNAD) is a world-leader, while the IDENT1 platform² is growing in size and technical capability. The scale of investment in bioinformation continues to be significant, yet whilst it is agreed that forensic bioinformation contributes positively to the detection of offenders, there remains limited research on exactly how such information impacts on investigations or supplements other police intelligence provision.³ There remains a lack of robust evidence and critical assessment of the benefits and costs of rapidly increasing expenditure in this area. This prevents informed decision-making and the prioritising of investment in forensic bio-information within the legal system domestically and trans-nationally, problematic.

Forensic science is a major police consumable,⁴ though highly vulnerable to arbitrary cuts during budgetary crises.⁵ There remain questions about whether forensic spending demonstrates the best use of funds, and it is not obvious that there is support amongst very senior levels within the police service for the maintenance of the priority accorded to forensic science in recent years compared with other policing budget items.⁶ Other agencies, such as the Crown Prosecution Service, face significant decisions regarding their future dependence on bioinformation, decisions that need to be informed by an understanding of the implications of ‘staged reporting’

¹ Dr McCartney is the Principal Investigator working with Professor Robin Williams, Emeritus Professor of Sociology, University of Durham and Professor Tim Wilson, now at the University of Northumbria, but for the purposes of this research, a member of PEALS (Policy Ethics and Life Sciences research centre) Newcastle University.

² Hosting the national fingerprint and palm print databases.

³ By early 2006 there had been investment of £150 million in IDENT1 and £300 million in the DNA Expansion Programme: Home Office (2007) *DNA Expansion Programme 2000-2005: Reporting Achievement* (London: Home Office) pp 19 and 4

⁴ Accounting for approximately half the ICT spend and slightly less than on transport, see: Home Office (2004) *Police Science and Technology Strategy 2008-2009* (London: Home Office) p 26.

⁵ Often due to a lack of scientific awareness among senior police officers, see: Blakey, D. (2000). *Under the Microscope*, (London: Home Office), Blakey, D. (2002) *Under the Microscope Refocused* (London: Home Office) and Coleman, D. (2004) ‘Beyond DNA in the UK – The Police Perspective’, in Townsley, M. and Laycock, G. (eds) *Forensic Science Conference proceedings: Beyond DNA in the UK – Integration and Harmonisation* (London: Home Office), pp 9-10

⁶ Peter Neyroud, NPIA Director, 31st March 2008, London.

arrangements for the production of forensic science results. Such decisions necessarily impact upon the whole legal system with regard to where resources are directed. Expenditure on DNA and fingerprints within the legal system should, if possible, be assessed for its effectiveness in line with other budget items and subject, to cost-benefit analysis.⁷ The police and the National Policing Improvement Agency (NPIA)⁸ need to demonstrate that bioinformation is being used to best effect, that they do not divert resources from potentially more beneficial budgetary items, and that police internal forensic organisation and procurement of external forensic services are cost-effective both in the short and long term. It is necessary, if it can be done, to accurately to the opportunity costs of expenditure on forensic bioinformation, its impact upon access to justice for all citizens, and its implications for the wider resourcing of the legal system.

Rapidly evolving technology and legal reforms have (belatedly) stimulated debate about the ethics and governance of the utilisation of bioinformation within the justice system. The collection, retention and use of biological materials, usually without the consent of those from whom they were taken or retrieved, raises significant policy questions, including the scope of powers necessary for the effective and ethical collection and use of such materials, and the balance between the state use of these powers and the rights of individuals.⁹ This debate was brought to the fore by the Nuffield Council of Bioethics report of September 2007: *'The Forensic Use of Bioinformation: Ethical Issues'*. However, whilst an essential starting point, the Report's ethical focus meant that allied issues, while recognised, were not dealt with directly. The debate stimulated by organisations such as the Nuffield Council on Bioethics, Genewatch, and Liberty has raised both operational and ethical concerns, but its impact to date has been restricted by insufficient research and empirical data (together with disagreement about the value of individual case studies) to underpin firm conclusions and direct detailed policy. A further limitation on the ability to conduct the much demanded 'informed debate' is that the potential boundaries for, and potential scale of impact of, the use of bioinformation globally in law enforcement and related activities have been inadequately discerned. Indeed, until recently there has been scant discussion about the extent to which even within the EU there has been a failure generally to share police information, forensic or otherwise.¹⁰ A similar note of realism has been sounded by the Secretary General of Interpol when he stated that DNA profiling is 'a discovery that has benefited mostly the wealthiest of countries' and yet there was a clear need for greater international cooperation using this forensic technique.¹¹

There is now further concern surrounding the retention of bio-information since the European Court of Human Rights in *S & Maper vs UK* (December 2008) ruled that present UK police powers to retain bioinformation breached human rights.¹² The Court, in reaching their unanimous decision, were scathing of the UK's 'indiscriminate and blanket regime' of retention,

⁷ The most recent work assessing value for money and the ability of economic analysis to inform decision making within policing was highly cautious about the application of such techniques (see Stokedale, J.E., Whitehead, C.M.E. & Gresham, P.J. (1999) *Police Research Series Paper 103* 'Applying Economic Evaluation to Policing Activity' (London: Home Office), since then there has been a major increase in data to which such techniques might be applied.

⁸ The NPIA are the NDNAD and National Automated Fingerprint Identification System [NAFIS] administrators.

⁹ See, for example: Noble, A. A. and Moulton, B.W. (2006) DNA Fingerprinting and Civil Liberties. Special Issue, *Journal of Law Medicine & Ethics*, 32:2; Williams, R., and Johnson, P. (2008) *Genetic Policing*, Cullompton: Willan; House of Commons. (2005) *Forensic Science on Trial*. Committee on Science and Technology. London: HMSO; Human Genetics Commission (2001) *Whose Hands on Your Genes?* London: Department of Health; McCartney, C. (2006) *Forensic Identification and Criminal Justice*, Cullompton: Willan; Tutton, R. & Corrigan, O. (eds) (2004) *Genetic Databases: Socioethical Issues in the Collection and Use of DNA*. London: Routledge.

¹⁰ Smith, D. (2007) *Uncorrected Transcript of Oral Evidence to House of Commons Home Affairs Committee*, 23.1.07 published at www.publications.parliament.uk

¹¹ Noble, R.K. (2007) *Opening Remarks at 5th International DNA users' conference for investigative officers*, 14.11.07 (Lyon, Interpol) published at www.interpol.int

¹² In particular, the right to privacy found in Article 8.

stating that the government needed (and had failed) to provide ‘weighty reasons’ for their policies and practices. They also stated that the UK bore a ‘special responsibility’ in this area as the country is at the vanguard of forensic bioinformation use. Despite this, most other EU countries have not followed the England, Wales and N. Ireland in implementing such an extensive retention regime, with most other EU countries claiming to be ‘Marper-proof’. The initial response of the UK government to the judgment was widely and severely criticised by a range of statutory commissions, civil society organisations and academics. The initial proposals for changing the law during the present session of Parliament were recently dropped. As of November 2009, there is still no indication of how the UK government propose to bring the law in England, Wales and N. Ireland¹³ into line with the European Convention on Human Rights, or when it might do so. Argument over fundamental issues with regard to the retention of bioinformation and how to remedy the current situation continues unabated and unsupported by peer-reviewed research or relevant data. The government’s recent decision to abandon at least for the time being proposals to avoid primary legislation, which would have prevented proper parliamentary debate, might indicate that it is has heeded the criticism of its initial plans seriously..

There are also pressing, but as yet unresolved technical, scientific, and other issues, brought into stark relief by the ratification of the Prüm Treaty, which enables the EU-wide dissemination of national bio-information data. In the light of such issues, there is a need for a critical examination of four key issues – evidence, integrity, integration and exchange - relating to the use of bioinformation within the legal process. This is of global significance as many other countries and international bodies consider what lessons might be drawn from the UK experience. This project has provided a means to move the emergent debate into a forum informed by expertise and evidence. Within the remit of the examination of the future of forensic bioinformation, there has been specific focus on four central concerns which have been under-researched to date:

- *Evidence and assessment* - as pointed out in a recent review of the NCOB Report: “A leitmotif in the report is the emphasis on further, more detailed evidence. Sound ethical advice and good governance depends upon solid facts and data.”¹⁴ Insufficient research and the unsatisfactory way in which, sometimes, case studies and data have been presented means it is difficult to see how the bodies set up to utilise and oversee the NDNAD and IDENT1 can give adequate consideration to possible reforms unless this deficiency is addressed. There is scant evidence about the costs of retrieving bioinformation in terms of individual cases and while it is widely accepted that this can be particularly useful in volume crime, and in very serious crimes, there is little statistical evidence or rigorous comparative analysis of the facts in individual cases to show how and why forensic bioinformation is useful and to what extent is cost effective in either inceptive or probative terms.
- *Integrity* – the requirements for ‘good’ (effective and ethical) governance remain poorly understood in this context. In such a sensitive arena, it is essential that consistent management, cohesive policies and processes can be both ensured and evidenced. This includes the future ‘steering’ of forensic bioinformation policies as well as current management. Issues such as the facilitation of transparency and accountability mechanisms, including the issues raised by counter-terrorism policy need explication.

¹³ Scotland has its own laws in this area, aspects of which were compared favourably with the law in England and Wales in Strasbourg although they are still in their infancy.

¹⁴ Dierickx, K, ‘A Belgian Perspective’ (2008) *Biosocieties*, 3, p.97.

- *Integration:* Is the dedication of resources to forensic bioinformation coherent within wider decisions in the legal system? There is a need to demonstrate that forensic bioinformation is being effectively integrated both within policing domestically, and international systems for crime control; surveillance (intelligence gathering) and movement of persons.
- *Exchange:* the international utilisation of forensic bioinformation and law enforcement co-operation is now an expectation. Initiatives such as the Prüm Treaty are being implemented to facilitate, and ensure the exchange of data for law enforcement purposes. Such exchange raises important practical questions but also issues again of cost-effectiveness, affordability, assessment, integrity and integration. There are also pertinent questions to be asked of international experts of the harmonisation of bioinformation systems and the possibilities of uniformity across myriad jurisdictions with differing policing and judicial systems.

The arrangements for the governance of forensic bioinformation collections in the UK are then under unprecedented critical scrutiny. Such scrutiny has included examination of the relationship between governance arrangements and other aspects of public policy – especially the prevention of crime and the protection of individual rights. There have been significant changes in governance arrangements, the public policy issues that underlie them, and their likely consequences, but realising a satisfactory governance structure has gained urgency since *S and Marper v UK*. There are concerns that present governance arrangements may be inadequate and that lessons available from other bioinformation and biometric data collections in the UK and elsewhere including the UK Biobank are not being heeded.

The final report, due in early 2010, will comprehensively detail those issues which are currently unresolved and suggest how debate in this important area may be taken forward. The objective will be to identify those features of the present system and potential future developments, both nationally and internationally which either merit encouragement or give rise to concern, and, where appropriate, make specific proposals, informed by operational and policy viewpoints.

Charities and Terrorism

Clive Walker

One of the many impacts of the growth of jihadi terrorism since 9/11 is that charities have come under closer scrutiny as possible channels for terrorism finance. This emergent trend was signalled in October 2001 by the Financial Action Task Force ('FATF') in its Special Recommendation VIII.¹⁵ The FATF identifies three categories of charity abuse: the use of bogus charities as a front for terrorists; the fraudulent diversion of properly raised funds; and broad exploitation.¹⁶ It is difficult to find clear examples in the first category, despite continued serious allegations.¹⁷ The second and third categories will typically raise suspicions about the humanitarian work abroad of cultural associations based within ethnic minority communities, especially if they distribute funds through overseas associates. The Islamic custom of zakat – the duty of giving of a proportion of one's wealth to charity – is felt to offer a vulnerability at the stage of raising funds. Underlying factors common in charities which give rise to vulnerability include public trust, diversity of activities of finance, cash intensive but with lighter regulation than financial institutions, complex multiple donor patterns, global reach, and the involvement of politically committed individuals.

Most of the charities listed in the targeted financial sanctions lists produced by the United Nations and by the European Commission (which are enforced by state mechanisms) have not been openly active in any UK jurisdiction. Examples include the al-Aqsa Foundation and the Holy Land Foundation (linked to Hamas), and the al-Birr Wa al-Ihsan Charity Association and the al-Ihsan Charitable Society (linked to Palestinian Islamic Jihad). However, the Charity Commission is reported to have investigated 17 charities as a result of which trustees were removed from the Aalami Majlis Tahaffuze Khatme Nubuwwat, the Islamic Foundation, and, most notably in the case of Abu Hamza, from the North London Central Mosque (Finsbury Park) in 2004.¹⁸ More seriously, Sanabel Pil-Igatha was a duly registered as a charity but was closed in 2006 following international listing because of its links to the Libyan Islamic Fighting Group.¹⁹

Allegations of terrorist involvement have been raised against several other charities. The most notorious and persistent concerns Interpal, the Palestinian Relief and Development Fund, which was established in Britain in 1994 to provide relief to Palestinians in occupied territories, Lebanon and Jordan. Allegations of connections with HAMAS have been made, but not sustained, on several distinct occasions.²⁰ The charity faced an acute threat to its existence when it was listed as linked to HAMAS by the US Treasury on 22 August 2003, whereupon its activities were investigated by the Charity Commission. However, the action was dropped since the American authorities did not furnish evidence.²¹ The BBC Panorama programme, *Faith, Hate and Charity*, issued fresh allegations in 2006 which prompted a Charity Commission investigation in

¹⁵ http://www.fatf-gafi.org/document/9/0,3343,en_32250379_32236920_34032073_1_1_1_1,00.html. See further FATF, International Best Practices: Combating the abuse of non-profit organisations - Special Recommendation VIII (2002).

¹⁶ FATF, Terrorist Financing (2008) pp.10, 11.

¹⁷ See Bjorkalnd, V.B., Reynoso, J.I., and Hazlett, A., 'Terrorism and Money Laundering: Illegal Purposes and Activities' (2005) 25 *Pace Law Review* 233 at pp.245, 300.

¹⁸ Gunning, J., 'Terrorism, charities and diasporas' in Biersteker, T.J., and Eckert, S.E. (eds), *Countering the Financing of Terrorism* (Routledge, London, 2008).

¹⁹ *The Guardian* 9 February 2006 p.8 and 25 May 2006 p.4.

²⁰ See *Hewitt and others v Grunwald and others* [2004] EWHC 2959 (QB) (the litigation ended with an apology); Levitt, M., *Hamas, Politics, and Charity* (Yale University Press, New Haven, 2006).

²¹ See Hansard (HC) vol.?? col.677w (12 May 2009) Ian Pearson.

2007. Its report in 2009 was critical of the due diligence and monitoring procedures then in place, but Interpal was again cleared of promoting terrorist ideology or activities. The Charities Commission was understanding of the ‘challenging’ environment in which Palestinian charities must work and even recognised that ‘Humanitarian assistance cannot be denied to people because they support, actively or otherwise, or are sympathetic towards the work or aims of a political body, such as Hamas. However, assistance cannot be given solely on the basis of a person’s support for Hamas.’²² Another strand of attack on Interpal was a legal action brought against its bankers in the US District Court (Eastern District of New York). The essence of the complaint was the provision of material support contrary to 18 USC s 2333(a) which arose on behalf of families of Americans wounded in attacks in Israel.²³ On 20 March 2007 Interpal’s bank accounts with NatWest/Royal Bank of Scotland were closed by the bank because of concerns about this US litigation. The Islamic Bank of Britain also ended its links with Interpal in 2008 because of pressure from Lloyds TSB which acts as its clearing bank.

Other charities to face adverse action include the Ummah Welfare Trust (UWT), which experienced the withdrawal of its account with Barclays Bank in 2008 but which has since been serviced by HSBC. Next, a statutory inquiry has been opened by the Charity Commission, following the discovery of munitions allegedly linked to Jamaat-ul-Mujahideen and the arrest of Faisal Mostafa, who had opened and directed an orphanage and madrassa in Bangladesh on behalf of the Green Crescent, a charity based in Stockport.²⁴

Overall, the view of the Charity Commission is that ‘Proven instances of terrorist involvement in and abuse of charities are extremely rare...’²⁵ It is recognised that the universal distribution of aid may have the effect of benefiting terrorists or their families, but this outcome is supportable so long as involvement in terrorism is not a ground for choice. The Commission also warns that persons with fixed partisan views may be unsuitable for office as trustees and that due diligence must be exercised in the choice of local partners.²⁶

In response to the perils of terrorist abuse and infiltration of charities, the Home Office and HM Treasury in their report, *Review of Safeguards to Protect the Charitable Sector (England and Wales) from Terrorist Abuse*,²⁷ equally regard the channelling of funds by charities to terrorists as ‘extremely rare’. Nevertheless, they urge the Charity Commission to reinforce awareness of risk factors.

The Charity Commission has responded to this challenge by publishing its *Counter-Terrorism Strategy*. It is reiterated that the instances of infiltration or abuse remain ‘extremely rare’ but, when detected, are subject to ‘zero tolerance’ which will apply to any connections to proscribed organisations, support for terrorist activity, or the fostering of ‘criminal extremism’.²⁸ The Commission recognises that, despite the difficulties, there is a need for a ‘strong and vibrant sector’ since otherwise less regulated mechanisms will prevail in order to deliver humanitarian relief.²⁹ In pursuance of the strategy, various actions have been undertaken to improve trustee awareness, oversight through a Proactive Monitoring Unit, cooperation between enforcement agencies, and intervention. Operational Guidance has been issued, setting out the Commission’s approach, and underlining the duties of vigilance and disclosure of trustees, illustrating the possible threats, and giving advice about the work of the Counter Terrorism Team which forms

²² Inquiry Report: Palestinian Relief and Development Fund (Interpal) (London, 2009) paras 176, 183.

²³ *Weiss v National Westminster Bank* 2008 U.S. Dist. LEXIS 99443 (USDC, EDNY).

²⁴ *The Times* 26 March 2009 p.3.

²⁵ Inquiry Report: Palestinian Relief and Development Fund (Interpal) (London, 2009) para.184.

²⁶ Inquiry Report: Palestinian Relief and Development Fund (Interpal) (London, 2009) paras.188-201

²⁷ (London, 2007) para 2.10.

²⁸ (London, 2008) pp.4, 10.

²⁹ (London, 2008) pp.2, 7.

part of the Intensive Casework Unit in Compliance and Support.³⁰ Extra public finance has also allowed the Commission to establish a Faith and Social Cohesion Unit with the objective of engaging with faith communities (primarily Muslim) to identify and encourage registration as a charity and then to assist faith-based charities in their standards of governance and accountability.

This approach of the Commission seeks to be supportive, but the anti-terrorism measures also have their harder edges. By s 19(1) of the 2000 Act, where a person believes or suspects that another person has committed an offence under any of ss 15 to 18 on the basis of information which comes to his attention in the course of a trade, profession, business, or employment, an offence is committed if he does not disclose the information to a police officer or member of SOCA as soon as reasonably practicable. The width of the duty is striking; it is sufficient to have a subjective belief or suspicion which can only be safely suppressed if the intermediary has a 'reasonable excuse' under sub-s (3). This defence is not subject to s 118, but it is arguable that this switch is fair in the context of professionals who are trained to be on guard and should keep records; the extension to any other business is more dubious.³¹ Under s 19(7), the duty has a global reach to equivalent transactions overseas. This requirement has been applied to charities by the Counter-Terrorism Act 2008, s 77. Section 77 inserts as s 22A of the 2000 Act a new definition of 'employment' which encompasses both paid and unpaid employment and can even include voluntary work. In this way, the unpaid volunteers who are the trustees of a charity must act with the same insight as professional forensic accountants. The Home Office describes the amendment as 'a very minor change to close a possible gap in the current provisions'.³² But this statement grossly misrepresents the reformulated width of the duty. The result could be to deter and penalize community-spirited individuals. Furthermore, those who take on duties such as trusts should be warned specifically about their new duties, and there should be readily available advice given to them (including a hotline) furnished by the Charity Commissioners.

In conclusion, there is evidence of a modulated approach from the Charity Commission to potential terrorism impacts on charities in the UK. They appear willing to help as much as to threaten. However, it is less certain that other regulatory agencies, including the police, will be as patient or understanding. Therefore, the danger is that UK society will appear to be unconcerned about the most difficult humanitarian work in areas such as Palestine, Somalia, and Sri Lanka, a stance which will encourage less regulated and more hostile responses and attitudes. 'In that event, the government ironically would have exacerbated, not reduced, one ultimate goal of fundamentalist and radical terrorists: the disruption of globalism.'³³

³⁰ OG96: Charities and Terrorism (2007). Compare US Department of the Treasury anti-terrorist financing guidelines: Voluntary best practices for US-based charities – see http://www.treas.gov/offices/enforcement/key-issues/protecting/docs/guidelines_charities.pdf, 2005.

³¹ See also Smith, I., Owen, T, Bodnar, A., *Asset Recovery* (Oxford University Press, Oxford, 2007) para I.3.634.

³² Home Office, *Possible Measures for Inclusion into a Future Counter-Terrorism Bill* (London, 2007) para 22.

³³ Crimm, N.J., 'High Alert: The government's war on the financing of terrorism and its implications for donors, domestic charitable organizations, and global philanthropy' (2004) 45 *William & Mary Law Review* 1341 pp.1450-1.

Sickness and Badness: Hyperactivity and Anti-social Behaviour in Childhood and Youth

Susan Wiltshire

Introduction and background

Anti-social behaviour (ASB) incorporates a large scope of behaviours deemed problematic in some way and has become accepted terminology for much behaviour that was either previously tolerated, or considered a nuisance at the local level and also within wider society. Coined by New Labour, ASB is consistently referenced in conjunction with young people, especially teenagers 'hanging around' their local neighbourhoods, but also increasingly younger age groups. The targets of condemnation and legislation are overwhelmingly concentrated in areas of social deprivation, where a whole range of social problems present. Simultaneously these are the same areas and inhabitants where the government seeks to focus its social inclusionary strategies.

The focus on addressing antisocial behaviour has recently witnessed a downward trend towards targeting and stigmatizing younger age groups, including pre-school children. It is claimed that anti-social behaviour, the flip side of criminality, can be detected at a very early age among children of particular types of parents, and therefore needs to be addressed at the earliest stage (Farrington, 1990). Such claims resonate with the developmental position of the medical establishment which exhibits less reticence in attributing biological causes to 'disorderly' behaviour, typified in the following statement:

It is important to investigate associations between biological factors and disruptive behaviours in children and adolescents. Antisocial, aggressive, and criminal behaviours in adults often begin early in life'. (Frouke *et al*, 2007)

The philosophy which underpins anti-social behaviour shows clear links to the increasing tendency, to medicalise behaviour deemed 'anti-social' or 'problematic' amongst children and young people. The argument flows from the premise that the behaviour of children and young people is getting worse. This claim is not new. Pearson (1983), and many others before, has written of cross-generational concern with the apparent decline of youth morality and behaviour, a concern which stems from the so-called respectable fears of the 'respectable' or middle classes. Similarly, alarm over perceived threats to order by youth has evident links to Cohen's (1973) conception of 'moral panic', in which the media play a crucial role. Recent newspaper headlines confirm the inflammatory role of the media on anti-social behaviour and inherent causes: 'Unloved Babies Become Anti-Social Adults' (*The Scotsman*, 26.11.05), 'Tests to Reveal ASBO Babies' (*The Scotsman*, 28.09.06) and 'Blair to Target the ASBO Babies' (*London Evening Standard*, 02.04.07).

Set against this backdrop, is the increasing prevalence of a 'syndrome' linked to anti-social behaviour, which can affect anyone, but primarily children and young people: Attention Deficit Hyper-activity Disorder (ADHD). ADHD is a constellation of behaviours ostensibly featuring developmentally inappropriate inattention and impassivity, with or without hyperactivity, defined broadly as a neuro-developmental disorder (Radcliffe and Timimi, 2005:64). Symptoms include distraction, impatience and difficulty concentrating. Although it occurs in both girls and boys, it is diagnosed much more frequently in the latter group. Its prevalence, diagnosis and concomitant medication has a longer history in the United States but ADHD has subsequently gained a potent presence in Britain, as has its connection with anti-social and some types of offending behaviour.

Crime, delinquency and medicalisation have a long historical association (Conrad, 1975, 1981; Morris and Rothman, 1995), with medicalisation acting to neutralise or at least restrict potential 'delinquent' behaviour. Indeed, the self-medication of nineteenth century urban workers, including children, undoubtedly mitigated disorder and acted as a form of social control, albeit unintentionally. The contemporary pattern of medicalising children's behaviour shows more recent historical parallels to the administration of benzodiazepines (especially Valium), or tranquilizers among women which accelerated during the 1960's particularly amongst those who displayed behaviour which challenged their subordinate role in marriage and society, generally presenting as depression and dissatisfaction with life. It took a long time for this to be recognized as a public issue, as levels of dependence were finally acknowledged. Its excessive use was problematised in particular, by feminist discourses in medicine and sociology, which highlighted the effects of the interplay between the public and private (Smith, 1985). Indeed, the Valium epidemic epitomized the influence of social and economic factors on the practice of medicine.

The ADHD debate by contrast lacks a critical awareness of the social and political milieu in which an increase in both diagnosis and treatment has occurred. It should not go unnoticed that the rising prevalence of ADHD and related diagnoses of hyperactivity in the UK (and elsewhere) has occurred alongside the escalating discourse of zero-tolerance and legislation against 'anti-social behaviour', specifically directed at the same population groups: children and youth. We can locate this within what Mooney and Young (2006) describe as the 'upgrading of deviance', a phenomenon that has occurred whilst crime rates have declined.

Failure to conform to specific constructions of childhood behaviour has consequences. State constructions of 'disorder' occurring in the public sphere can be inhibited through a variety of anti-social behaviour legislation, whilst 'disorder' in the home and/or school might give rise to varying diagnoses of hyper-activity, which can be pharmacologically mitigated by the medical establishment. Where the family is unable to control their progeny, particularly boys, and the state has not yet subsumed their troublesome children into the criminal justice system, the medical establishment is able to confer its own form of control through medicalising and thus containing behaviours deemed disorderly, challenging and inappropriate. This is legitimised in its underlying institutions which confer a rarely challenged authority, professionalism and scientific status, which is further supported by the multi-million pound pharmaceutical industries. Thus behaviour can be pathologised and its effects individualised and neutered.

Constructions of 'normal' childhood and disorder

Concerns and fears about youth, in particular youths' relationship to crime are not new. In a period of growing concern about crime and disorder, the 1815 Society for Investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis interviewed children in prison and claimed the main causes of delinquency to be poor parenting, lack of education and employment, and irreligion (Muncie, 1999). These themes have been persistently referenced as explanatory variables for 'deviant' behaviour among children and youth. . .

Attention Deficit Hyperactivity Disorder: the 'nearly' criminal

The discussion around ADHD can be located across several broad camps. There are claims that ADHD is a result of either biological (Palacio et al, 2004), psychological (Hinshaw, 1999, 2002; Sonuga-Barke et al, 1998, 2006), or psycho-social causes which focus on parenting as the primary cause (Radcliffe and Timimi, 2005; Newnes and Radcliffe, 2005), with some exploring its links to criminalisation (Hirschfield-Becker, 2006; Eme, 2009). A minority view contests its existence altogether and refutes its validity as a medical construct (Timimi, 2005).

Debates on ADHD are clouded by incoherent definitions. The DSM -IV (American Psychological Association, 1994) definition is infinitely broad but diagnosis pivots on a constellation of behaviours believed to constitute a neuro-developmental disorder (Armstrong, 2003; Radcliffe and Timimi, 2005). Some associated childhood and youth 'disorders' are considered in similar terms to ADHD, though are less wide-ranging in the symptoms they present, from behaviours defined as simply hyperactivity, to attention deficit, aggression and oppositional defiance. The bulk of medical and psychological literature takes the definitive approach that ADHD can be consistently defined as a valid medical condition with a core set of features. This approach underlines a substantial body of research informed by the bio-medical model, including psychiatry, and is further supported by pharmacology.

Prevalence rates vary both between and within countries. A recent meta-analysis sought to gauge the global prevalence of ADHD and claimed to have established a rate of 5.2% (Polanczyk and Rohde, 2007). However, the authors caution that national studies often used different methods, making it difficult to determine the extent to which prevalence really varies between countries. In the US, prevalence range from 6% to 17% of school aged children, and has increased over time (Radcliffe and Timimi, 2005: 65). It is difficult to establish UK rates but in 1994 the UK administered 6,000 prescriptions for ADHD stimulant medication such as Ritalin, which subsequently rose to 345,000 by 2003 (Radcliffe and Timimi, 2005: 65). In Scotland where levels are particularly high, a 2005 inquiry from NHS Scotland's health watchdog explored the reasons for a tenfold increase in Ritalin amongst children. This had risen from 69 per 10,000 in 1996 to 603 per 10,000 by 2004, with clear regional variations (NHS Scotland, 2005). Although NHS Scotland was concerned about the increase, they demonstrated their non-commitment to further exploration or regulation by stating that '[i]t is unclear if this increase is below or above the expected level, as an appropriate rate of prescribing methylphenidate has not yet been established'. Indeed, it is hardly surprising that the increase has been so dramatic with diagnosis assisted by a range of websites providing information for teachers and other youth workers, sponsored by pharmaceutical companies, one of these claiming that 'while there is concern in some countries (especially the US) that ADHD is over-diagnosed and over-treated, it remains the case that in the UK many children with ADHD still go unrecognised and untreated.'³⁴. Timimi (2005) cautions that practically anybody in a caring or professional relationship to a child can contribute to a diagnosis of ADH, though it is more usual for a child psychiatrist or paediatrician to do this.

Despite definitional variations and prevalence rates within and between nations, it is clear that that there has been a general increase in diagnosis amongst school aged and pre-school children (Sonuga-Barke *et al*, 2006). What is also clear is that ADHD has been generally positioned as a male phenomenon. Moreover, there is also a relationship to class where the odds of a child being diagnosed with ADHD increase in proportion to the extent that they came from a family characterized by adversity, including severe marital discord, low social class, large family size, paternal criminality, maternal mental disorder, and foster care placement (Biederman *et al*, 1995).

Literature that supports ADHD as a valid medical disorder suggests it has several features, notably impulsivity, hyperactivity and inattention (Burns *et al*, 1997; Sonuga-Barke, 1998; Hinshaw, 2002), regarded as chronic and linked to delinquency (Swanson *et al*, 1998; Sonuga-Barke *et al*, 2006), often manifesting alongside other conditions, with co-morbidity making it more difficult to treat (Wilens *et al*, 2002). The literature consistently presents impulsivity as a primary feature and it is here that it has its most explicit overlap with anti-social behaviour.

³⁴http://www.janssencilag.co.uk/bgdisplay.jhtml?itemname=teachers_home_adhd&xslt=/content/backgrounders/www.janssen-cilag.uk/adhd/adhd.xsl

The preferred treatment for ADHD amongst medical practitioners is stimulant medication which has properties similar to cocaine (Hinshaw, 1999, 2002). There is considerable debate around the efficacy of such treatment, with Timimi insisting that children dislike the medication and experience negative side effects (Timimi, 2005). Some research suggests that stimulants help around three quarters of school aged children who have been diagnosed (Dalcy, 2004; Sonuga-Barke *et al*, 2006:144). However, some parents have reservations about its use in pre-school children (Sonuga-Barke *et al*, 2006:145). Sonuga-Barke and colleagues maintain that medication has been shown to be effective in pre-school cases of ADHD but that public concerns about the use of stimulants for younger age groups means that it will not be used in all cases. The authors warn that failure to use medication places some children at risk of developing other disorders. They contend that psychosocial treatment as an alternative to medication can lead to clinically significant reductions in ADHD symptoms and also improvements in maternal well-being (Sonuga-Barke *et al*, 2006: 149).

Hinshaw (1991) has argued that aggression and delinquency have increased in the United States and sought to explore the efficacy of stimulant medication for ADHD in combating this. Identifying anti-social behaviour as a component of ADHD, he argued that overt and covert anti-social behaviour are linked to an increased risk of delinquency (1991: 302). However, for Hinshaw, those suffering from ADHD require a broad range of treatment in addition to medication since a variety of familial factors such as 'poor monitoring, lax discipline alternating with harsh punishment, and marital discord – are linked with the genesis and maintenance of aggressive and antisocial behaviour' (1991: 303).

Armstrong (1997, 2003), like Timimi, maintains that ADHD (and/or ADD) is a myth and that children can become hyperactive for a variety of reasons including allergies, depressions and boredom, and that the tests for ADHD are flawed and subjective. Further that Ritalin is used to control children in specific environments, notably school, and increasingly so in recent years. He is critical of the way that more children have been drawn into the disorder category, especially since 'there is no definitive or objective set of criteria to determine who has ADD/ADHD and who does not. Rather there are a loose set of behaviours (hyperactivity, distractibility, and impulsivity) that combine in different ways to give rise to the 'disorder'.

ADHD is a condition whose clinical recognition is disputed by some in the medical profession, though the biological impact on behaviours is not ruled out. For example, there is compelling evidence that environmental factors such as stress and trauma may trigger neurochemical events in the brain that impair frontal lobe structure and functioning in children (Perry and Pollard, 1998; Arnsten, 1999). These findings suggest that nature and nurture work together in an intricate way to produce behaviours such as those seen in ADHD. Such studies question whether ADHD is *in* the child as a fixed neurological disorder, or whether instead, ADHD symptoms reflect dysfunctional relationships between the child and the environment. There are a number of studies that support this premise.

The medicalisation thesis emerged in the 1970s, centering on classic accounts of deviant behaviour with social problems and deviance redefined from badness to sickness (Conrad, 1975; Oakley, 1984; Zola, 1972, Friedson, 1970; Conrad and Scheider, 1980). Radcliffe and Timimi (2005) argue broadly from this perspective presenting ADHD as a cultural construct suggesting that problematic behaviour is more likely the cause of environmental factors such as too much sugar, poor discipline, lack of exercise and domestic violence, though move away from parent blaming. Furthermore there is no medical test for its existence, no evidence that stimulant medication leads to lasting improvements, and its validity as a diagnostic category is widely disputed. Indeed, 'by focusing on within-child explanations for presenting behaviours, ADHD

divorces a child from their context, and real life experiences, including traumatic ones, become clinically less important' (2005: 64-65).

Criminal Genetics and Anti-social Behaviour

In criminology, self-control theories represent one strand of criminological thought which seeks to explain criminal behaviour, maintaining that low self-control is the cause of crime. The preceding section also identified low or lack of self-control as a feature of ADHD. Gottfredson and Hirschi's (1990) self control theory asserts that genetics are not the cause of low self-control, rather the fault lies with parenting. Wright and Beaver (2005) set out to test this proposition and explored whether parents actually mattered in producing children who evidence low self-control. Their findings failed to support the theory, indicating that 'once genetic influences are taken into account . . . parenting measures have a weak and inconsistent effect' (Wright and Beaver, 2005:1169). Whilst this does not mean that parents do not matter, what it does mean is that parents have a minimal impact on the self-control levels of their children. From their perspective, the genotypes of parents and child were crucial. They also insist that there is an enormous heritability component to anti-social behaviour in children, and that,

'It is time for criminologists to come to grips with the confluence of genetic similarities and individually specific experiences . . . [otherwise] . . . criminology will remain on the periphery of other, more established disciplines'. (Wright and Beaver, 2005: 1190)

This type of position has its roots firmly located in the Lombrosian faction of criminal behaviour, which emerged in the nineteenth century, positing criminal behaviour as biological in origin. Its malign influences have been far reaching. Farrington, for example, claims that chronic offenders can be identified by the age of 10, identifying several explanatory variables, imputing a Mertonian emphasis on goal failure, social class, parenting, and faulty psychological processing:

'children from poorer families are likely to offend because they are less able to achieve their goals legally . . . Children who are exposed to poor child-rearing behaviour, disharmony or separation on the part of their parents are likely to offend because they do not build up internal controls over socially disapproved behavior.' (Farrington, 1994: 558-9).

This position is mirrored in other claims such as those of Barnes and Lambert (1996) who maintain that the best predictor of becoming criminal and anti-social are situations in which children had a convicted parent by the age of 10. Hence crime and anti-social behaviour, like some studies of ADHD suggest, runs in the family. Indeed, if we look at Farrington's (1990) earlier predictive variables of criminality, these show a marked similarity to those associated with the causes of ADHD: poor parenting and family conflict; anti-social families; low intelligence and school failures; hyperactivity, impulsivity and attention deficit, and anti-social behaviour. Within DSM –IV (Americann Psychiatric Association, 1994) and the ICD-10 Classification of Mental and Behavioural Disorders (WHO, 1993) anti-social behaviour features a variety of 'disorders' particularly those which oscillate around impulse control, and is commonly linked to criminality with components including aggressiveness, impulsivity, poor judgement and attention deficits (Fishbein, 2000).

Anti-social behaviour and ADHD can be seen together as part of a continuum that defines the behaviour of youth and children as disorderly and unacceptable.

The problem male: from boys to men

A significant body of criminological research has positioned crime as fundamentally a problem of men or maverick masculinities (Muncie, 1999:32). Likewise the problem of childhood and teenage behaviours, whether anti-social, medical or psycho-social appears to be largely a problem

of boys. One must question therefore, why and what sort of masculinity is being generated and condemned to the point of pathologisation?

In the social sciences, competing theories of masculinity have sought to explain modern expressions of masculinity or masculinities within the context of shifting social, economic and political changes, such as accommodation to unemployment and loss of the traditional male breadwinner role (Connell, 2000; Messerschmidt, 1993).

In politics and in popular culture, boys' apparent failure in education has been a high profile concern since the early 1990s. The greatest disparity appears to be shown in English at primary schools. Boys are being outperformed by girls, it is claimed, and this appears to be causing much anxiety; though when boys routinely fared better than girls in education, no political or public debate ensued.

Levels of indiscipline in schools

School exclusion rates are an indicator of extreme behaviour types not tolerated in schools. These also illustrate that something may be fundamentally wrong with some children's behaviour within this context, and or that tolerance levels have shifted. Same with ASB, again intolerance but also may indicate that something is profoundly wrong in these areas. Symptom of neo-liberal crisis: education not meeting the needs of all with oversized classes, overworked teachers, and insufficient resources delivering a rigid curriculum which denies creativity; socially deprived neighbourhoods with no facilities for children to play or hang out, and where facilities do exist they are unappealing.

New Labour, Crime and Zero Tolerance

The respect agenda is ostensibly about community safety, differentiating the good from the bad, a mechanism for sorting. Even before New Labour won its election victory, their version of criminal justice was presented as far more punitive than their predecessors, with particular emphasis, it seems, on youth crime epitomised in the title of their first White Paper *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales* (Home Office 1997). This tone was also reproduced in Scotland. Ultimately the Anti-Social Behaviour Act 2003 was implemented, with parents of 'disorderly' children liable to receive a parenting order where they failed to control their children's behaviour. The Act even allowed the provision for parents whose 'unruly' children were less than ten years old to be liable for compensation payments. Thus, the increasing range of statutory sanctions in youth justice no longer meant that an offence need be committed in order for a corrective state response to occur:

Anti-social behaviour is rooted in the concerns of 'New Labour'. It is an ambiguous and nebulous term but its central point of reference is young people, and increasingly younger age groups. Anti-social behaviour straddles the civic and criminal divide, and although such orders are civil by nature, their contravention is a criminal offence. As with ADHD, the problem of anti-social behaviour is manageable, and also measurable. Like ADHD, it decontextualises problem behaviours from their roots in poverty. Anti-social behaviour strategies overwhelmingly focus on particular social classes and the spaces they occupy. The medicalisation of a subjective constellation of behaviours labelled ADHD is consistent with the spirit of ASB, and represents a move from medicalising mothers (Valium) to medicating children, the least powerful group in society.

The current climate of intolerance towards the behaviour of children and teenagers seems particularly ironic when one considers that there were actually considerably less under-16s in 2006 than there were a generation earlier. As a population group, under-16s had declined by

19% in 2006, gradually falling from 14.2 million in 1971 to 11.5 million, due to a decline in fertility rates falling rapidly after the baby boom of the 1960s. This is the same period that UK politicians incrementally hardened their policies on crime, each attempting to out-tough one another, most evidenced in policies directed at youth crime, and in Scotland, the ‘modernising’ of the Children’s Hearing System. In demographic terms, the UK now has an ageing population; perhaps an increasingly intolerant one if ASB and ADHD are anything to go by.

The governmental drive to regulate the behaviour of children and young people together with public anxieties about antisocial behaviour, has afforded a profitable opportunity for the pharmaceutical industry to support the medical profession’s untrustworthy diagnosis and treatment of ADHD with the provision of drugs, and with little public opposition. The antisocial behaviour agenda has thus created prime conditions for more intrusive and extensive forms of regulation through the expansion of pharmaceutical business opportunities to sell pharmacological fixes which control, individualise and nullify the behaviour of children and youth. Whilst antisocial behaviour is positioned as a central feature of ADHD, its features uncritically accepted in medicine, it is also a central driver of policies to control youth, with the result that each supports, extends and legitimates the other.

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‘Spirit Levels’ and Punishment: Do egalitarian values make a difference?

Susanne Karstedt

Egalitarianism, equality and punishment

Presently, imprisonment rates in one of the most egalitarian countries, the United States are at historically high levels, and by far exceed those in other democracies. Imprisonment in the US affects the social fabric of neighbourhoods and communities, and even impacts on democratic elections in a way that changes their results (Manza and Uggen 2006). Scandinavian countries that similarly are counted amongst the most egalitarian societies in contrast have exceptionally low imprisonment rates. In 2008, the imprisonment rate in Australia (129 per 100,000 of the population) was twice as high as in Denmark (63), in the United Kingdom (163 per 100,000) nearly twice as high as in Germany (89) and three times as high as in Norway (69). However, none of these countries, which all enjoy high levels of egalitarian values and social equality experienced an increase of their imprisonment rates during the past decades that can compete with the US imprisonment rate of 756 per 100,000 (all data: Walmsley 1999 – 2009).

These core values and institutions of democracies do not unfold in unambiguous patterns common to all democracies. In his historical and comparative study of punishment in the US, James Whitman (2003) demonstrates that the specific type of egalitarian values and egalitarian democracy that shaped American society is responsible for the comparatively harsh punishment and high imprisonment rates in the US in contrast to France and Germany, his case studies. Both Europe and the US profoundly differ in the ways how egalitarianism was achieved in their respective revolutions of the 18th and 19th century. European countries *levelled up*, i.e. they generalized forms of punishing high status offenders to all and modelled their criminal justice systems on the treatment of these offenders. In contrast, the US *levelled down*, with the lowest status of slaves (or the most recent immigrants) as the model for the treatment of offenders. This led to the quite early abolition of degrading punishments in Europe, and their longer retention (or even revival) in the US. The crucial links that Whitman identifies are the concepts of respect, in its early form as aristocratic honour, and in its contemporary form of ‘human dignity’ as embodied in the first clause of the constitution of Germany and other European countries. In the egalitarian society of the US such remnants of aristocratic status politics were missing, and consequently status politics as exerted in punishment tended towards the bottom line. Egalitarianism, it seems, does not always make societies better (Wilkinson and Pickett 2009), but to the contrary, and moral goods might have unintended and negative consequences.

This research is part of a larger study on democratic values and culture and criminal justice. It focuses on the impact of egalitarian values and social (income) equality on penal punishment, as measured by imprisonment rates and prison conditions. Are democratic values conducive to harsher criminal justice, or are they capable of attenuating and restricting penal punishment? Do more equal societies imprison less, and provide better conditions in their prisons? Can differences in egalitarianism and equality account for differences in punishment between stable democracies?

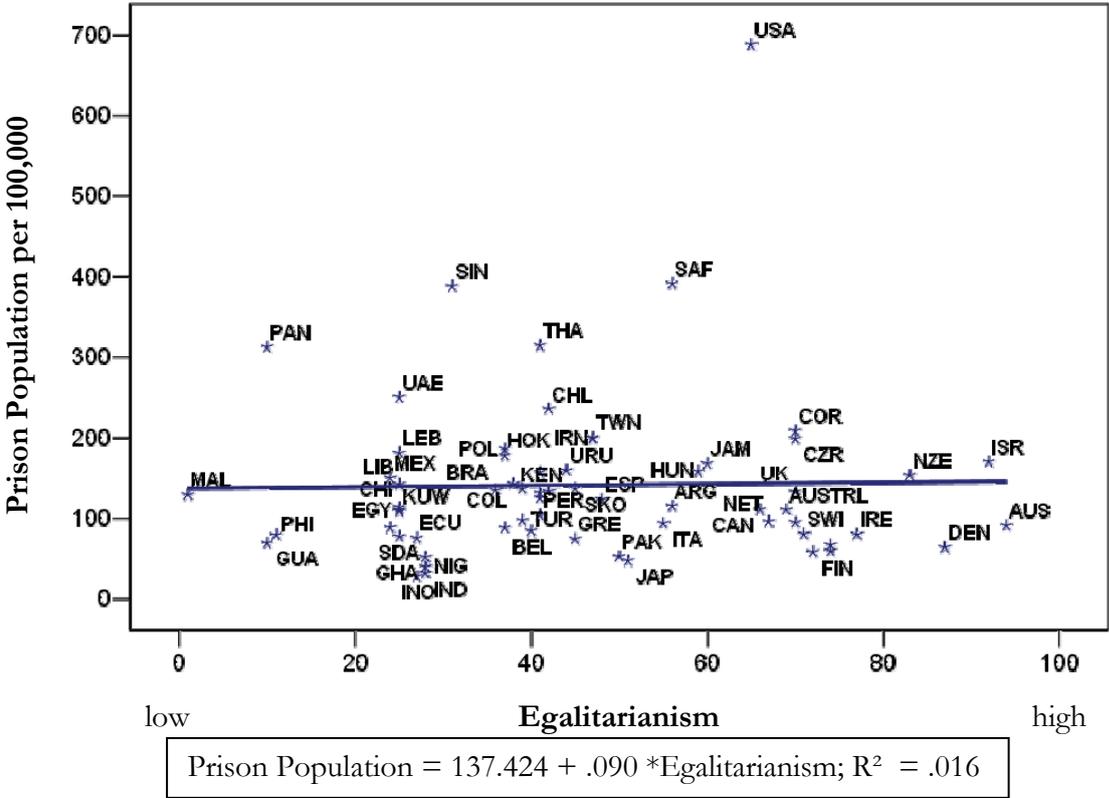
Data and Method

The following analyses are based on a cross-national sample of 67 countries, for which data on penal regimes, value patterns and structural indicators were collected. The data on penal regimes are covering the period from 1999-2005, and mean values for the respective period are used. Indicators of the penal regime are the rate of imprisonment (Walmsley 1999 – 2009) and prison

conditions, ranked from ‘meets minimum standards’ (1) to ‘life threatening’(5) (US State Department (1999-2005; Neapolitano 2001; own computations). Both indicators are not correlated, and prison conditions – which do not include the US – are only correlated with the average length of prison sentences.

The measurement of egalitarianism was based on a study by Hofstede (Hofstede and Hofstede 2005), which has since then be extended and presently includes more than 60 countries. These are value patterns that are related to cultural and social practices, and represent ‘lived values’. Data are collected on the individual level and then aggregated into country values ranging from 0-100. Power Distance or Egalitarianism defines the extent to which relationships of dominance, power and subordination, and hierarchical relationships between different social classes prevail or are replaced by more egalitarian orientations; as such it represents the egalitarian component of democratic value patterns and practices, with high values indicating egalitarian value patterns. Western industrialized countries - with the exception of Latin European countries (e.g. France and Italy) - rank at the higher end of the egalitarianism scale, while Latin American and Asian countries are characterized by a comparably low level of egalitarian values. Egalitarianism is strongly correlated to the Polity Index (Marshall et al 2005) and the Freedom House Index of Civil Liberties, indicating that strong democratic values foster strong democratic institutions. Social equality/ inequality was measured by the Gini-index of income inequality (UNDP 2002). Ethnic fractionalisation was included as a stronger indicator of social inequality that accounts for ethnic inequality (Alesina *et al* 2003). Mature and stable democracies were defined as ranking between 8 and 10 on the Polity Index between 1999 and 2005.

Figure 1: Egalitarianism and imprisonment rates 1999 – 2005

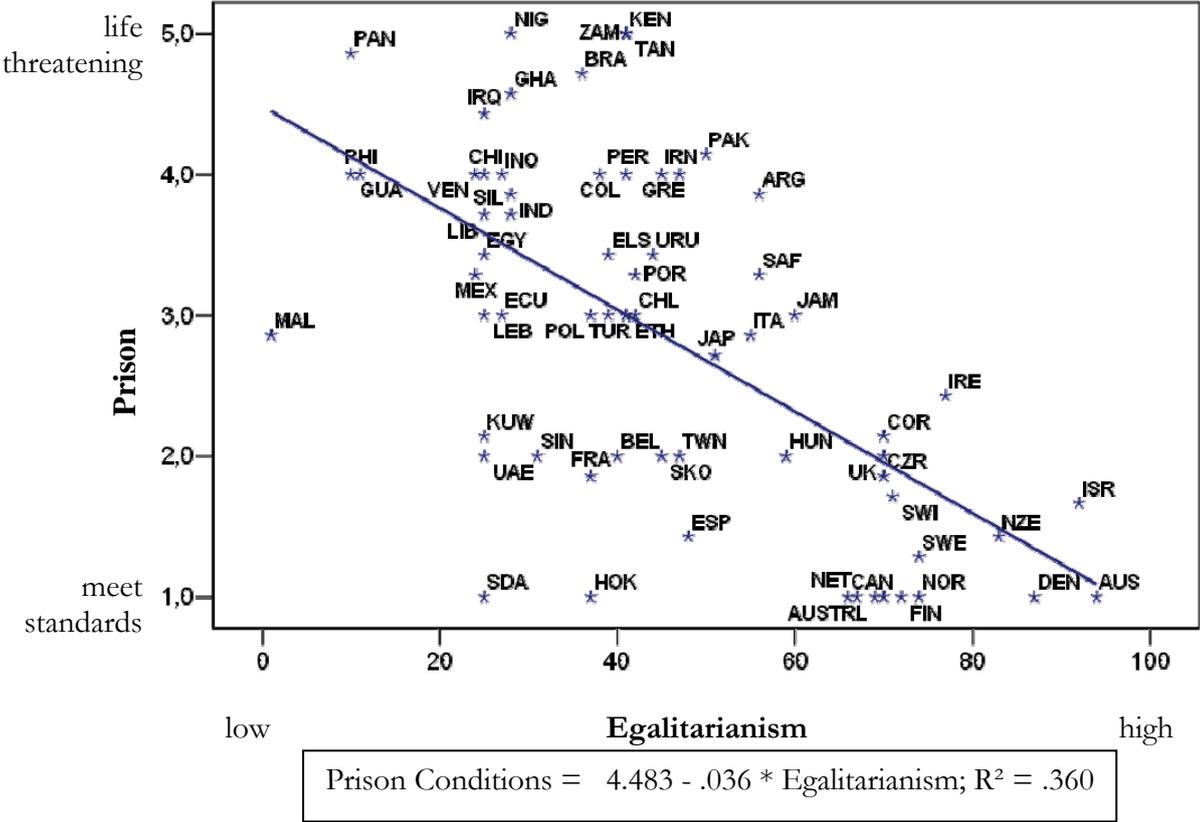


Equality and the way we punish

Figure 1 and 2 demonstrate that egalitarian values have an impact on prison conditions. The more egalitarian values are prevailing in a culture and country, the more prison conditions are

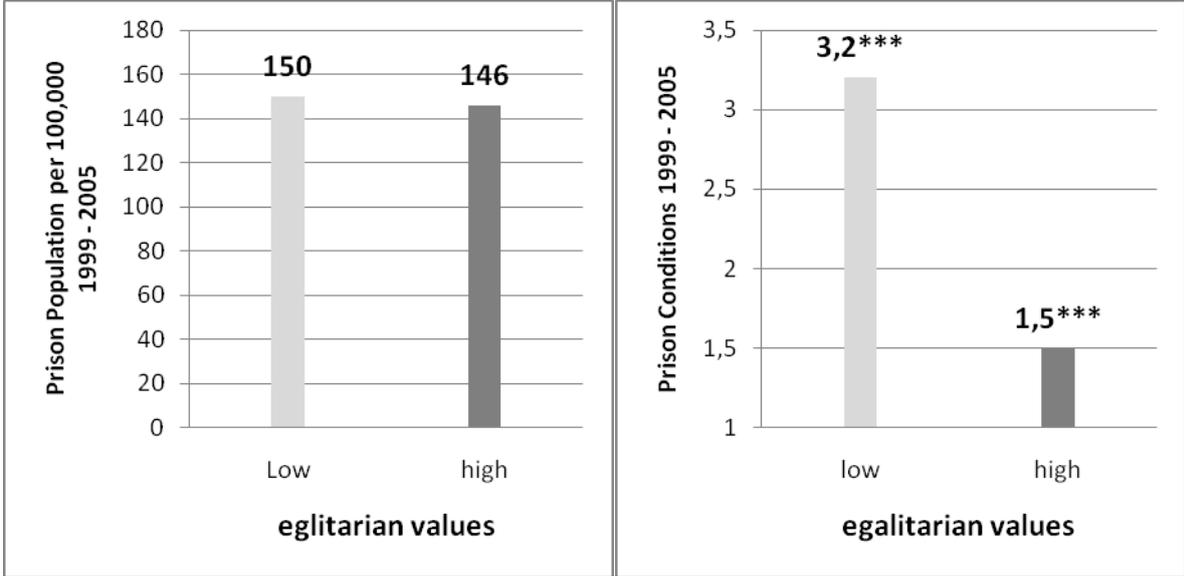
improving, as the regression line in Figure 2 demonstrates. However, egalitarian values do not impact on rates of imprisonment (Figure 1), and imprisonment rates vary independently of egalitarian value patterns. The exceptional position of the US as a country with strong egalitarianism and extraordinary imprisonment rates is clearly visible. Egalitarianism, as it reduces power differentials and respective degrading status strategies, impacts **on the way how we punish**, but not on **how many we punish**. The cultural and institutional practices that build on these values reach out into the system of criminal justice. Countries with strong egalitarian values do not punish less, but they treat those in the criminal justice system better.

Figure 2: Egalitarianism and prison conditions 1999 – 2005



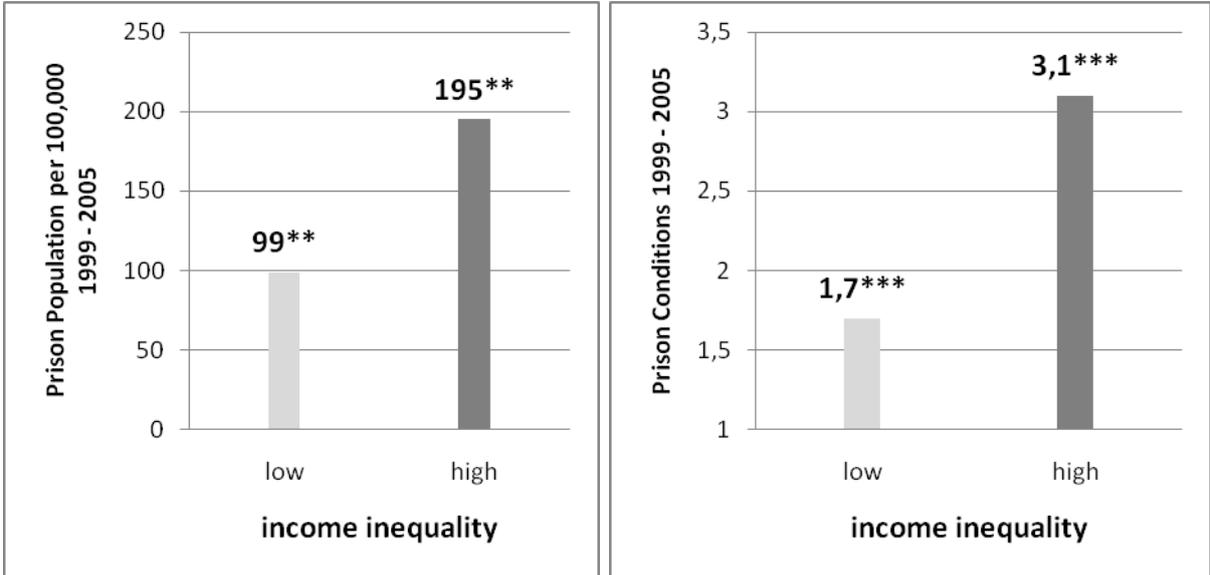
Egalitarian values are embedded in and foster democratic institutions, and criminal justice institutions might be shaped by the latter rather than the former. Do egalitarian values and equality account for the glaring differences in punishment regimes between democratic societies? Figure 3 shows that the extent to which egalitarian values are adopted shapes punishment regimes in mature and stable democracies. As democracies differ in terms of their institutional patterns, they also differ in terms of their egalitarian values and practices, and both do not necessarily coincide. Egalitarianism cannot explain the huge differences in imprisonment rates between democratic countries, however, this core value of democracies has a decisive impact on the conditions in prisons. In contrast to egalitarian values, income inequality has an impact on imprisonment rates (both with the US included and excluded). Figure 4 shows that high inequality increases imprisonment rates and prison conditions deteriorate in more unequal democracies.

Figure 3: Stable and mature democracies: Imprisonment rate, prison conditions and egalitarian values 1999 - 2005



* $p < .05$; ** $p < .01$; *** $p < .001$; two-tailed T-tests

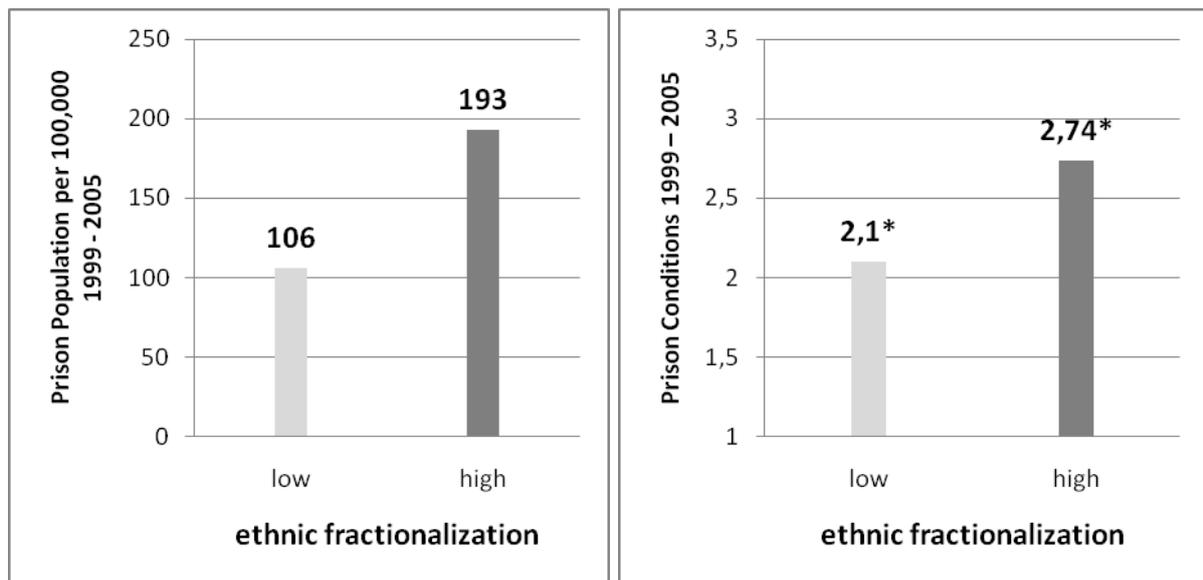
Figure 4: Stable and mature democracies: Imprisonment rate, prison conditions and income inequality 1999 - 2005



* $p < .05$; ** $p < .01$; *** $p < .001$; two-tailed T-tests

Structural inequality is not universally a stronger predictor of punishment regimes in democracies as this result may suggest. Figure 5 shows that ethnic fractionalisation and inequality does not have a significant impact on imprisonment rates, and only a comparably weak impact on prison conditions, which get worse with higher levels of ethnic fractionalisation.

Figure 5: Stable and mature democracies: Imprisonment rate, prison conditions and ethnic fractionalisation 1999 - 2005



* $p < .05$; ** $p < .01$; *** $p < .001$; two-tailed T-tests

Democratic values of egalitarianism are embedded in democratic institutions, but they also shape everyday life social practices of democratic communities and popular belief systems. Popular beliefs about status differences, merits and rewards, deserved and undeserved life chances and success define penal regimes, and account for differences not only between countries with democratic values patterns and those with authoritarian and non-egalitarian values, but also within the group of stable and mature democracies. Such popular and pervasive beliefs it seems support particular practices within prisons and penal regimes that degrade and debase the individual offender, thus downgrading prison conditions. However the numbers of offenders who have to serve time in prison is independent of egalitarian value patterns; structural (income) inequality is accountable for imprisonment rates. Both actual status differences as well as the values that shape and justify these differences have a decisive role in contemporary penal systems.

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